

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF
THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of November 7, 2013, carefully reviewed and considered the attached Compliance Review Report of the San Francisco Bay Conservation and Development Commission submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the San Francisco Bay Conservation and Development Commission's personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.



SUZANNE M. AMBROSE
Executive Officer



801 Capitol Mall Sacramento, CA 95814 | www.spb.ca.gov



Governor Edmund G. Brown Jr.

October 28, 2013

Mr. Larry Goldzband
Executive Director
San Francisco Bay Conservation
and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

RE: Compliance Review Report

Dear Mr. Goldzband,

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the San Francisco Bay Conservation and Development Commission (BCDC) examinations, appointments, and Equal Employment Opportunity (EEO) program during the period of May 2011 through November 2012. The primary objective of the review was to determine if BCDC's personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

The BCDC provided the documents that SPB requested. A cross-section of BCDC's examinations and appointments were selected for review to ensure that samples of various examinations and appointment types, classifications, and levels were analyzed. The review of the EEO program included examining written policies and procedures, the EEO officer's role and duties, and the internal discrimination complaint process. The SPB also communicated with and asked questions of appropriate BCDC staff.

The Compliance Review Division (CRD) has found no deficiencies in the reviews of the BCDC's examinations and appointments. The CRD found that the EEO program was in compliance with one exception – BCDC does not have a Disability Advisory Committee (DAC). 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).)

Accordingly, BCDC must invite all employees to serve on a DAC 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.

It is therefore recommended that no later than 30 days after the Board's Resolution adopting these findings and recommendations, BCDC must invite all its employees to serve on the DAC, and no later than 60 days after the Board's Resolution adopting these findings and recommendations, BCDC must establish the DAC and submit to the SPB a written report of compliance.

On October 8, 2013, an exit conference was held with BCDC to explain and discuss the SPB's initial findings and recommendations.

Department Response

"Thank you very much for your letter stating that the State Personnel Board found no deficiencies in BCDC's examinations and appointments during its recent audit. Pursuant to your suggestion, on October 8, 2013, all BCDC employees received an e-mail from our Human Resources Liaison inviting them to participate in a newly-formed Disability Advisory Committee. Our HR Liaison received a number of responses, and I am confident that BCDC will be in compliance within your suggested timeframe."

SPB Reply

The SPB thanks the BCDC for their prompt departmental response. It is recommended that BCDC continue to comply with the SPB's aforementioned recommendations, which are being provided to the Board at its next available meeting for their evaluation and determination. The Board may issue a Resolution adopting the findings and recommendation as stated herein, or the Board may order its own recommendations. In either event, BCDC will be notified of the Board's final decision. The Board's Resolution will also be posted on our website.

Mr. Larry Goldzband
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We greatly appreciated the cooperation and assistance provided by BCDC personnel.
If you have questions or comments, please contact me at (916) 651-0924.

Sincerely,



James L. Murray, Chief
Compliance Review Division
State Personnel Board