



COMPLIANCE REVIEW REPORT

SEISMIC SAFETY COMMISSION

Compliance Review Unit
State Personnel Board
July 17, 2020

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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 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 California Seismic Safety Commission’s (SSC) personnel practices in the areas of examinations, appointments, EEO, PSC’s, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Finding
Equal Employment Opportunity	A Disability Advisory Committee Has Not Been Established
Mandated Training	Ethics Training Was Not Provided for All Filers
Leave	Incorrectly Posted Leave Usage and/or Leave Credit
Leave	Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records
Policy	Department Does Not Maintain a Current Written Nepotism Policy
Policy	No Evidence that Department is out of Compliance with Workers’ Compensation 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 = Technical
- Green = In Compliance

BACKGROUND

The SSC investigates earthquakes, researches earthquake-related issues and reports, and recommends to the Governor and Legislature policies and programs needed to mitigate earthquake risk. Among the duties of the SSC are:

- Managing California's Earthquake Hazards Reduction Program
- Reviewing seismic activities funded by the State
- Providing a consistent policy direction for earthquake-related programs for agencies at all government levels
- Proposing and reviewing earthquake-related legislation
- Conducting public hearings on seismic safety issues
- Recommending earthquake safety programs to governmental agencies and the private sector
- Investigating and evaluating earthquake damage and reconstruction efforts following damaging earthquakes

The California Department of General Services (DGS) performs human resources operations for the SSC. The SSC has four permanent employees.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the SSC's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes¹. The primary objective of the review was to determine if the SSC'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 SSC did not conduct any examinations, permanent withhold actions, unlawful appointment investigations, and did not make any regular or additional appointments during the compliance review period. Furthermore, during the review period, the SSC 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.

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

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

The SSC'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, managers, and CEAs were provided leadership and development training and sexual harassment prevention training within statutory timelines.

The CRU also identified the SSC's 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 SSC to provide a copy of their leave reduction policy.

The CRU reviewed the SSC's Leave Activity and Correction Certification forms to verify that the SSC 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 SSC's units in order to ensure they maintained accurate and timely leave accounting records.

During the compliance review period, the SSC did not have any employees with non-qualifying pay period transactions, did not track any temporary intermittent employees by actual time worked during the compliance review period, and did not authorize Administrative Time Off (ATO).

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

The SSC declined an exit conference to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the SSC's written response on May 7, 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).)

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 – A Disability Advisory Committee Has Not Been Established

Summary: The SSC does not have an active DAC.

Criteria: Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

Severity: Very Serious. The agency head does not have direct information on issues of concern to employees or other persons with disabilities and input to correct any underrepresentation. The lack of a DAC may limit an agency's ability to recruit and retain a qualified workforce, impact productivity, and subject the agency to liability.

Cause: The SSC's EEO Officer was not aware that small departments could join a DAC with other agencies.

Corrective Action: Within 90 days of the date of this report, the SSC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the DAC requirements of Government Code section 19795, subdivisions (b)(1) and (b)(2). 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), and (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 SSC's mandated training program that was in effect during the compliance review period, August 1, 2017, through July 30, 2019. The SSC's sexual harassment prevention training was found to be in compliance, while the SSC's ethics training was found to be out of compliance.²

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

Summary: The SSC did not provide ethics training to one existing filer. In addition, the SSC did not have any new filers who were required to attend ethics training within six months of appointment.

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).)

² The SSC did not hire any new supervisors during the review period. Therefore, no new supervisors were required to complete the mandatory basic supervisor courses.

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

Cause: The SSC does not have an automated tracking system for mandated training. Due to manual process and insufficient internal procedures, the ethics training was not completed timely.

Corrective Action: Within 90 days of the date of this report, the SSC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the ethics training requirements of Government Code section 11146.3, subdivision (b). 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 SSC reported one unit comprised of four 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	001	4	4	0
March 2019	001	4	4	0
April 2019	001	4	4	0

FINDING NO. 3 – Incorrectly Posted Leave Usage and/or Leave Credit

Summary: The SSC did not correctly enter one of four timesheets into the Leave Accounting System (LAS) during the April 2019 pay period. As a result, one employee retained her prior leave balance despite having used leave credits.

Criteria: Departments shall create a monthly internal audit process to verify that all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) 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.*)

Severity: Very serious. Errors in posting leave usage and/or leave credits puts the department at risk of incurring additional costs from the initiation of collection efforts from overpayments, the risk of liability related to recovering inappropriately credited leave hours and funds, and/or the increase of the state’s pension payments.

Cause: The SSC contracts with the DGS for this function; the SSC asserts it has no oversight or control how the DGS posts leave usage.

SPB Response: SSC, through its contract with DGS, can add language which requires DGS to adhere to all applicable laws and policies.

Corrective Action: Within 90 days of the date of this report, the SSC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the monthly internal audit process requirements of Human Resources Manual section 2101 to ensure correct posting of leave usage and/or leave credits. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

FINDING NO. 4 – Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed

Summary: The SSC failed to provide completed Leave Activity and Correction Certification forms for one unit reviewed during the February, March, and April 2019 pay periods.

Criteria: Departments are responsible for maintaining accurate and timely leave accounting records for their employees. (Cal. Code Regs., tit. 2, § 599.665.) Departments shall identify and record all errors found using a Leave Activity and Correction Certification form. (Human Resources Manual Section 2101.) Furthermore, departments shall certify that all leave records for the unit/pay period identified on the certification form have been reviewed and all leave errors identified have been corrected. (*Ibid.*)

Severity: Technical. Departments must document that they reviewed all leave inputted into their leave accounting system to ensure accuracy and timeliness. For post-audit purposes, the completion of Leave Activity and Correction Certification forms demonstrates compliance with CalHR policies and guidelines.

Cause: The SSC contracts with the DGS for this function and the SSC has no oversight to control over whether the DGS uses Leave Activity and Correction Certification forms. The DGS acknowledges it did

not use Leave Activity and Correction Certification forms for all SSC leave records reviewed as required.

SPB Response: SSC, through its contract with DGS, can add language which requires DGS to adhere to all applicable laws and policies.

Corrective Action: Within 90 days of the date of this report, the SSC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the Leave Activity and Correction Certification form requirements of Human Resources Manual section 2101. 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 association by blood, adoption, marriage and/or cohabitation. (*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. 5 – Department Does Not Maintain a Current Written Nepotism Policy

Summary: The SSC 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. Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. Departments must take proactive steps to ensure that the recruitment, hiring, and assigning of all employees is done on the basis of merit and fitness in accordance with civil service statutes. Maintaining a current written nepotism policy, and its dissemination to all staff, is the cornerstone for achieving these outcomes.

Cause: The SSC acknowledges its nepotism policy is outdated.

Corrective Action: Within 90 days of the date of this report, the SSC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the nepotism policy requirements of 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 SSC did not employ volunteers during the compliance review period.

FINDING NO. 6 – No Evidence that Department is out of Compliance with Workers' Compensation Laws, Board Rules and/or CalHR Policies and Guidelines

During the review period, there was no indication that the SSC was out of compliance with applicable Workers' Compensation Law, Board Rules, and/or CalHR policies and or guidelines. SSC has not appointed any new employees in over three years, and they reported no work-related injuries within current record retention requirements.

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 three permanent SSC 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	Date Performance Appraisal Provided
Staff Services Manager I (Specialist)	9/30/18	None
Staff Services Manager I (Specialist)	1/11/19	None
Staff Services Analyst	8/31/18	None

FINDING NO. 7 – Performance Appraisals Were Not Provided to All Employees

Summary: The SSC did not provide annual performance appraisals to all of their non-exempt employees after the completion of the employees' probationary periods.

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 SSC lacked an effective tracking system and notification process to remind supervisors and managers to complete performance appraisals timely.

Corrective Action: Within 90 days of the date of this report, the SSC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the performance appraisal requirements of Government Code section 19992.2, subdivision (a) 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 SSC's response is attached as Attachment 1.

SPB REPLY

Based upon the SSC's written response, the SSC will comply with the corrective actions specified in these report findings. Within 90 days of the date of this report, a written corrective action response including documentation demonstrating implementation of the corrective actions specified, must be submitted to the CRU.



State Of California
SEISMIC SAFETY COMMISSION
Governor Gavin Newsom



June 18, 2020

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

Subject: California Seismic Safety Commission's response to draft State Personnel Board Compliance Review Report

Dear Ms. Ambrose,

This letter is in response to the draft State Personnel Board (SPB) Compliance Review Report submitted to the California Seismic Safety Commission (SSC). SSC has reviewed the report and prepared a cause and action plan for each finding.

SSC takes these compliance issues seriously and has considered the findings identified in the Compliance Review Report and started all the necessary corrective actions to bring SSC into compliance.

FINDING NO. 1 – A Disability Advisory Committee Has Not Been Established

Cause: SSC does not have an active Disability Advisory Council (DAC).

Action: The SSC is comprised of the six employees and for many years had been a participant in the Department of General Services (DGS) DAC group. In 2019 the SSC EEO Officer was informed that SSC could no longer participate in this group. DGS recommended that SSC join the Statewide Disability Advisory Council (SDAC) which SSC complied with and attends meetings. It is now SSC's understanding that SSC should have joined a DAC with another department under the agency Business Consumer Services and Housing Agency (BCSH) in which the SSC is housed within. SSC's Equal Employment Opportunity Officer (EEO) Officer was unaware that this was the procedure for the DAC due to the lack of in adequate instructions that small departments should join a department under their agency. SSC will inquire with a department within BCSH to be an active member of their DAC.

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

Cause: SSC acknowledges this finding. SSC does not have an automated tracking system for training. It has been the responsibility of the employee's direct supervisor to track training completion which resulted in one employee out of compliance. Due to manual process and insufficient internal procedures, the training was not completed.

Action: SSC recognizes the importance of compliance with mandatory training requirements. The SSC has created an ethics training policy and will develop an internal tracking system and notification procedures to ensure all mandated training is tracked and completed within in the required timeframes. All ethics filers have been notified of any overdue status and the SSC has achieved a compliance rate of 100 percent as of April 2020.

FINDING NO. 3 – Incorrectly Posted Leave Usage and/or Leave Credit

Cause: SSC contracts with the Department of General Services (DGS) for this function and the SSC has no oversight or control on how control how DGS posted leave.

Action: SSC will request that DGS ensured that they will create appropriate procedures and begin implementation to comply with Human Resources Manual Section 2101 in which Departments shall create a monthly internal audit process to verify that all leave input into any leave accounting system is keyed accurately and timely. DGS may create a working group to address mistakes of incorrectly posted leave usage and/or leave credit.

FINDING NO. 4 – Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed

Cause: SSC contracts with the Department of General Services (DGS) for this function and SSC has NO oversight to control how DGS uses Leave Activity and Correction Certification Forms. DGS acknowledges not using the Leave Activity and Correction Certification Forms for all leave records reviewed as required.

Action: SSC will request that DGS create a workgroup to address this issue and create appropriate implementation procedures in effort to comply with the PML 2015-007. While SSC, waits for DGS to find a solution for this deficiency, SSC will develop an internal tracking system to keep track of Leave Activity and Correction Certification Forms.

FINDING NO. 5 – Department Does Not Maintain a Current Written Nepotism Policy

Cause: SSC acknowledges the nepotism “policy” that was submitted was outdated. And the previous nepotism policy did not address all the points suggested by California Department of Human Resources (CalHR).

Action: SSC will create a revised anti-nepotism policy that includes additional components outlined in CalHR’s statewide guidance on nepotism policies.

FINDING NO. 6 – No Evidence that SSC is out of Compliance with Worker’s Compensation Laws, Board Rules and/or CalHR Policies and Guidelines

Cause: Not Applicable

Action: SSC concurs with the SPB’s Worker’s Compensation program finding. During the compliance review period, the SSC did not hire any new employees and no work-related injuries were reported. Going forward, the SSC will notify all newly appointed employees of their right to predesignate a personal physician or medical group by the end of their first pay period for work related injuries that may occur while at work.

FINDING NO. 7 – Performance Appraisals Were Not Provided to All Employees

Cause: The SSC acknowledges that supervisors and managers did not provide feedback to their non-probationary employees due to the lack of an effective tracking system and notification process. Since the review, the SSC has been working to develop a process to track and inform supervisors and managers of performance appraisal deadlines. While the SSC is very active in pursuing the completion of Performance Appraisals, it is the responsibility of the supervisor to ensure the appraisal is completed.

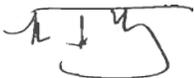
Action: SSC is researching an automated tracking and notification system that would send additional reminder emails to supervisors, and are in the beginning stages of identifying and implementing a data tracking and report system which will identify and disseminate Performance Appraisal completion compliance or non-compliance so more emphasis can be placed on this requirement. Th SSC Executive Office will reemphasize the importance of completing Performance Appraisals in management meetings. The SSC has completed all annual performance reports as of April 2020.

CONCLUSION

The SSC appreciated the opportunity to address the findings in this report and our proposed process changes for increasing compliance. We anticipate that the proposed changes will positively impact future outcomes.

Please let me know if we can provide you with any additional information. I can be reached at 916-263-5506.

Best regards,



Richard McCarthy
Executive Director, California Seismic Safety Commission