

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF
THE CALIFORNIA STATE LIBRARY**

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 California State Library submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the California State Library'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 29, 2013

Mr. Gerald Maginnity
Acting State Librarian
California State Library
400 N. Street, Ste. 400
Sacramento, CA 95814

RE: Compliance Review Report

Dear Mr. Maginnity,

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the California State Library's (CSL)'s examinations, appointments, and Equal Employment Opportunity (EEO) program during the period of May 1, 2011 through November 1, 2012. The primary objective of the review was to determine if the CSL'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 CSL provided the documents that SPB requested. A cross-section of CSL's examinations and appointments 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 CSL staff.

The Compliance Review Division (CRD) found no deficiencies in the reviews of the CSL's examinations and appointments. The CRD found that the EEO program was in compliance with one exception – the EEO Officer/Staff Services Manager II does not report directly to the State Librarian on EEO related matters. The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to equal employment opportunity; issue procedures for

filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with 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.)

Accordingly, CSL must reorganize its organizational structure and ensure that the EEO Officer reports directly to the State Librarian on EEO related matters.

It is therefore recommended that no later than 30 days after the Board's Resolution adopting these findings and recommendations, CSL must reorganize its organizational structure, and no later than 60 days after the Board's Resolution adopting these findings and recommendations, CSL must ensure that the EEO Officer reports directly to the Director on EEO related matters, and submit to the SPB a written report of compliance.

DEPARTMENTAL RESPONSE

CSL recognized their deficiency and has since reorganized their organizational structure so that the EEO Officer, a Staff Services Manager II reports directly to the Department's Director on EEO related matters effective September 2013. On September 18, a memoranda outlining CSL's effort to ensure compliance is attached, as is their updated organizational chart.

SPB REPLY

Further, SPB commends CSL for taking initiative to promptly and proactively correct their deficiency. After reviewing CSL's memoranda and organizational chart, it is deemed that CSL is in compliance with Gov. Code section 19795. Therefore no corrective action is necessary.

These findings are being provided to the five-member State Personnel Board at its next available meeting for their review. If the Board's agrees with the findings, it shall issue a resolution adopting the recommendations. If the Board does not agree with the findings, it will then issue orders with its own recommendations. In either event, you will be notified of the decision of the Board and any further recommendations it may have.

Mr. Gerald Maginnity
Page 2 of 2

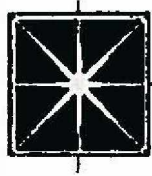
Once the Board has adopted the findings in whole and without further recommendations, the findings will then be posted on our website.

We greatly appreciated the cooperation and assistance provided by CSL personnel. If you have questions, please contact me at (916) 651-0924.

Sincerely,



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



California
STATE LIBRARY
PRESERVING OUR HERITAGE SHARING OUR FUTURE

September 18, 2013

James L. Murray, Chief
Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

RE: Compliance Review Report

Dear Mr. Murray:

The California State Library (CSL) did reorganize its organizational structure effective July 18, 2013 in order to ensure that the EEO Officer reports directly to the State Librarian on EEO related matters. Please see the attached e-mail that went to all CSL staff.

CSL is a small department and our head of HR also serves as the EEO Officer. We just recently completed our recruitment for the head of HR and that person is due to start on October 1. She will be appointed at the managerial level of SSMII and will also serve as the EEO officer. She will report directly to me and will develop, implement, coordinate, and monitor the department's EEO program.

If you have any questions please do not hesitate to contact me.

Respectfully yours,

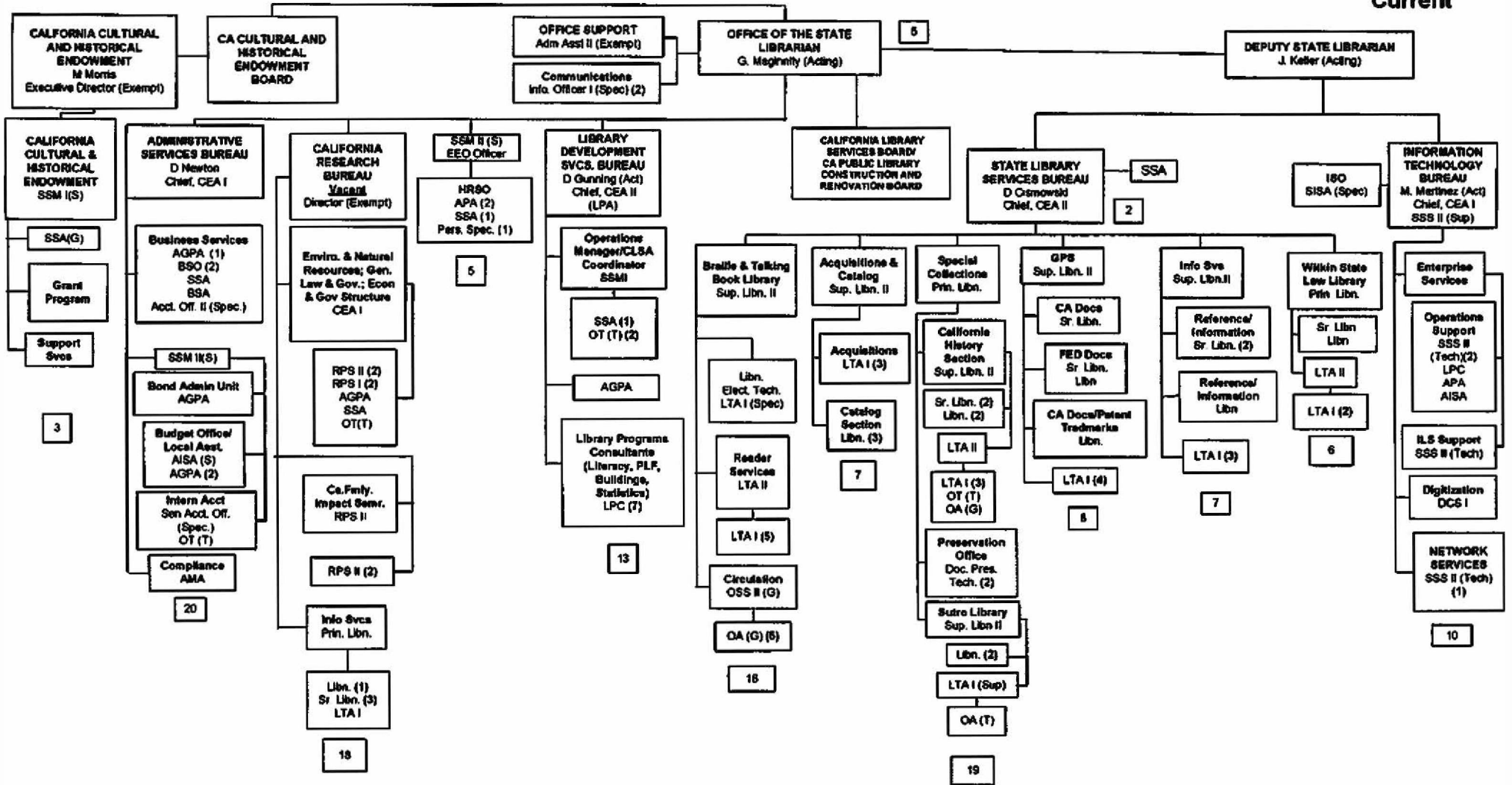
Gerald Maginnity
Acting State Librarian of California

gm/pk
Enclosure

cc: Nejla Shifa
Debbie Newton
Liz Vierra

CALIFORNIA STATE LIBRARY

Current



From: Maolinniv_Gerald@CSL
To: [List-All CSL_email_accounts](#)
Subject: Organizational changes
Date: Thursday, July 18, 2013 11:45:33 AM

July 18, 2013

TO: CSL staff

FROM: Gerry Maginnity

I just want to update you on some organizational changes that will be taking place. Because of Phyllis Smith's upcoming retirement, a few weeks ago we began the recruitment for a new head of HR here at the State Library. It was planned at that time to have HR and Business Services be in the Administrative Services Bureau, where they had historically been in this organization.

We were subsequently informed that there had been changes to the Government Code and that departments are required to have their EEO Officer report to their Director. CSL is a small department and our head of HR also serves as the EEO Officer. We sought clarification with CalHR and were informed we would still need to comply with the Government code regardless of past reporting relationships. Given this interpretation that the head of HR must report to the Director, effective Monday, July 29 we will be reorganizing thusly:

- The Human Resources Section will report directly to the State Librarian
- The Business Services Section will be in the Administrative Services Bureau and report to the Bureau Chief
- These 2 sections will stay in their current locations

There will be a slight delay in the recruitment to fill the head of HR. We will have to send out a revised announcement and those that have already applied will be asked if they still want to be considered.

Thank you for your patience during this transition.