



COMPLIANCE REVIEW REPORT

CALIFORNIA HIGHWAY PATROL

Compliance Review Unit
State Personnel Board
December 23, 2022

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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 Highway Patrol (CHP) 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	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely ¹
Equal Employment Opportunity	Very Serious	EEO Officer's Duty Statement Does Not Reflect EEO Duties
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts ²
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs ³
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ⁴
Compensation and Pay	Very Serious	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment ⁵

¹ Repeat finding for the third consecutive time. The August 26, 2015, CHP Compliance Review Report identified 21 missing probation reports in 14 of the 181 appointments reviewed. The November 5, 2019, CHP Compliance Review Report identified 8 missing probation reports in 7 of the 138 appointment files reviewed, and 8 probation reports were not timely in 8 of the 138 appointment files reviewed.

² Repeat finding. The November 5, 2019, CHP Compliance Review Report identified the CHP did not notify unions prior to entering into 18 of the 61 PSC's reviewed.

³ Repeat finding. The November 5, 2019, CHP Compliance Review Report identified 9 of 145 new supervisors did not receive basic supervisory training within 12 months of appointment.

⁴ Repeat finding. The November 5, 2019, CHP Compliance Review Report identified 124 of 1,519 existing supervisors did not receive sexual harassment prevention training every 2 years and 151 of 364 new supervisors did not receive the training within 6 months of appointment.

⁵ Repeat finding. The November 5, 2019, CHP Compliance Review Report identified 3 incorrect salary determinations of the 64 reviewed.

Area	Severity	Finding
Compensation and Pay	Very Serious	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines ⁶
Compensation and Pay	Very Serious	Incorrect Authorization of Bilingual Pay
Compensation and Pay	Very Serious	Incorrect Authorization of Pay Differentials ⁷
Compensation and Pay	In Compliance	Out of Class Pay Authorization Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Serious	Administrative Time Off Was Not Properly Documented
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Very Serious	Incorrect Application of State Service and Leave Transactions ⁸
Policy	In Compliance	Neptotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees ⁹

BACKGROUND

The CHP is the largest state law enforcement agency in the nation with approximately 7,500 sworn officers and 3,500 civilian employees statewide. As a department within the California State Transportation Agency, the CHP's primary mission is providing traffic

⁶ Repeat finding. The November 5, 2019, CHP Compliance Review Report identified 3 incorrect alternate range movements of the 25 reviewed.

⁷ Repeat finding. The November 5, 2019, CHP Compliance Review Report identified 2 errors in the 100 pay differentials reviewed.

⁸ Repeat finding. The November 5, 2019, CHP Compliance Review Report identified 2 errors in the 35 state service and leave transactions reviewed.

⁹ Repeat finding. The November 5, 2019, CHP Compliance Review Report identified 6 of 200 employees reviewed did not receive annual performance appraisals.

safety, service and security to the people of California as they use the state's highway transportation system. In total, the CHP currently patrols approximately 380,000 lane miles of roadway throughout California. As a statewide criminal justice agency, the CHP provides law enforcement assistance to local governments and allied agencies when situations exceed the limits of local resources. While not all inclusive, the CHP serves as the leader for statewide vehicle theft prevention and recovery efforts; holds the primary authority for enforcing laws and regulations relating to commercial vehicle safety and the commercial vehicle industry; and provides security and protective services to elected state officials, state government employees, and state facilities. The CHP also maintains a leadership role in educating the public concerning driver safety issues.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CHP's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes¹⁰. The primary objective of the review was to determine if the CHP'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.

A cross-section of the CHP'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 CHP provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CHP did not conduct any permanent withhold actions during the compliance review period.

A cross-section of the CHP's appointments were selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the CHP provided, which included Notice of Personnel Action forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The CHP did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the CHP did not make any additional appointments during the compliance review period.

¹⁰ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

The CHP's appointments were also selected for review to ensure the CHP applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CHP provided, which included employees' 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 functions related to compensation and pay: bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the CHP did not issue or authorize hiring above minimum requests, red circle rate requests or arduous pay.

The review of the CHP'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.

The CHP's PSC's were also reviewed.¹¹ It was beyond the scope of the compliance review to make conclusions as to whether the CHP's justifications for the contracts were legally sufficient. The review was limited to whether the CHP's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU reviewed the CHP's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRU selected a small cross-section of the CHP'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 CHP's employees' 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 the CHP employees who used

¹¹If 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.

Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of CHP positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

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

On November 16, 2022, an exit conference was held with the CHP to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CHP's written response on December 15, 2022, which is attached to this final compliance review report.

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, subd. (a).) 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 with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) 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, November 1, 2021, through April 30, 2022, the CHP conducted 28 examinations. The CRU reviewed 13 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Automotive Technician III	Open	Statement of Qualifications (SOQ) ¹²	2/3/2022	8
Maintenance Worker, CHP	Open	SOQ	3/3/2022	8
Motor Carrier Specialist I, CHP	Open	Written ¹³	2/11/2021	78
Public Safety Dispatcher (Central)	Open	Performance ¹⁴	12/16/2021	77
Public Safety Dispatcher (Valley)	Open	Performance	1/13/2022	39
Public Safety Operator (Inland)	Open	Performance	2/24/2022	15
Public Safety Operator (Valley)	Open	Performance	1/13/2022	15
School Pupil Transportation Safety Coordinator	Open	SOQ	1/27/2022	3
Telecommunications Facilities Technician I, CHP	Open	SOQ	3/17/2022	1
Telecommunications Facilities Technician II, CHP	Open	SOQ	3/17/2022	1
Program Manager, Transportation Services (Supervisor)	Promotional	Education and Experience (E&E) ¹⁵	1/21/2022	3
Property Controller II	Promotional	E&E	3/4/2022	2
Property Inspector (Specialist)	Promotional	E&E	11/18/2021	6

IN COMPLIANCE	FINDING NO. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CRU reviewed 3 departmental promotional and 10 open examinations which the CHP administered in order to create eligible lists from which to make appointments. The CHP

¹² In a Statement of Qualifications 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.

¹³ A written examination is a testing procedure in which candidates' job-related knowledge and skills are assessed through the use of a variety of item formats. Written examinations are either objectively scored or subjectively scored.

¹⁴ A Performance examination requires applicants to replicate/simulate job related tasks or duties.

¹⁵ 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.

published and distributed examination bulletins containing the required information for all examinations. Applications received by the CHP were accepted prior to the final filing date. Applicants were notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. The CRU found no deficiencies in the examinations that the CHP conducted during the compliance review period.

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.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (*Ibid.*) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250, subd. (e).)

During the period under review, March 1, 2021, through August 31, 2021, the CHP made 294 appointments. The CRU reviewed 66 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Associate Accounting Analyst	Certification List	Permanent	Full Time	1
Associate Automotive Equipment Standards Engineer	Certification List	Permanent	Full Time	1
Associate Business Management Analyst	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Management Auditor	Certification List	Permanent	Full Time	1
Automotive Technician II	Certification List	Permanent	Full Time	2
Automotive Technician III	Certification List	Permanent	Full Time	1
Bookbinder II	Certification List	Permanent	Full Time	1
Business Service Officer I (Specialist)	Certification List	Permanent	Full Time	1
Commercial Vehicle Inspection Specialist	Certification List	Permanent	Full Time	2
Custodian I	Certification List	Permanent	Full Time	2
Electronics Technician	Certification List	Permanent	Full Time	2
Information Technology Associate	Certification List	Permanent	Full Time	1
Information Technology Manager I	Certification List	Permanent	Full Time	1
Information Technology Specialist I	Certification List	Permanent	Full Time	1
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Information Technology Supervisor II	Certification List	Permanent	Full Time	1
Maintenance Mechanic	Certification List	Permanent	Full Time	1
Maintenance Worker, CHP	Certification List	Permanent	Full Time	2
Mill and Cabinet Supervisor	Certification List	Permanent	Full Time	1
Mill and Cabinet Worker	Certification List	Permanent	Full Time	1
Motor Carrier Specialist I, CHP	Certification List	Permanent	Full Time	2
Motor Carrier Specialist II, CHP	Certification List	Permanent	Full Time	2
Motor Carrier Specialist III, CHP	Certification List	Permanent	Full Time	1
Property Controller I	Certification List	Permanent	Full Time	1
Public Safety Dispatch Supervisor I, CHP	Certification List	Permanent	Full Time	2
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	3
Public Safety Operator, CHP	Certification List	Permanent	Full Time	1
Research Data Specialist I	Certification List	Permanent	Full Time	1
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Senior Administrative Analyst -Accounting Systems-	Certification List	Permanent	Full Time	1
Senior Automotive Equipment Standards Engineer	Certification List	Permanent	Full Time	1
Senior Personnel Specialist	Certification List	Permanent	Full Time	1
Sheetfed Offset Press Operator III	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	1
Staff Services Manager III	Certification List	Permanent	Full Time	1
Warehouse Worker	Certification List	Permanent	Full Time	1
Associate Business Management Analyst	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Attorney IV	Transfer	Permanent	Full Time	1
Automotive Technician I	Transfer	Permanent	Full Time	1
Automotive Technician II	Transfer	Permanent	Full Time	1
Commercial Vehicle Inspection Specialist	Transfer	Permanent	Full Time	1
Custodian I	Transfer	Permanent	Full Time	1
Maintenance Worker, CHP	Transfer	Permanent	Full Time	1
Office Assistant (Typing)	Transfer	Permanent	Full Time	1
Program Technician	Transfer	Permanent	Full Time	1
Property Controller II	Transfer	Permanent	Full Time	1
Public Safety Dispatcher, CHP	Transfer	Permanent	Full Time	2
Public Safety Operator, CHP	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	1
Supervising Groundskeeper II	Transfer	Permanent	Full Time	1
Office Assistant (Typing)	Training & Development	Permanent	Full Time	1
Staff Services Manager I	Training & Development	Permanent	Full Time	1

SEVERITY: SERIOUS	FINDING NO. 2 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY
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Summary: The CHP did not provide 7 probationary reports of performance for 4 of the 66 appointments reviewed by the CRU. In addition, the CHP did not provide 24 probationary reports of performance in a timely manner, as reflected in the table below. This is the third consecutive time this has been a finding for the CHP.

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Warehouse Worker	Certification List	1	1
Office Assistant (Typing)	Transfer	1	2
Program Technician	Transfer	1	1
Supervising Groundskeeper II	Transfer	1	3

Classification	Appointment Type	Number of Appointments	Total Number of Late Probation Reports
Accounting Officer (Specialist)	Certification List	1	1
Associate Accounting Analyst	Certification List	1	1
Automotive Technician II	Certification List	1	1
Automotive Technician III	Certification List	1	1
Commercial Vehicle Inspection Specialist	Certification List	2	2
Custodian I	Certification List	2	2
Electronics Technician	Certification List	1	1
Information Technology Supervisor II	Certification List	1	1
Maintenance Mechanic	Certification List	1	1
Property Controller I	Certification List	1	2
Senior Automotive Equipment Standards Engineer	Certification List	1	1
Attorney IV	Transfer	1	3
Automotive Technician I	Transfer	1	1
Office Assistant (Typing)	Transfer	1	1
Property Controller II	Transfer	1	3
Public Safety Operator, CHP	Transfer	1	1
Staff Services Analyst (General)	Transfer	1	1

Criteria: The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; upon reinstatement after a break in continuity of service resulting from a permanent separation; or after any other type of appointment situation not specifically excepted from the probationary period. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work and efficiency of a probationer in the manner and at such periods as the department rules may require. (Gov. Code, § 19172.) A report of the probationer's performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the probationary period. (*Ibid.*) The Board's record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

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 CHP states that they were unable to locate seven probationary reports for four employees due to their organization having 178 offices. In addition, 24 of the probationary reports were not provided in a timely manner due to staffing shortages and unforeseen events.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the probationary requirements of Government Code section 19172 and California Code of Regulations, title 2, section 599.795. Copies of relevant documentation demonstrating that the corrective

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

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).)

SEVERITY: VERY SERIOUS	FINDING NO. 3	EQUAL EMPLOYMENT OPPORTUNITY OFFICER'S DUTY STATEMENT DOES NOT REFLECT EEO DUTIES
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Summary: A manager (Chief, CHP) serves as the CHP's EEO Officer. Although the CHP EEO program outlines the roles and responsibilities of the EEO Officer, the Chief's duty statement provided by CHP does not reflect EEO Officer duties.

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. (Gov. Code, § 19795, subd. (a).)

Severity: Very Serious. The EEO Officer is responsible for developing, implementing, coordinating, and monitoring an effective EEO program. 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.

Cause: The CHP agrees that the EEO Officer duty statement did not adequately clarify and/or identify the duties and responsibilities assigned to the EEO Officer.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response including an updated duty statement for the EEO Officer. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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 Regs., 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, but are not limited to, 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, November 1, 2021, through April 30, 2022, the CHP had 261 PSC's that were in effect. The CRU reviewed 47 of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
ADB Enterprises LLC dba All City Tow, Cloverdale Tow, & Santa Rosa Towing	Towing and/or Storage of Evidence	5/1/21-4/30/23	\$130,000	Yes	No
Aliso Viejo Towing & Recovery, Inc.	Towing and/or Storage of Evidence	10/1/21-9/30/23	\$180,000	Yes	Yes
American Towing and Recovery, Inc.	Towing and/or Storage of Evidence	12/1/21-11/30/24	\$195,000	Yes	Yes
Aramark Uniform & Career Apparel, LLC	Shop Clothing/Linen Services	1/1/22-12/31/24	\$135,000	Yes	Yes
Atlas Towing Services, Inc.	Towing and/or Storage of Evidence	3/1/22-2/29/24	\$300,000	Yes	Yes
Atlas Towing Services, Inc.	Towing and/or Storage of Evidence	1/1/22-12/31/23	\$195,000	Yes	Yes
Behavioral Analysis Training, Inc.	Training Services	12/1/21-6/30/22	\$123,705	Yes	Yes
Benton Air Center, Inc.	Airplane Maintenance & Repair	6/1/22-5/31/25	\$3,755,935	Yes	Yes
Cal Inc.	Hazardous Waste Removal	1/1/22-12/31/24	\$500,000	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Campbell Collision Center, Inc. dba Bob's Towing Services	Towing and/or Storage of Evidence	10/15/21-6/30/22	\$115,000	Yes	Yes
Cobabe Brother's Plumbing	Plumbing Services ¹⁶	1/1/22-12/31/24	\$132,830	No	No
Conduent State & Local Solutions, Inc.	Information Technology Consulting Services	3/6/20-2/28/23	\$1,081,600	Yes	No
Cook's Janitorial Service	Janitorial Services	3/1/21-2/28/23	\$70,464	Yes	Yes
D. Augustine & Associates	Media Services	10/1/21-9/30/23	\$1,600,000	Yes	Yes
FedEx Corporate Services, Inc.	Delivery Service	2/26/22-11/27/26	\$5,600,000	Yes	No
FedEx Corporate Services, Inc.	Delivery Service	1/1/21-2/25/22	\$498,000	Yes	No
FlyRight Holdings Inc.	Training Services	5/1/22-4/30/25	\$516,855	Yes	Yes
Foothill Aircraft Sales & Service, Inc.	Airplane Maintenance & Repair	7/1/18-6/30/23	\$8,500,000	Yes	Yes
Gallagher Legal, Inc. dba Northern California Court Reporters	Transcription Services	6/1/22-5/31/24	\$182,115	Yes	Yes

¹⁶ Public works contracts do not require justification or union notification.

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Hangar One Avionics, Inc.	Avionics Maintenance & Repair	7/1/18-6/30/23	\$8,000,000	Yes	Yes
Impact Teen Drivers Fund	Media Services	1/2/22-9/30/22	\$485,000	Yes	Yes
L & T Towing, Inc.	Towing and/or Storage of Evidence	2/1/22-1/31/25	\$75,000	Yes	Yes
Law Office of Stacy E. Don	Legal Services	4/12/22-1/31/25	\$100,000	Yes	Yes
Limor Enterprises Inc, dba Auto Aide Tow	Towing and/or Storage of Evidence	5/1/20-4/30/22	\$312,000	Yes	Yes
Magellan Health Services of California	Employee Assistance Program Services	7/1/22-6/30/23	\$320,000	Yes	Yes
Mechanical Services LLC	Emergency Air Conditioning Services ¹⁷	5/13/21-11/9/21	\$104,702	No	No
Myers Enterprises inc.	Snow Removal Services	1/1/22-12/31/23	\$230,000	Yes	Yes
North State Painting	Lobby Enclosure and Ballistic Glass Installation ¹⁸	1/1/22-12/31/22	\$110,525	No	No
Occupational Services, Inc.	Radiological Monitoring Services	11/1/21-10/30/24	\$279,300	Yes	Yes
Precise Builders Inc	Mold Repair ¹⁹	10/1/21-1/31/22	\$137,200	No	No
Ray Morgan Company	Copier Maintenance & Repair	2/1/21-1/31/24	\$80,086	Yes	No

¹⁷ Public works contracts do not require justification or union notification.

¹⁸ Public works contracts do not require justification or union notification.

¹⁹ Public works contracts do not require justification or union notification.

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Rotorcraft Support, Inc.	Helicopter Maintenance & Repair	2/1/22-1/31/25	\$51,410,710	Yes	Yes
Royal Coaches Auto Body & Towing	Towing and/or Storage of Evidence	2/1/22-1/31/25	\$100,000	Yes	Yes
Runyon Saltzman, Inc.	Media Services	3/10/20-2/27/23	\$1,183,591	Yes	Yes
Safety-Kleen Systems, Inc.	Hazardous Waste Removal	11/1/21-10/31/23	\$233,362	Yes	Yes
San Francisco Bar Pilots	Training and Administrative Services	7/1/18-6/30/23	\$646,459	Yes	Yes
San Mateo County Sheriff's Office	Weapons Firing Range	10/1/21-9/30/22	\$185,000	Yes	No
SDI Presence LLC	Dispatch Services	11/1/21-6/30/23	\$1,500,000	Yes	No
Stagecoach Towing, Inc.	Towing and/or Storage of Evidence	1/1/22-12/31/23	\$265,000	Yes	Yes
Sun Badge Company	Badge Repair Services	2/1/20-1/31/23	\$106,193	Yes	No
Swierstok Enterprise Inc. DBA Pro Builders	Restoration Services ²⁰	3/1/22-12/31/22	\$130,000	No	No
TEC Accutite, Inc.	Underground Storage Tanks	1/1/22-12/31/24	\$277,560	Yes	Yes
Textron Aviation Inc.	Airplane Maintenance & Repair	3/1/22-2/28/23	\$2,900,967	Yes	Yes

²⁰ Public works contracts do not require justification or union notification.

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
The Range Pistol Club, Inc. dba Police Science Institute	Weapons Firing Range	6/1/22-5/31/25	\$68,580	Yes	Yes
URT Keystone Inc.	Towing and/or Storage of Evidence	5/1/22-4/30/24	\$175,000	Yes	Yes
Westminster Police Department	Weapons Firing Range	11/1/21-10/31/23	\$100,000	Yes	No
Yada Yada Yada, Inc. dba APR Aviation	Avionics Maintenance & Repair	7/1/18-6/30/23	\$4,250,000	Yes	Yes

SEVERITY: SERIOUS	FINDING NO. 4 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The CHP did not notify unions prior to entering into 9 of the 47 PSC's reviewed. This is the second consecutive time this has been a finding for the CHP.

Criteria: 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. (Gov. Code, § 19132, subd. (b)(1).)

Severity: Serious. Unions must be notified of impending personal services contracts in order to ensure they are aware contracts are being proposed for the type of work that their members could perform.

Cause: The CHP states that unions were not notified due to human error.

Corrective Action: Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSCs reviewed during this compliance review involved several services and functions which various rank-and-file civil service classifications

perform. Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations section 547.60.2. 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).)

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.*)

New employees must be provided sexual harassment prevention training within six months of appointment. Thereafter, each department must provide its supervisors two

hours of sexual harassment prevention training and non-supervisors one hour of sexual harassment prevention training every two years. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code, § 19995.4.)

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 CHP’s mandated training program that was in effect during the compliance review period, May 1, 2020, through April 30, 2022. The CHP’s ethics training was found to be in compliance, while the CHP’s supervisory training and sexual harassment prevention training was found to be out of compliance.

SEVERITY: VERY SERIOUS	FINDING NO. 5 SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS
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Summary: The CHP did not provide basic supervisory training to 97 of 118 new supervisors within 12 months of appointment; did not provide manager training to 54 of 64 new managers within 12 twelve months of appointment; and did not provide biennial leadership training to 344 of 1,305 existing supervisors, managers, and/or CEAs. This is the second consecutive time this has been a finding for the CHP.

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 CHP states that supervisory training was not provided timely due to safety concerns as a result of the Covid-19 pandemic, staffing shortages and prescheduled vacations.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that new supervisors, managers, and CEAs are provided leadership and development training within twelve months of appointment, and that thereafter, they receive a minimum of 20 hours of leadership training biennially, as required by Government Code section 19995.4. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

SEVERITY: VERY SERIOUS	FINDING NO. 6 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The CHP did not provide sexual harassment prevention training to 36 of 205 new supervisors within 6 months of their appointment. In addition, the CHP did not provide sexual harassment prevention training to 25 of 199 existing supervisors every 2 years. This is the second consecutive time this has been a finding for the CHP.

Additionally, the CHP did not provide sexual harassment prevention training to 32 of 187 existing non-supervisors every 2 years.

Criteria: Each department must provide its supervisors two hours of sexual harassment prevention training every two years and non-supervisory employees one hour of sexual harassment prevention training every

two years. New employees must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code § 19995.4.)

Severity: Very Serious. The department does not ensure that all new and existing employees 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 CHP states that the Office of Equal Employment Opportunity did not develop a tracking mechanism to ensure all employees received the required training. In addition, due to the Covid-19 pandemic, employees were unable to access the training remotely until October 2021 due to virtual private network (VPN) limitations.

SPB Reply: California's Civil Rights Department (formerly the Department of Fair Employment and Housing) offers Sexual Harassment Prevention Training for both supervisors and non-supervisors on its website. It is no cost, and does not require a VPN to access.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that all employees are provided sexual harassment prevention training in accordance with Government Code section 12950.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments

calculate and determine an employee's salary rate²¹ upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

Typically, agencies appoint employees to the minimum rate of the salary range for the class. Special provisions for appointments above the minimum exist to meet special recruitment needs and to accommodate employees who transfer into a class from another civil service class and are already receiving salaries above the minimum.

During the period under review, March 1, 2021, through August 31, 2021, the CHP made 294 appointments. The CRU reviewed 29 of those appointments to determine if the CHP applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Accounting Analyst	Certification List	Permanent	Full Time	\$6,516
Associate Automotive Equipment Standards Engineer	Certification List	Permanent	Full Time	\$8,334
Associate Management Auditor	Certification List	Permanent	Full Time	\$5,676
Automotive Technician II	Certification List	Permanent	Full Time	\$3,777
Bookbinder II	Certification List	Permanent	Full Time	\$3,926
Business Service Officer I (Specialist)	Certification List	Permanent	Full Time	\$4,476
Custodian	Certification List	Permanent	Full Time	\$2,855
Electronics Technician	Certification List	Permanent	Full Time	\$4,434
Information Technology Specialist I	Certification List	Permanent	Full Time	\$8,193
Information Technology Specialist II	Certification List	Permanent	Full Time	\$9,878
Maintenance Worker, CHP	Certification List	Permanent	Full Time	\$2,969
Mill and Cabinet Supervisor	Certification List	Permanent	Full Time	\$5,493
Motor Carrier Specialist II, CHP	Certification List	Permanent	Full Time	\$6,263

²¹ "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Motor Carrier Specialist III, CHP	Certification List	Permanent	Full Time	\$7,011
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$4,308
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$4,308
Public Safety Operator, CHP	Certification List	Permanent	Full Time	\$4,000
Sheetfed Offset Press Operator III	Certification List	Permanent	Full Time	\$4,241
Staff Services Manager I	Certification List	Permanent	Full Time	\$7,002
Staff Services Manager II	Certification List	Permanent	Full Time	\$7,988
Staff Services Manager III	Certification List	Permanent	Full Time	\$8,545
Warehouse Worker	Certification List	Permanent	Full Time	\$3,400
Attorney IV	Transfer	Permanent	Full Time	\$14,149
Automatic Technician II	Transfer	Permanent	Full Time	\$4,591
Maintenance Worker, CHP	Transfer	Permanent	Full Time	\$3,657
Office Assistant (Typing)	Transfer	Permanent	Full Time	\$3,651
Public Safety Dispatcher, CHP	Transfer	Permanent	Full Time	\$4,516
Public Safety Dispatcher, CHP	Transfer	Permanent	Full Time	\$4,255
Public Safety Operator, CHP	Transfer	Permanent	Full Time	\$4,526

SEVERITY: VERY SERIOUS	FINDING NO. 7 INCORRECT APPLICATIONS OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT
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Summary: The CRU found three errors in the CHP's determination of employee compensation. This is the second consecutive time this has been a finding for the CHP.

Classification	Description of Findings	Criteria
Attorney IV	The employee did not receive the maximum salary when transferring to the Attorney IV, which resulted in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.674, subd. (a)
Business Service Officer I (Specialist)	Incorrect salary determination which resulted in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.676
Maintenance Worker, CHP	Employee did not receive special in-grade salary adjustment, which resulted in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.685, subd. (a)

Criteria: Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

Severity: Very Serious. In three circumstances, the CHP failed to comply with the requirements outlined in the state civil service pay plan. Incorrectly applying compensation laws and rules in accordance with CalHR's policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay amounts.

Cause: The CHP states that two of the three salary determination errors were a result of the calculations not including a general salary increase or merit salary adjustment prior to the appointment date. The third salary determination error was due to the transaction not being keyed in a timely manner.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The CHP must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Alternate Range Movement Salary Determination (within same classification)

If an employee qualifies under established criteria and moves from one alternate range to another alternate range of a class, the employee shall receive an increase or a decrease equivalent to the total of the range differential between the maximum salary rates of the alternate ranges. (Cal. Code Regs., tit. 2, § 599.681.) However, in many instances, the CalHR provides salary rules departments must use when employees move between alternate ranges. These rules are described in the alternate range criteria. (CalHR Pay Scales). When no salary rule or method is cited in the alternate range criteria, departments must default to Rule 599.681.

During the period under review, March 1, 2021, through August 31, 2021, the CHP made 48 alternate range movements within a classification. The CRU reviewed 29 of those alternate range movements to determine if the CHP applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,858
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,858
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$4,256
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,858
Executive Secretary II	A	L	Full Time	\$4,256
Information Technology Specialist I	A	B	Full Time	\$6,439
Information Technology Specialist I	A	B	Full Time	\$6,439
Information Technology Specialist I	B	C	Full Time	\$8,999
Office Assistant (Typing)	A	B	Full Time	\$2,964
Office Assistant (Typing)	A	B	Full Time	\$3,112
Office Assistant (Typing)	A	B	Full Time	\$2,963
Office Assistant (Typing)	A	B	Full Time	\$2,963
Office Assistant (Typing)	A	B	Full Time	\$3,047
Office Services Supervisor I (Typing)	A	S	Full Time	\$4,199
Office Services Supervisor I (Typing)	A	S	Full Time	\$4,148
Office Services Supervisor I (Typing)	A	S	Full Time	\$3,550
Personnel Specialist	A	B	Full Time	\$3,926

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Personnel Specialist	B	C	Full Time	\$4,094
Personnel Specialist	B	C	Full Time	\$4,094
Personnel Specialist	B	C	Full Time	\$4,281
Personnel Specialist	C	D	Full Time	\$4,720
Personnel Specialist	C	D	Full Time	\$4,515
Staff Services Analyst (General)	A	B	Full Time	\$3,639
Staff Services Analyst (General)	A	B	Full Time	\$3,639
Staff Services Analyst (General)	A	B	Full Time	\$4,017
Staff Services Analyst (General)	A	B	Full Time	\$3,739
Staff Services Analyst (General)	B	C	Full Time	\$4,349
Staff Services Analyst (General)	B	C	Full Time	\$4,692
Staff Services Analyst (General)	B	C	Full Time	\$4,857

SEVERITY: VERY SERIOUS	FINDING NO. 8 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRU found eight errors in the alternate range movements reviewed. This is the second consecutive time this has been a finding for the CHP.

Classification	Description of Findings	Criteria
Commercial Vehicle Inspection Specialist	Employee received range change early which resulted in the employee being overcompensated.	Alternate Range Criteria 138
Executive Secretary II	Employee did not receive an accelerated merit salary adjustment (MSA) which resulted in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.583, subd. (b)
Office Assistant (Typing)	Limited Examination and Appointment Program (LEAP) experience was not used towards the range change, which resulted in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 282
Office Assistant (Typing)	LEAP experience was not used towards the range change which resulted in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 282
Office Assistant (Typing)	Employee retained the MSA date which resulted in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.583, subd. (a)

Classification	Description of Findings	Criteria
Office Assistant (Typing)	Incorrect anniversary date determined which resulted in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.583, subd. (a)
Personnel Specialist	Incorrect range differential was used to calculate the new salary which resulted in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.674 subd. (a)
Staff Services Analyst (General)	Incorrect anniversary date determined which resulted in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.583, subd. (a)

Criteria: Alternate ranges are designed to recognize increased competence in the performance of class duties based upon experience obtained while in the class. The employee gains status in the alternate range as though each range were a separate classification. (Classification and Pay Guide Section 220.)

Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

Severity: Very Serious. In eight circumstances, the CHP failed to comply with the requirements outlined in the state civil service pay plan. Incorrectly applying compensation laws and rules not in accordance with CalHR's policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay amounts.

Cause: The CHP states that alternate range change errors were due to a staffing shortage, which caused an increase in human error.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The CHP must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Bilingual Pay

A certified bilingual position is a position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time worked. According to the Pay Differential 14, the 10 percent time standard is calculated based on the time spent conversing, interpreting, or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.

Typically, the department must review the position duty statement to confirm the percentage of time performing bilingual skills and verify the monthly pay differential is granted to a certified bilingual employee in a designated bilingual position. The position, not the employee, receives the bilingual designation and the department must verify that the incumbent successfully participated in an Oral Fluency Examination prior to issuing the additional pay.

During the period under review, March 1, 2021, through August 31, 2021, the CHP issued bilingual pay to 278 employees. The CRU reviewed 48 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts.
Automotive Technician II	R12	Full Time	1
Commercial Vehicle Inspection Specialist	R12	Full Time	6
Executive Secretary I	R04	Full Time	1
Motor Carrier Specialist I, CHP	R07	Full Time	5
Office Assistant (Typing)	R04	Full Time	6
Office Services Supervisor I (Typing)	S04	Full Time	3
Motor Carrier Specialist II, CHP	S07	Full Time	2
Office Services Supervisor II (General)	S04	Full Time	1
Office Technician (Typing)	R04	Full Time	7
Public Safety Dispatch Supervisor I, CHP	S07	Full Time	2
Public Safety Dispatch Supervisor II, CHP	S07	Full Time	1
Public Safety Dispatcher, CHP	R07	Full Time	7
School Pupil Transportation Safety Coordinator	R07	Full Time	2
Staff Services Analyst (General)	R01	Full Time	1
Word Processing Technician	R04	Full Time	3

SEVERITY: VERY SERIOUS	FINDING No. 9 INCORRECT AUTHORIZATION OF BILINGUAL PAY
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Summary: The CRU found 23 errors in the CHP’s authorization of bilingual pay.

Classification	Description of Findings	Criteria
Automotive Technician II	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Executive Secretary I		
Motor Carrier Specialist I, CHP		
Public Safety Dispatcher, CHP		
Public Safety Dispatch Supervisor I, CHP (2 positions)		
Public Safety Dispatch Supervisor II, CHP		
Word Processing Technician (2 positions)		
Commercial Vehicle Inspection Specialist (2 positions)	Department failed to provide the employee’s oral fluency exam results to certify that the employee is a qualified bilingual employee.	Government Code section 7296
Motor Carrier Specialist I, CHP		
Motor Carrier Specialist II, CHP		
Office Assistant (Typing)		
Office Services Supervisor I (Typing) (2 positions)		
Office Technician (Typing)		
Public Safety Dispatcher, CHP (2 positions)		
Motor Carrier Specialist I, CHP (3 positions)	Department failed to provide the employee’s oral fluency exam results to certify that the employee is a qualified bilingual employee.	Pay Differential 14; and Government Code section 7296
Motor Carrier Specialist II, CHP	Department failed to supply supporting documentation demonstrating the need for bilingual services.	

Criteria: For any state agency, a “qualified” bilingual employee, person, or interpreter is someone who CalHR has tested and certified, someone who was tested and certified by a state agency or other approved

testing authority, and/or someone who has met the testing or certification standards for outside or contract interpreters as proficient in both the English language and the non-English language to be used. (Gov. Code, § 7296, subd. (a)(3).)

An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

Severity: Very Serious. Failure to comply with the state civil service pay plan by incorrectly applying compensation rules in accordance with CalHR's policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay.

Cause: The CHP states that the errors identified occurred because some forms were not located in the Official Personnel Files. The cause of these errors was misrouting and misfiling of the forms.

Corrective Action: Within 90 days of the date of this report, the CHP 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 7296, and/or Pay Differential 14. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Pay Differentials

A pay differential is special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or all incumbents in select classes. A pay differential may be appropriate in those instances when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Typically, pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or, recruitment and retention. (Classification and Pay Manual Section 230.)

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, in order to justify the additional pay, document the following: the effective date of the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, March 1, 2021, through August 31, 2021, the CHP authorized 1,298 pay differentials.²² The CRU reviewed 49 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Number of Positions	Pay Differential Number	Monthly Amount
Assistant Commissioner CHP C.E.A.	3	112	\$130
Assistant Commissioner CHP C.E.A.	1	297	\$100
Associate Construction Analyst	1	433	2%
Automotive Equipment Standards Engineer	1	261	\$200
Automotive Technician I	1	262	\$150
Automotive Technician II	2	235	5%
Automotive Technician II	2	262	\$150
Automotive Technician II	1	409	5%
Commercial Vehicle Inspection Specialist	3	409	5%
Commercial Vehicle Inspection Specialist	5	449	\$200
Custodian I	1	441	\$250
Executive Secretary I	1	441	\$250
Information Technology Specialist I	1	441	\$250
Maintenance Worker, CHP	1	409	5%
Motorcycle Mechanic	1	262	\$150
Office Assistant (Typing)	1	441	\$250
Office Services Supervisor I (Typing)	2	441	\$250
Office Technician (Typing)	2	441	\$250
Public Safety Dispatcher, CHP	7	205	\$300
Public Safety Dispatch Supervisor I, CHP	1	205	\$300
Staff Services Analyst (General)	1	441	\$250
Stationary Engineer	2	233	\$100
Stationary Engineer	3	435	\$100
Stationary Engineer	2	436	9%

²² For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Number of Positions	Pay Differential Number	Monthly Amount
Telecommunications Facilities Technician II, CHP	2	32	\$165
Word Processing Technician	1	441	\$250

SEVERITY: VERY SERIOUS	FINDING NO. 10 INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS
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Summary: The CRU found 2 errors in the 49 pay differentials reviewed. This is the second consecutive time this has been a finding for the CHP.

Classification	Area	Description of Findings	Criteria
Stationary Engineer (2 positions)	Certified Backflow Tester Differential	Department failed to supply supporting documentation demonstrating the employee was eligible for the pay differential.	Pay Differential 233

Criteria: A pay differential may be appropriate when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or recruitment and retention. (CalHR Classification and Pay Manual Section 230.)

Severity: Very Serious. The CHP 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. This results in civil service employees receiving incorrect and/or inappropriate compensation.

Cause: The CHP states that the cause of the two findings was due to human error, which allowed the pay differential to continue without first obtaining appropriate documentation of a renewal once the certification expired.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Pay Differential 233 and ensure that employees are compensated correctly and that transactions are keyed accurately. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Out-of-Class Assignments and Pay

For excluded²³ and most rank and file employees, out-of-class (OOC) 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. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

According to the Classification and Pay Guide, 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 the California Code of Regulations, title 2, section 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 provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

During the period under review, March 1, 2021, through August 31, 2021, the CHP issued OOC pay to one employee. The CRU reviewed the OOC assignment to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines, which is listed below:

²³ “Excluded employee” means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Accountant I (Specialist)	R01	Staff Services Analyst (General)	3/2/21-4/5/21

IN COMPLIANCE	FINDING NO. 11	OUT OF CLASS PAY AUTHORIZATION COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the OOC pay assignment that the CHP authorized during the compliance review period. OOC pay was issued appropriately to the employee 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

Positive Paid Employees

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used in order to continue the employment status for an employee until the completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days²⁴ worked and paid absences²⁵, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

²⁴ For example, two hours or ten hours count as one day.

²⁵ For example, vacation, sick leave, compensating time off, etc.

It is an ATW appointment because the employee does not work each workday of the month, and it might become desirable or necessary for the employee to work beyond nine calendar months. The appointing power shall monitor and control the days worked to ensure the limitations set forth are not exceeded. (Cal. Code Regs., tit. 2, § 265.1, subd. (f).)

For student assistants, graduate student assistants, youth aides, and seasonal classifications a maximum work-time limit of 1500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

Additionally, according to Government Code section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June), regardless of the number of state employers, without reinstatement, loss or interruption of benefits.

At the time of the review, the CHP had 79 positive paid employees whose hours were tracked. The CRU reviewed 40 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Hours Worked
Associate Governmental Program Analyst	Retired Annuitant	7/1/21-6/30/22	960
Associate Governmental Program Analyst	Retired Annuitant	7/1/21-6/30/22	941
Expert Examiner	Retired Annuitant	7/1/21-6/30/22	0
Expert Examiner	Retired Annuitant	7/1/21-6/30/22	56
Expert Examiner	Retired Annuitant	7/1/21-6/30/22	8
Expert Examiner	Retired Annuitant	7/1/21-6/30/22	0
Expert Examiner	Retired Annuitant	7/1/21-6/30/22	88
Expert Examiner	Retired Annuitant	7/1/21-6/30/22	48
Expert Examiner	Retired Annuitant	7/1/21-6/30/22	0

IN COMPLIANCE	FINDING NO. 12 POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. The CHP provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Administrative Time Off

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. (Human Resources Manual Section 2121.) Most often, 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. (*Ibid.*) ATO can also be granted when employees need time off for reasons such as blood or organ donation, extreme weather preventing safe travel to work, states of emergency, voting, and when employees need time off to attend special events. (*Ibid.*)

During the period under review, February 1, 2021, through January 31, 2022, the CHP authorized 40 ATO transactions. The CRU reviewed 32 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Associate Governmental Program Analyst	8/3/2021-10/25/2021	84 Days
Information Technology Associate	12/17/2021-12/31/2021	15 Days
Motor Carrier Specialist I, CHP	5/24/2021-6/3/2021	11 Days
Office Technician (Typing)	11/16/2021-12/2/2021	17 Days
Officer, CHP	10/11/2021-12/21/2021	72 Days
Officer, CHP	3/8/2021-4/13/2021	37 Days
Officer, CHP	10/22/2021-11/22/2021	32 Days
Officer, CHP	10/25/2021-11/25/2021	32 Days
Officer, CHP	2/12/2021-12/6/2021	298 Days
Officer, CHP	5/3/2021-1/31/2022	274 Days
Officer, CHP	10/22/2021-11/17/2021	27 Days
Officer, CHP	3/6/2021-3/30/2021	25 Days
Officer, CHP	6/2/2021-1/31/2022	244 Days
Officer, CHP	6/17/2021-7/8/2021	22 Days
Officer, CHP	12/3/2021-12/24/2021	22 Days
Officer, CHP	3/19/2021-10/18/2021	214 Days

Classification	Time Frame	Amount of Time on ATO
Officer, CHP	6/9/2021-6/30/2021	21 Days
Officer, CHP	12/6/2021-12/24/2021	19 Days
Officer, CHP	7/14/2021-1/31/2022	202 Days
Officer, CHP	8/19/2021-1/31/2022	166 Days
Officer, CHP	9/3/2021-1/31/2022	151 Days
Officer, CHP	9/7/2021-12/19/2021	104 Days
Public Safety Dispatcher, CHP	5/21/2021-6/7/2021	18 Days
Public Safety Dispatcher, CHP	3/29/2021-4/13/2021	16 Days
Public Safety Dispatcher, CHP	4/30/2021-5/14/2021	15 Days
Public Safety Dispatcher, CHP	9/27/2021-10/11/2021	15 Days
Public Safety Dispatcher, CHP	6/17/2021-6/30/2021	14 Days
Public Safety Operator	12/23/2021-1/6/2022	15 Days
Public Safety Operator, CHP	5/6/2021-11/17/2021	161 Days, 1 Hour
Sergeant, CHP	5/24/2021-6/16/2021	24 Days
Sergeant, CHP	3/1/2021-8/30/2021	183 Days
Staff Services Manager I	7/29/2021-1/31/2022	187 Days

SEVERITY: SERIOUS	FINDING NO. 13 ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED
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Summary: The CHP did not grant ATO in conformity with the established policies and procedures. Of the 32 ATO authorizations reviewed by the CRU, 12 were found to be out of compliance for failing to properly document ATO in the California Leave Accounting System.

In addition, the CHP did not obtain approval from CalHR prior to authorizing ATO in excess of 30 days for 2 employees.

Criteria: Appointing authorities are authorized to approve ATO for up to five (5) working days. (Gov. Code, § 19991.10.) Furthermore, they “have delegated authority to approve up to 30 calendar days.” (Human Resources Manual Section 2121.) Any ATO in excess of 30 calendar days must be approved in advance by the CalHR. (*Ibid.*) In most cases, if approved, the extension will be for an additional 30 calendar days. (*Ibid.*) The appointing authority is responsible for submitting ATO extension requests to CalHR at least 5 working days prior to the expiration date of the approved leave. (*Ibid.*)

When requesting an ATO extension, the appointing authority must provide a justification establishing good cause for maintaining the employee on ATO for the additional period of time. (*Ibid.*) ATO may not be used and will not be granted for an indefinite period. (*Ibid.*) If CalHR denies a request to extend ATO, or the appointing authority fails to request approval from CalHR to extend the ATO, the employee must be returned to work in some capacity. (*Ibid.*)

Regardless of the length of ATO, appointing authorities must maintain thorough documentation demonstrating the justification for the ATO, the length of the ATO, and the approval of the ATO. (*Ibid.*)

Severity: Serious. Because an employee on ATO is being paid while not working, a failure to closely monitor ATO usage could result in costly abuse. The use of ATO is subject to audit and review by CalHR and other control agencies to ensure policy compliance. Findings of non-compliance may result in the revocation of delegated privileges.

Cause: The CHP states that due to high staff turnover within the last two years, procedures for documenting ATO were not performed accurately or in a timely manner.

In addition, the CHP did not obtain approval from CalHR prior to authorizing ATO for two employees. In one instance, the CHP's internal procedure was not followed causing a delay in obtaining approval from CalHR. In the second instance, departmental policy was not followed regarding the internal request for ATO, which delayed the required ATO request to CalHR.

Corrective Action: Within 90 days of the date of this report, the CHP 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 19991.10 and Human Resources Manual Section 2121. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, November 1, 2021, through January 31, 2022, the CHP reported 178 units comprised of 9,698 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
December 2021	32	17	17	0
December 2021	618	62	62	0
December 2021	865	31	31	0
January 2022	125	49	49	0
January 2022	391	24	24	0
January 2022	771	19	19	0

IN COMPLIANCE	FINDING NO. 14 LEAVE AUDITING AND TIMEKEEPING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU reviewed employee leave records from two 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 CHP 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.

State Service

The state recognizes two different types of absences while an employee is on pay status; paid or unpaid. The unpaid absences can affect whether a pay period is considered to be a qualifying or non-qualifying pay period for state service and leave accruals.

Generally, 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 service.²⁶ (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

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 qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) 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. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees²⁷ shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

Permanent intermittent employees also earn leave credits on the pay period following the accumulated accrual of 160 hours worked. Hours worked in excess of 160 hours in a monthly pay period, are not counted or accumulated towards leave credits.

During the period under review, September 1, 2021, through February 28, 2022, the CHP had 30 employees with qualifying and non-qualifying pay period transactions. The CRU

²⁶ Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, and 19997.4 and California Code of Regulations, title 2, sections 599.609, 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.776.1, 599.787, 599.791, 599.840 and 599.843 provide further clarification for calculating state time.

²⁷ As identified in Government Code sections 19858.3, subdivisions (a), (b), or (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subdivision (c), or California Code of Regulations, title 2, section 599.752, subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

reviewed 28 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	Number Reviewed
Non-Qualifying Pay Period	Full Time	21
Qualifying Pay Period	Full Time	7

SEVERITY: VERY SERIOUS	FINDING NO. 15 INCORRECT APPLICATION OF STATE SERVICE AND LEAVE TRANSACTIONS
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Summary: The CRU found six errors in the CHP’s state service transactions. This is the second consecutive time this has been a finding for the CHP.

Type of Transaction	Time base	State Service Incorrectly Posted	Leave Accruals Incorrectly Posted
Non-Qualifying Pay Period	Full Time	1	2
Qualifying Pay Period	Full Time	1	2

Criteria: In the application of Government Code section 19837, an employee shall be considered to have a month of state service if the employee either: (1) has had 11 or more working days of service in a monthly pay period; or (2) would have had 11 or more working days of service in a monthly pay period but was laid off or on a leave of absence for the purpose of lessening the impact of an impending layoff. (Cal. Code Regs., tit.2, § 599.608.) Absences from state service resulting from permanent separation for more than 11 consecutive working days which fall into two consecutive pay periods shall disqualify one of the pay periods. (*Ibid.*)

Hourly or daily rate employees working in a state agency 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.) When an employee has a break in service or changes to full-time, any combination of time worked which does not equal one qualifying month of full-time service shall not be accumulated or counted. (*Ibid.*)

Severity: Very Serious. For audit purposes, accurate and timely attendance reporting is required of all departments. If the length of an informal leave results in a non-qualifying pay period, a state service transaction must be processed. Inappropriately authorizing state service credits and leave accruals to employees who did not earn them results in a monetary loss for the department.

Cause: The CHP states that the cause of the findings was due to human error.

Corrective Action: Within 90 days of the date of this report, the CHP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure state service transactions are keyed accurately. 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.*)

IN COMPLIANCE	FINDING NO. 16 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU verified that the policy was disseminated to all staff and emphasized the CHP’s commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CHP’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.

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, subd. (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 CHP did not employ volunteers during the compliance review period.

IN COMPLIANCE	FINDING NO. 17 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU verified that the CHP provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law. Furthermore, the CRU verified that when the CHP received workers' compensation claims, they properly provided claim forms within one working day of notice or knowledge of injury.

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 155 permanent CHP employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

SEVERITY: SERIOUS	FINDING NO. 18 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The CHP did not provide annual performance appraisals to 50 of 155 employees reviewed after the completion of the employee's probationary period. This is the second consecutive time this has been a finding for the CHP.

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 CHP states that the 50 annual performance appraisals were not located due to staffing shortages and unforeseen events.

Corrective Action: Within 90 days of the date of this report, the CHP 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 CHP's response is attached as Attachment 1.

SPB REPLY

Based upon the CHP written response, the CHP 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.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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December 15, 2022

File No.: 001.13187.A15894.010.Audit.010-2022-11005

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

Dear Ms. Ambrose:

The California State Personnel Board (SPB), Compliance Review Unit (CRU), conducted a Compliance Review of the California Highway Patrol (CHP) pursuant to Article VII, Section 3, of the California Constitution, Government Code (GC) Section 18661, and GC Section 18502.

The CHP reviewed the draft compliance review report provided by the SPB and agrees with the findings. The following are the findings and the CHP's response to each finding.

FINDING NO. 1—Examinations Complied with Civil Service Laws and Board Rules

The CHP is compliant, and no response is required.

FINDING NO. 2—Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely—AGREE

Cause/Response: The CHP has approximately 178 separate offices consisting of headquarters, field Areas, and Divisions which are responsible for completing probationary reports of performance. Of the 66 appointments reviewed, seven probationary reports for four employees were unable to be located. In addition, 24 of the probationary reports were not provided in a timely manner due to staffing shortages and unforeseen events; however, the CHP has informed managers and supervisors statewide of the requirements for completing timely probationary reports of performance.



Ms. Suzanne Ambrose
Page 2
December 15, 2022

FINDING NO. 3–Equal Employment Opportunity (EEO) Officer’s Duty Statement Does Not Reflect EEO Duties–AGREE

Cause/Response: The duty statement of the EEO Officer did not adequately clarify and/or identify the duties and responsibilities assigned to the EEO Officer. The CHP is currently correcting this finding.

FINDING NO. 4–Unions Were Not Notified of Personal Services Contracts–AGREE

Cause/Response: During the review period, the CHP had 261 personal services contracts in effect. The CHP did not notify unions prior to entering nine of the personal services contracts reviewed. The CHP is aware and understands the requirements of GC Section 19130 to notify the union (unless otherwise exempt) once a contractor is identified for personal services contracts. Human error was the reason for this finding. Since this audit, the CHP notifies the union of any type of personal services contracts, regardless of whether they are a public entity or private contractor.

FINDING NO. 5–Supervisory Training Was Not Provided for All Supervisors, Managers, and Career Executive Assignments–AGREE

Cause/Response: The primary cause of not providing the required supervisory training to the applicable employees was the Coronavirus Disease 2019 (COVID-19) pandemic. In March 2020, a directive was given that all in-person courses were cancelled for safety reasons. As such, supervisory training did not occur for six months, managerial training did not occur for 13 months, and biennial trainings did not occur for 42 months. When returning to in-person trainings in 2021, there were social distancing guidelines in effect that reduced normal course sizes to half the number of attendees. Having attendees scheduled at half the rate developed a training impediment. Below are more specific descriptions for each category of training.

Supervisory

The first Supervisor Development Program (SDP) initially projected to start in May 2020 was cancelled due to the COVID-19 pandemic. In order to provide attendees with mandated leadership training, in partnership with the California Department of Human Resources (CalHR), an online leadership training version of the SDP was developed, and the first class was initiated in November 2020. While some commands were able to adjust and accommodate supervisors attending the online SDP platform, due to staffing shortages and prescheduled vacations, not all supervisors could attend the SDP in a timely manner. Since this audit, many of the supervisors have attended the SDP, albeit later than intended. Additionally, two supervisors have been scheduled to attend in 2023.

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Additionally, during the COVID-19 pandemic, the First-Line Supervisors' Academy (FSA) was temporarily cancelled until June 2021, before returning to the normal schedule of approximately nine sessions a year. This caused a backlog of supervisors attending the FSA.

Managerial

In March 2020, the Middle Management Training Courses (MMTC) were cancelled due to the COVID-19 pandemic. The MMTCs resumed in August 2021. From August 2021 to the present, 121 attendees have completed the course. Aside from a few exceptions, the majority of the employees on the SPB findings documents have completed the course.

Following the cancellation of in-person training in March 2020, the CalHR developed an online version of the Manager Development Program (MDP). Several employees completed this course between June 2020 and June 2021.

Biennial

In March 2018, the CHP identified multiple trainings that would satisfy the 20 hours of leadership training, many of which were in-person training sessions, such as the All Commanders' Training Session (ACTS) and the Commander's Hour Training Series. The ACTS 2019 was held on March 26-28, 2019. As a training that occurs every 18 months, the ACTS 2020 was scheduled for the fall of 2020 but was postponed due to the COVID-19 pandemic, along with two other scheduled dates thereafter. The ACTS 2022 was held September 27-29, 2022, and is currently being prepared for all supervisors and managers throughout the Department.

FINDING NO. 6—Sexual Harassment Prevention Training Was Not Provided for All Employees—AGREE

Cause/Response: The Office Equal Employment Opportunity did not develop a tracking mechanism to ensure all employees, including retired annuitants, intermittent employees, and newly appointed supervisors, received the required sexual harassment prevention training (SHPT). Additionally, due to the COVID-19 pandemic, the Department deployed all eligible staff to telework from home on an emergency basis. The Department lacked the resources to allow employees to connect to the server with a virtual private network, and employees were unable to access the SHPT remotely until October 2021.

FINDING NO. 7—Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment—AGREE

Cause/Response: The CRU found three errors in the CHP's determination of employee compensation. The cause of these incorrect determinations was human error. Two of the three salary determination errors were a result of the calculation not including a general salary increase

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or merit salary adjustment applied within one or two days prior to the appointment date, after the original calculation had been completed. The salaries have now been corrected. The third error was a Special In-grade Salary Adjustment (SISA) transaction not being keyed in a timely manner. The SISA transaction has now been corrected and a retro-pay has been issued to the employee.

FINDING NO. 8—Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines—AGREE

Cause/Response: The CHP's Human Resources Section (HRS) went through a high staff turnover within the last two years, resulting in the unit being short staffed for most of this time. Due to the staffing shortage, there was an increase in human error and the procedures for correctly calculating anniversary dates, and range changes were not consistently accurate. The errors have been corrected.

FINDING NO. 9—Incorrect Authorization of Bilingual Pay—AGREE

Cause/Response: When an employee is certified as bilingual by the CHP, a CHP 22, Bilingual Certification, is completed by the Selections Standards and Examinations Section, and forwarded to the bilingual coordinator in the HRS. A STD. 897, Bilingual Pay Authorization, is then submitted by the command to the HRS. After pay is initiated, both forms are submitted to Personnel Files Services to be housed in the employee's Official Personnel File (OPF). The errors identified in this audit occurred because some forms were not located in the OPFs. The cause of these errors was misrouting and misfiling of the forms. The employees are certified with the CHP as bilingual and are entitled to the bilingual pay; however, the Department is currently working to resubmit the documentation.

FINDING NO. 10—Incorrect Authorization of Pay Differentials—AGREE

Cause/Response: The cause of the two findings was human error, which allowed the pay differential to continue without first obtaining appropriate documentation of a renewal once the certification expired. The correct certificates will be obtained from the command to justify the pay for this timeframe.

FINDING NO. 11—Out of Class Pay Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

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FINDING NO. 12–Positive Paid Employees’ Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 13–Administrative Time Off Was Not Properly Documented–AGREE

Cause/Response: The CHP’s HRS went through a high staff turnover within the last two years which resulted in the procedures for documenting administrative time off (ATO) in the State Controller’s Office Leave Accounting System (LAS) not being performed accurately or in a timely manner. The corrections to LAS will be made.

Additionally, the CHP did not obtain approval from CalHR prior to authorizing ATO for two employees. The CHP’s Office of Internal Affairs (OIA) did not follow an internal procedure in one instance causing a delay in obtaining approval from the CalHR. In the second instance, departmental policy was not followed regarding the internal request for ATO to the CHP’s OIA, which delayed the required ATO request to the CalHR. The CHP is currently reiterating this policy to all managers statewide.

FINDING NO. 14–Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 15–Incorrect Application of State Service and Leave Transactions–AGREE

Cause/Response: The cause of the two findings was human error. Both the state service and accruals have been corrected.

FINDING NO. 16–Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 17–Workers’ Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

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FINDING NO. 18–Performance Appraisals Were Not Provided to All Employees-AGREE

Cause/Response: The CHP has approximately 178 separate offices consisting of headquarters, field Areas, and Divisions which are responsible for completing annual performance appraisals. Of the 155 employees reviewed, 50 of the annual reviews were unable to be located due to staffing shortages and unforeseen events; however, the CHP has informed managers and supervisors statewide of the requirements for completing annual performance appraisals.

We appreciate the opportunity to provide a response to the compliance report. If you have any questions or require further information, please contact Inspector General Roger Ikemoto at (916) 843-3160.

Sincerely,



A. L. RAY
Commissioner

cc: California State Transportation Agency
Office of Assistant Commissioner, Field
Office of Assistant Commissioner, Staff
Administrative Services Division
Personnel and Training Division
Office of Equal Employment Opportunity
Office of Inspector General
Office of Internal Affairs
Business Services Section
Cadet Hiring and Recruitment Section
Human Resources Section
Organizational Development Section
Selection Standards and Examinations Section