CALIFORNIA STATE PERSONNEL BOARD

COMPLIANCE REVIEW REPORT

SANTA MONICA MOUNTAINS CONSERVANCY

Compliance Review Unit
State Personnel Board
March 2, 2020

TABLE OF CONTENTS

Introduction 1
Executive Summary 2
Background 3
Scope and Methodology 4
Findings and Recommendations 5
    Equal Employment Opportunity 5
    Mandated Training 7
    Leave 11
    Policy and Processes 12
Departmental Response 16
SPB Reply 16

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 are in compliance with merit related laws, rules, and policies and to identify and share best practices identified during the reviews.

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

It should be noted that this report only contains findings from this hiring authority's compliance review. Other issues found in SPB appeals and special investigations as well as audit and review findings by other agencies such as the CalHR and the California State Auditor are reported elsewhere.

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of the Santa Monica Mountains Conservancy (SMMC) personnel practices in the areas of EEO, mandated training, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Finding
Equal Employment Opportunity	Equal Employment Opportunity Program Has Not been Established
Mandated Training	Ethics Training Was Not Provided for All Filers
Mandated Training	Leadership Training and Development Was Not Provided for All Supervisors, Managers, and CEAs
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors
Leave	Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely
Policy	Department Does Not Maintain a Current Written Nepotism Policy
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 SMMC was established by the Statutes of 1979 under Division 23 of the Public Resources Code. It is an independent agency under the California Natural Resources Agency.

Mission Statement and Strategic Goals: Through direct action, alliances, partnerships, and joint powers authorities, the Conservancy's mission is to strategically buy back, preserve, protect, restore, and enhance treasured pieces of Southern California to form an interlinking system of urban, wild, and river parklands, open space, trails, and wildlife habitats that are easily accessible to the general public.

The SMMC has directly, or through grants and partnerships, preserved over 75,000 acres of mountain and urban parklands; provided trails and recreational access to millions of California residents and visitors; improved rivers and streams; protected critical wildlife habitat linkages; created urban natural parks; and, continues to be a lead entity for visionary planning to protect and improve the Southern California environment (including longstanding efforts to revitalize the Los Angeles River.)

The SMMC has six authorized staff, headed by the Executive Director. The SMMC Board governs the agency and sets policy. SMMC Board member entities are named in statute, and are appointed by the Governor, Senate Rules Committee, Speaker of the Assembly, Secretary for Natural Resources, City of Los Angeles, Counties of Los Angeles and Ventura, National Park Service, California Department of Parks and Recreation, State Coastal Commission, USDA Forest Service/Angeles District, and State Coastal Conservancy (*ex officio*). Three State Senators and three Assembly Members serve as Legislative Participants. A 26-member Advisory Committee advises the SMMC Board at the concurrent monthly public meetings. The Advisory Committee consists of representatives from two counties, fifteen municipalities, three special districts, and appointees of State offices. All of the SMMC Board meetings are public meetings noticed pursuant to the Bagley-Keene Act.

The Department of General Services (DGS) performs human resources operations for the SMMC.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the SMMC's EEO program, mandated training, leave, and policy and processes[1]. The primary objective of the review was to determine if the SMMC's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

The SMMC did not conduct any examinations or permanent withhold actions during the compliance review period. Further, the SMMC did not make any appointments or conduct any unlawful appointment investigations during the compliance review period. Additionally, the SMMC did not make any additional appointments during the compliance review period.

Moreover, during the compliance review period, the SMMC did not issue or authorize hiring above minimum (HAM) requests, red circle rate requests, arduous pay, bilingual pay, monthly pay differentials, alternate range movements, or out-of-class assignments.

The review of the SMMC'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 reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC).

The SMMC did not execute any PSC's during the compliance review period.

The SMMC'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 were provided leadership and development training and sexual harassment prevention training within statutory timelines.

The CRU reviewed the SMMC's Leave Activity and Correction Certification forms to verify that the SMMC created a monthly internal audit process to verify that the SMMC 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 SMMC's units in order to ensure they maintained accurate and timely leave accounting records. During the compliance review period, the SMMC did not have any employees with non-qualifying pay period transactions, and the SMMC also did not authorize Administrative

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

Time Off (ATO). Additionally, the SMMC did not track any temporary intermittent employees by actual time worked during the compliance review period.

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

On February 24, 2020, an exit conference was held with the SMMC to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the SMMC's written response on February 20, 2020, which is attached to this final compliance review report.

FINDINGS AND RECOMMENDATIONS

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; and cooperate with the CalHR, in accordance with Civil Code section 1798.24, subdivisions (o) and (p), by providing access to all required files, documents and data necessary to carry out these mandates. (*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, subd. (a).)

Pursuant to Government Code section 19795, subdivision (a), in a state agency with less than 500 employees, like SMMC, the EEO Officer may be the Personnel Officer.

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. 1 – Equal Employment Opportunity Program Has Not Been Established

Summary: Although the SMMC has a designated EEO officer that reports directly to the director of the department, the SMMC failed to provide documentation demonstrating they have an active EEO program. An active EEO program should include the following components:

1. Departmental policy statement committing the department to equal employment opportunity.
2. An EEO Officer who is responsible for developing, implementing, coordinating, and monitoring the department's EEO program.
3. An active Disability Advisory Committee (DAC)

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, subd. (a).) The EEO Officer shall, among other duties, analyze and report on appointments of employees, bring issues of concern regarding EEO to the appointing power and recommend appropriate action, and perform other duties necessary for the effective implementation of the agency EEO plans. (*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).)

Severity: Very Serious. To have an effective EEO program, the head of the organization must be actively involved. Due to the substantial responsibilities held by each department's EEO Officer, it is essential that each department dedicate sufficient staff resources to successfully maintain an effective EEO program. 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 SMMC states that a formal EEO program has not been established as hiring opportunities have not been available. Over the years, the SMMC has experienced few vacancies and has had extremely limited new hiring opportunities. With only 6 authorized positions, staff tenure ranges from 8 to 40 years.

Corrective Action: Within 60 days of the date of this report, the SMMC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure the establishment of an active EEO program, comprised of a policy statement committing the department to equal employment opportunity, an EEO Officer who is responsible for developing, implementing, coordinating, and monitoring their department's EEO program, and an active DAC. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, subds. (a), (b), & 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 Career Executive Assignment (CEA) position, the employee shall be provided leadership training and development, as prescribed by CalHR. (Gov. Code, § 19995.4, subds. (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 biennial 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 SMMC's mandated training program that was in effect during the compliance review period, August 1, 2017, through July 30, 2019.

FINDING NO. 2 – Ethics Training Was Not Provided for All Filers

Summary: The SMMC did not provide evidence that ethics training was provided to five existing filers every two years.

Criteria: New filers must be provided ethics training within six months of appointment. Existing filers must be trained at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3, subd. (b).)

Severity: Very Serious. The department does not ensure that its filers are aware of prohibitions related to their official position and influence.

Cause: The SMMC states that, although department filers do indeed take biennial online ethics training, certificates of completion were not provided to SPB.

Corrective Action: Within 60 days of the date of this report, the SMMC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that all filers are provided ethics training within the time periods prescribed. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

FINDING NO. 3 – Leadership Training and Development Was Not Provided for All Supervisors, Managers, and CEAs

Summary: The SMMC did not provide 1 supervisor and 1 manager with a minimum of 20 hours of continued leadership training biennially.

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 biennially. (Gov. Code, § 19995.4, subds. (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 biennially. (Gov. Code, § 19995.4, subd. (d).)

Upon initial appointment of an employee to a Career Executive Assignment 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 biennially. (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 SMMC was unaware of the biennial 20 hours leadership training requirement.

Corrective Action: Within 60 days of the date of this report, the SMMC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that biennial leadership training is provided to all supervisors, managers, and CEAs. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

FINDING NO. 4 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors

Summary: The SMMC did not provide evidence that sexual harassment prevention training was provided to two existing supervisors every two years.

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

Severity: Very Serious. The department does not ensure that all new and existing supervisors are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.

Cause: The SMMC states that at least biennial online training has been provided and taken by all SMMC staff, however, it concedes sufficient evidence was not provided to CRU.

Corrective Action: Within 60 days of the date of this report, the SMMC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that supervisors are provided sexual harassment prevention training within the time periods prescribed. Copies of relevant documentation demonstrating

that the corrective action has been implemented must be included with the corrective action response.

Leave

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 Regs., tit. 2, § 599.665.)

Departments are directed to create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall create an audit process to review and correct leave input errors on a monthly basis. The review of leave accounting records shall be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. *(Ibid.)* 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. *(Ibid.)* Attendance records shall be corrected by the pay period following the pay period in which the error occurred. *(Ibid.)* Accurate and timely attendance reporting is required of all departments and is subject to audit. *(Ibid.)*

During the period under review, February 1, 2019, through April 30, 2019, the SMMC reported one unit comprised of six active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
February 2019	002	6	6	0
March 2019	002	6	6	0
April 2019	002	6	6	0

FINDING NO. 5 – Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input Is Keyed Accurately and Timely

Summary: The SMMC failed to implement a monthly internal audit process to verify all timesheets were keyed accurately and timely. The SMMC

also failed to provide Leave Activity and Certification forms for the unit reviewed during the February through April 2019 pay periods.

Criteria: Each appointing power shall keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.) Departments are directed to create an audit process to verify all leave input is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall identify and record all errors found using a Leave Activity and Correction form. Attendance records shall be corrected by the pay period following the pay period in which the error occurred. *(Ibid.)*

Severity: Serious. In order for Department leave accounting reports to reflect accurate data, the review of the leave accounting records and corrections, if necessary, are to be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. This means corrections are to be made prior to the next monthly leave activity report being produced.

Cause: DGS performs all timekeeping and payroll services on behalf of the SMMC. DGS states that it agrees with this finding and admits it does not currently have a process in place to verify that all leave input is keyed accurately and timely. However, DGS is in the process of implementing a process moving forward.

Corrective Action: Within 60 days of the date of this report, the SMMC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that their monthly internal audit process was documented and that all leave input is keyed accurately and timely. The SMMC must also incorporate completion of Leave Activity and Correction Certification forms for all leave records even when errors are not identified or corrected. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. *(Ibid.)* 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. *(Ibid.)* Personal relationships for this purpose include but are not limited to, association by blood, adoption, marriage and/or cohabitation. *(Ibid.)* In addition, there may be personal relationships beyond this general definition that could be subject to these policies. *(Ibid.)* All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. *(Ibid.)*

FINDING NO. 6 – Department Does Not Maintain a Current Written Nepotism Policy

Summary: The SMMC does not maintain a current written nepotism policy designed to prevent favoritism or bias in the recruiting, hiring, or assigning of employees.

Criteria: It is the policy of the State of California to recruit, hire and assign all employees on the basis of fitness and merit in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204). All department policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring, and assigning employees on the basis of merit. *(Ibid.)*

Severity: Very Serious. Given the brevity or lack of the SMMC's nepotism policy, it is evident these considerations were either inadvertently overlooked or purposely ignored. Accordingly, corrective action is warranted.

Cause: The SMMC states that an anti-nepotism policy was written many years ago, but is not current. It will work on updating its policy.

Corrective Action: Within 60 days of the date of this report, the SMMC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Human Resources Manual Section 1204. Copies of relevant

documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Workers' Compensation

Employers shall provide to every new employee, either 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. (Cal. Code Regs., tit. 8, § 9880 subd. (a).) This notice shall include the right to predesignate their personal physician or medical group; a form that the employee may use as an optional method for notifying the employer of the name of employee's "personal physician," as defined by Labor Code section 4600. (Cal. Code Regs., tit. 8, § 9880 subds. (c)(7) & (8).) Additionally, within one working day of receiving notice or knowledge that the employee has suffered a work related injury or illness, employers shall provide a claim form and notice of potential eligibility for benefits to the injured employee. (Labor Code, § 5401 subd. (a).)

Public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. (Human Resources Manual Section 1415.) Workers' compensation coverage is not mandatory for volunteers as it is for employees. *(Ibid.)* This is specific to the legally uninsured state departments participating in the Master Agreement. *(Ibid.)* Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers. *(Ibid.)*

In this case, the SMMC did not employ volunteers during the compliance review period.

FINDING NO. 7 – Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU verified that the SMMC provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law.

Performance Appraisals

According to Government Code section 19992.2, subdivision (a), appointing powers 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 five permanent SMMC employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines. These are listed below:

Classification	Date Performance Appraisals Due
Associate Governmental Program Analyst	2018
Attorney III	2018
Conservany Project Development Manager	2018
Executive Secretary	2018
Staff Services Manager II (Managerial)	2018

FINDING NO. 8 – Performance Appraisals Were Not Provided to All Employees

Summary: The SMMC did not provide annual performance appraisals to any employees reviewed after the completion of the employee's probationary period.

Criteria: "Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule." (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

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

Cause: The SMMC states that it is a very small agency. Written performance appraisals would be superfluous given that the Executive Director provides day to day direction, feedback, and support. However, if written performance reviews are required, the SMMC will comply.

Corrective Action: Within 60 days of the date of this report, the SMMC must submit to the SPB a written corrective action response which 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 relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

DEPARTMENTAL RESPONSE

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

SPB REPLY

Based upon the SMMC's written response, the SMMC will comply with the corrective actions specified in these report findings. Within 60 days of the date of this report, a written correction action response including documentation demonstrating implementation of the corrective actions specified, must be submitted to the CRU.

Attachment 1

SANTA MONICA MOUNTAINS CONSERVANCY
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February 20, 2020

Ms. Suzanne Ambrose, Executive Officer
State Personnel Board
Policy and Compliance Review Division
801 Capitol Mall
Sacramento, CA 95814

Response to Draft State Personnel Board Compliance Review

Dear Ms. Ambrose:

This letter is in response to your Draft Compliance Review Report for the Santa Monica Mountains Conservancy (SMMC), a small agency with six staff.

Finding No, 1: "Equal Opportunity Program Has Not Been Established"

Cause: A formal EEO program has not been established as hiring opportunities have not been available. Over the years, SMMC has experienced few vacancies and has had extremely limited new hiring opportunities. With only six authorized positions, staff who are currently employed range from periods of incumbency from 40 years, down to 8 years for the most recent hire. SMMC is indeed committed to promoting and implementing equal opportunity for any vacant and/or new positions that arise. SMMC relies on the Department of General Services/Office of Human Resources for personnel actions, but is committed to the State Personnel Board and California Department of Human Resources policies for equal employment opportunity.

Corrective Action: If a formal EEO policy needs to be adopted above and beyond those of DGS and CalHR, then SMMC will do so . In addition to being designated as EEO officer I serve also *ex officio* as the agency's DAC coordinator: SMMC is such a small agency that it enables excellent communication among staff. Staff has at least weekly in-person meetings in addition to daily phone and email communications, where any concerns for reasonable accommodation or disability issues are raised and met. However, if written documentation of meetings is required, that will commence.

Finding No. 2–"Ethics Training Was Not Provided for All Filers"

Cause: SMMC filers do indeed take biennial online ethics training, such as that provided by the Department of Justice or California Natural Resources Agency. However the certificates of completion were not provided to SPB. Via separate email, please find the most recent ethics completion certificates and FPPC Form 700's. We are researching archives for previous years' forms.
Corrective Action: SMMC will in future collect and file all ethics training certificates.

Finding No. 3–"Leadership Training and Development Was Not Provided for All Supervisors, Managers, and CEA's"

Cause: SMMC has no CEA positions. No new supervisors or managers have been hired for 20 years. The biennial 20 hours leadership training requirement was heretofore unknown to us, so it is acknowledged that neither the Chief Deputy Director (Staff Services Mgr, II) nor the Conservancy Project Development Manager have undergone official biennial state leadership training, although science and professional development trainings have taken place, albeit without compilation and submittal of proof. State training may be superfluous given the long leadership tenures of the staff, who have been highly successful in implementing the SMMC's conservation mission.

Corrective Action: If online leadership training is available, the applicable SMMC staff will comply, or retain proof of other professional conferences and training opportunities.

Finding No. 4– "Sexual Harrassment Prevention Training Was Not Provided for All Supervisors"

Cause: Apparently sufficient evidence was not provided, however at least biennial online training has been provided and taken by all SMMC staff. SMMC has forwarded via separate email most recent certificates of completion.

Corrective Action: A procedure of care will be taken to timely collect all proof of trainings from filers in order to provide on demand.

Finding No. 5–"Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input Is Keyed Accurately and Timely"

Cause: Department of General Services performs all timekeeping and payroll services on behalf of SMMC. Thus accurate and timely keying input is a DGS responsibility. We have been assured by DGS that it is developing procedures to comply with any requirements, to wit: " DGS agrees with this finding and admits it does not currently have a process in place to verify all leave input is keyed accurately and timely. DGS was not aware until recently of PML 2015-007."

Corrective Action: DGS is creating a workgroup who will prepare appropriate procedures to begin implementaion to ensure compliance with PML 2015-007.

Finding No. 6–"Department Does Not Maintain a Current Written Nepotism Document"

Cause: An anti-nepotism policy was written many years ago, but not current. However, as SMMC has had extremely limited hiring opportunities, and even then, must rely on

Department of General Services Office of Human Resources, and any and all hiring *must* be based on merit and fitness. Any issue of potential nepotism is exceedingly remote and of course would be antithetical to state and SMMC policy.

Corrective Action: A formal anti-nepotism policy will be rewritten and adopted.

Finding No. 8– "Performance Appraisals Were Not Provided to All Employees"

Cause: SMMC is a very small agency. Any probationary periods have long since expired. All the six staff work together as a team and meet in person regularly. Written performance appraisals would be superfluous given that the Executive Director provides day to day direction, feedback and support. Discussion of work performance is therefore ongoing, collegial, and positive.

Corrective Action: However, if written performance reviews are required, SMMC will comply.

If you have any questions, please do not hesitate to call me at (310) 589-3200, extension 112, or email at skei@smmc.ca.gov. You may also find our websites informative regarding the agencies, our parks, and programs, at www.smmc.ca.gov , also www.mrca.ca.gov.

Sincerely,

RORIE SKEI
Chief Deputy Director