

# **COMPLIANCE REVIEW REPORT**

## **CALIFORNIA HIGHWAY PATROL**

Compliance Review Division  
State Personnel Board  
July 25, 2025

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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 Division (CRD) 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 CRD 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 CRD 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	Compliance	Finding
Examinations	Out of Compliance	Candidates Who Did Not Meet the Minimum Qualifications Were Admitted into the Examination
Examinations	Out of Compliance	Equal Employment Opportunity Questionnaires Were Not Separated from Applications
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Out of Compliance	Unlawful Appointments
Appointments	Substantial Compliance	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely
Equal Employment Opportunity	Out of Compliance	Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period
Personal Services Contracts	In Compliance	Personal Services Contracts Complied with Procedural Requirements
Mandated Training	Out of Compliance	Ethics Training Was Not Provided for All Filers
Mandated Training	Out of Compliance	Sexual Harassment Prevention Training Was Not Provided for All Employees

Area	Compliance	Finding
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Incorrect Authorization of Bilingual Pay
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Incorrect Authorization of Out-of-Class Pay
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Out of Compliance	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	Substantial Compliance	Incorrect Application of State Service and Leave Transactions
Policy	In Compliance	Nepotism 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	Out of Compliance	Performance Appraisals Were Not Provided to All Employees

## **BACKGROUND**

The CHP is the largest state law enforcement agency in the nation with approximately 7,500 sworn personnel and 3,500 civilian employees statewide. The Commissioner, who leads the CHP, is appointed by the Governor. As a department within the California State Transportation Agency, the CHP's primary mission is providing safety, service and security to the people of California as they use the state's transportation system.

The CHP currently patrols approximately 380,000 lane miles of roadway throughout California. 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; seeks to curtail organized retail theft through the Organized Retail Crime Task Forces, holds the primary authority for enforcing laws and regulations relating to commercial vehicle safety and the commercial vehicle industry in California; 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 and is the state coordinator for missing persons alerts.

## **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 processes<sup>1</sup>. 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 was selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRD examined the documentation that the CHP provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRD also reviewed the CHP's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

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

A cross-section of the CHP's appointments was selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRD examined the documentation that the CHP provided, which included Notice of Personnel Action (NOPA) forms, Request for Personnel Actions (RPA's), 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.

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 CRD 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 CRD 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 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 (DAC).

The CHP's PSC's were also reviewed.<sup>2</sup> 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 those serving in Career Executive Assignments (CEA) were provided leadership and development training, that all employees were provided sexual harassment prevention training, and that all officials with authority to represent the state in a tribal government-to-government consultation were provided tribal consultations training within statutory timelines.

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<sup>2</sup>If 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.

The CRD 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 CRD 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 CRD reviewed a selection of the CHP employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRD 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 CRD 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 July 15, 2025, an exit conference was held with the CHP to explain and discuss the CRD's initial findings and recommendations. The CRD received and carefully reviewed the CHP's written response on July 21, 2025, 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, August 1, 2024, through January 30, 2025, the CHP conducted 76 examinations. The CRD reviewed 20 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Assistant Chief, CHP	Departmental Promotional	Statement of Qualifications (SOQ) <sup>3</sup>	11/15/2024	35
Automotive Equipment Standards Engineer	Servicewide Open	Training and Experience (T&E) <sup>4</sup>	8/29/2024	1
Automotive Technician I	Servicewide Open	T&E	12/5/2024	9
Automotive Technician III	Departmental Promotional	Education and Experience (E&E) <sup>5</sup>	1/22/2025	4
Commercial Vehicle Inspection Specialist	Servicewide Open	Written <sup>6</sup>	9/19/2024	165

<sup>3</sup> 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.

<sup>4</sup> The Training and Experience examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

<sup>5</sup> 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.

<sup>6</sup> 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.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Graphic Designer III	Servicewide Open	T&E	10/10/2024	6
Maintenance Worker	Servicewide Open	T&E	11/7/2024	18
Motor Carrier Specialist I	Servicewide Open	Written	8/1/2024	109
Motor Carrier Specialist II	Departmental Promotional	Written	8/29/2024	44
Office Services Supervisor I (Typing)	Departmental Promotional	T&E	9/26/2024	75
Printing Trades Supervisor II (General)	Servicewide Open	T&E	10/24/2024	2
Property Controller I	Servicewide Open	T&E	1/1/2025	2
Property Controller II	Servicewide Open	T&E	1/2/2025	2
Property Inspector (Specialist)	Servicewide Open	T&E	8/29/2024	11
Public Safety Dispatch Supervisor II	Departmental Promotional	E&E	11/7/2024	61
Public Safety Dispatcher	Departmental Open	Performance <sup>7</sup>	11/8/2024	338
Public Safety Operator	Departmental Open	Performance	11/8/2024	13
Sheetfed Offset Press Operator III	Servicewide Open	T&E	12/5/2025	6
Telecommunications Facilities Technician I, CHP	Departmental Open	T&E	8/29/2024	2

<sup>7</sup> A Performance examination requires applicants to replicate/simulate job related tasks or duties.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Telecommunications Facilities Technician II, CHP	Departmental Open	T&E	12/19/2024	1

<b>FINDING NO. 1</b>	<b>CANDIDATES WHO DID NOT MEET THE MINIMUM QUALIFICATIONS WERE ADMITTED INTO THE EXAMINATION</b>
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**Summary:** The CHP admitted three candidates into the Maintenance Worker, CHP examination who did not meet minimum qualifications. Specifically, the candidates did not indicate possession of a valid California driver's license on their applications, as required in the exam bulletin.

In addition, the CHP admitted two candidates into the Motor Carrier Specialist I, CHP examination who did not meet the minimum qualifications. Specifically, the candidates lacked the required years of experience as indicated in the minimum qualifications, pattern three.

**Criteria:** According to Human Resources Manual Section 3002, during the examination process and before appointment, information submitted in the application process from all candidates, except those who are on reemployment lists or who have reinstatement rights, must be evaluated for verification of meeting the minimum qualifications of the classification established by the Board.

Additionally, except as otherwise provided by law or regulation, any person who establishes that he or she satisfies the minimum qualifications for any state position, as defined in Government Code section 18522, is eligible, regardless of his or her age, to take any civil service examination given for that position. (Cal. Code Reg., tit. 2, § 171.2.)

**Corrective Action:** Within 90 days of the date of this report, the CHP must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure all candidates meet the minimum qualifications prior to admittance into an examination.

<b>FINDING NO. 2</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY QUESTIONNAIRES WERE NOT SEPARATED FROM APPLICATIONS</b>
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**Summary:** Out of 20 examinations reviewed, 12 examinations included applications where EEO questionnaires were not separated from the STD 678 employment application.

**Criteria:** Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a): for example, a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Applicants for employment in state civil service are asked to voluntarily provide ethnic data about themselves where such data is determined by the CalHR to be necessary to an assessment of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. (Gov. Code, § 19705.) The EEO questionnaire of the state application form (STD 678) states, "This questionnaire will be separated from the application prior to the examination and will not be used in any employment decisions."

**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 future EEO questionnaires are separated from all applications. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

#### Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligibles from lists based on specified criteria. (Gov. Code, § 18935.) Permanent appointments and promotions within the state civil service system shall be merit-based, ascertained by a competitive examination process. (Cal. Const., art. VII, § 1, subd. (b).) If a candidate for appointment is found not to satisfy the minimum qualifications, the appointing power shall provide

written notice to the candidate, specifying which qualification(s) are not satisfied and the reason(s) why. The candidate shall have an opportunity to establish that s/he meets the qualifications. (Cal. Code Regs., tit. 2, § 249.4, subd. (b).) If the candidate fails to respond or fails to establish that s/he meets the minimum qualification(s), the candidate's name shall be removed from the eligibility list. (Cal. Code Regs., tit. 2, § 249.4, subd. (b)(1), (2)), (HR Manual, section 1105.) The appointing authority shall promptly notify the candidate in writing and shall notify the candidate of his or her appeal rights. (*Ibid.*) A permanent withhold does not necessarily permanently restrict a candidate from retaking the examination for the same classification in the future; however, the appointing authority may place a withhold on the candidate's subsequent eligibility record if the candidate still does not meet the minimum qualifications or continues to be unsuitable. (HR Manual, Section 1105). State agency human resources offices are required to maintain specific withhold documentation for a period of five years. (*Ibid.*)

During the period under review, August 1, 2024, through January 30, 2025, the CHP conducted eight permanent withhold actions. The CRD reviewed six of these permanent withhold actions, which are listed below:

Exam Title	Reason Candidate Placed on Withhold	No. of Withholds
Accountant I (Specialist)	Failed to Meet Minimum Qualifications	1
Accounting Officer (Specialist)	Failed to Meet Minimum Qualifications	1
Associate Governmental Program Analyst	Failed to Meet Minimum Qualifications	2
Information Officer I (Specialist)	Failed to Meet Minimum Qualifications	1
Senior Personnel Specialist	Failed to Meet Minimum Qualifications	1

<b>FINDING NO. 3</b>	<b>PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRD found no deficiencies in the permanent withhold actions undertaken by the department 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, February 1, 2024, through July 31, 2024, the CHP made 504 appointments<sup>8</sup>. The CRD reviewed 78 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. Of Appts.
Accountant I (Specialist)	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Associate Budget Analyst	Certification List	Permanent	Full Time	1
Associate Business Management Analyst	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	2
Associate Personnel Analyst	Certification List	Permanent	Full Time	1
Automotive Technician I	Certification List	Permanent	Full Time	1
Automotive Technician II	Certification List	Permanent	Full Time	2
Commercial Vehicle Inspection Specialist	Certification List	Permanent	Full Time	2
Custodian I	Certification List	Permanent	Full Time	1
Digital Print Operator II	Certification List	Permanent	Full Time	1
Electronics Technician	Certification List	Permanent	Full Time	1
Environmental Program Manager I (Supervisory)	Certification List	Permanent	Full Time	1
Information Technology Associate	Certification List	Permanent	Full Time	2
Information Technology Manager I	Certification List	Permanent	Full Time	2
Information Technology Specialist I	Certification List	Permanent	Full Time	2

<sup>8</sup> Uniformed officer appointments were not selected for this review.

Classification	Appointment Type	Tenure	Time Base	No. Of Appts.
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Information Technology Supervisor I	Certification List	Permanent	Full Time	1
Information Technology Supervisor II	Certification List	Permanent	Full Time	2
Information Technology Technician	Certification List	Permanent	Full Time	1
Maintenance Worker, CHP	Certification List	Permanent	Full Time	2
Motor Carrier Specialist I, CHP	Certification List	Permanent	Full Time	2
Motor Carrier Specialist II, CHP	Certification List	Permanent	Full Time	1
Office Assistant (Typing)	Certification List	Permanent	Full Time	2
Office Technician (Typing)	Certification List	Permanent	Full Time	1
Office Technician (Typing) (Limited Examination and Appointment Program)	Certification List	Limited Term	Full Time	1
Personnel Specialist	Certification List	Permanent	Full Time	1
Personnel Supervisor I	Certification List	Permanent	Full Time	2
Program Technician	Certification List	Permanent	Full Time	2
Program Technician II	Certification List	Permanent	Full Time	2
Public Safety Dispatch Supervisor I, CHP	Certification List	Permanent	Full Time	2
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	4
Public Safety Operator, CHP	Certification List	Permanent	Full Time	1
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	2
Staff Services Manager I	Certification List	Permanent	Full Time	2
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	2
Staff Services Manager III	Certification List	Permanent	Full Time	1
Telecommunications Facilities Technician II, CHP	Certification List	Permanent	Full Time	1
Associate Management Auditor	Permissive Reinstatement	Permanent	Full Time	1
Commercial Vehicle Inspection Specialist	Permissive Reinstatement	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. Of Appts.
Electronics Technician	Permissive Reinstatement	Permanent	Full Time	1
Information Technology Specialist I	Permissive Reinstatement	Permanent	Full Time	1
Inspector of Automotive Equipment	Permissive Reinstatement	Permanent	Full Time	1
Maintenance Worker, CHP	Permissive Reinstatement	Permanent	Full Time	1
Associate Governmental Program Analyst	Training & Development	Permanent	Full Time	1
Parole Service Associate	Training & Development	Permanent	Full Time	1
Staff Services Manager I	Training & Development	Permanent	Full Time	1
Associate Personnel Analyst	Transfer	Permanent	Full Time	1
Audio-Visual Specialist (Technical)	Transfer	Permanent	Full Time	1
Office Technician (Typing)	Transfer	Permanent	Full Time	1
Program Technician II	Transfer	Permanent	Full Time	2
Public Safety Dispatch Supervisor I, CHP	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	Transfer	Permanent	Full Time	1

<b>FINDING NO. 4</b>	<b>UNLAWFUL APPOINTMENTS</b>
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**Summary:** The CRD found two unlawful appointments during the course of its regular review.

The CHP made one appointment utilizing the certification list for the Office Technician (Typing) classification. The hired candidate did not meet the minimum qualifications for the classification at the time of examination.

The CHP made one appointment utilizing the certification list for the Senior Accounting Officer (Specialist) classification. The hired



candidate did not meet the minimum qualifications for the classification at the time of examination.

In both cases, the appointments will stand as more than one year has elapsed and the candidates accepted the job offers in good faith.

**Criteria:** Pursuant to Government Code section 18931, subdivision (a), the Board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position. In accordance with California Code of Regulations, title 2, section 249.4, appointing powers shall verify that the candidate satisfies the minimum qualifications of the classification before the candidate is appointed.

**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 that the department will improve its hiring practices. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>FINDING NO. 5</b>	<b>PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY<sup>9</sup></b>
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**Summary:** The CHP did not provide 1 probationary report of performance for 1 of the 78 appointments reviewed by the CRD. In addition, the CHP did not provide 3 probationary reports of performance in a timely manner.

**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

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<sup>9</sup> Repeat finding; see reports dated December 23, 2022, November 5, 2019, and August 26, 2015.

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).)

**Corrective Action:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

### **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).)

<b>FINDING NO. 6</b>	<b>COMPLAINANTS WERE NOT NOTIFIED OF THE REASONS FOR DELAYS IN DECISIONS WITHIN THE PRESCRIBED TIME PERIOD</b>
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**Summary:** The CHP provided evidence that six discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period of March 1, 2024, through February 28, 2025. One of the six complaint investigations exceeded 90 days, and the CHP failed to provide written communication to the complainant regarding the status of the complaint.

**Criteria:** The appointing power must issue a written decision to the complainant within 90 days of the complaint being filed. (Cal. Code Regs., tit. 2, § 64.4, subd. (a).) If the appointing power is unable to issue its decision within the prescribed time period, the appointing power must inform the complainant in writing of the reasons for the delay. (*Ibid.*)

**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 the requirements of California Code of Regulations, title 2, section 64.4, subdivision (a). 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, August 1, 2024, through January 30, 2025, the CHP had 269 PSC's that were in effect. The CRD reviewed 30 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
A&J Janitorial	Snow Removal Services	\$49,500	Yes	Yes
ACCO Engineered Systems	HVAC Maintenance and Repair Service	\$36,900	Yes	Yes
Advantage Total Protection Inc.	Alarm Monitoring	\$8,700	Yes	Yes
Air Rescue Systems Corp.	Training Services	\$50,000	Yes	Yes
Allied Heating & Air Conditioning Co., Inc.	HVAC Maintenance and Repair Service	\$17,534	Yes	Yes
American Towing, L.L.C.	Towing and/or Storage of Evidence	\$195,000	Yes	Yes
Armida Saelee dba Miry's Cleaning Services	Janitorial Services	\$23,717	Yes	Yes
Ata Towing LLC	Towing and/or Storage of Evidence	\$300,000	Yes	Yes
Atlas Towing Services, Inc.	Towing and/or Storage of Evidence	\$675,000	Yes	Yes
ATLE Corporation dba AireServ of Campbell and Saratoga	HVAC Maintenance and Repair Service	\$40,968	Yes	Yes
Autolift Services, Inc.	Vehicle Hoist Maintenance	\$9,300	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Cascade, Inc., dba Cascade Contracting Company	Roof Maintenance	\$24,990	Yes	Yes
Dean Gazzo Roistacher LLP	Legal Services	\$525,000	Yes	Yes
DFC Inc. dba Advanced Helicopter Services	Helicopter Maintenance and Repair	\$46,874,000	Yes	Yes
Expanded Apps, Inc.	Media Services	\$320,000	Yes	Yes
Focus Language International Inc.	Interpreter Services	\$10,278,000	Yes	Yes
Hunters Services Inc	Pest Control Services	\$21,600	Yes	Yes
Miller Cleaning Services	Janitorial Services	\$48,052	Yes	Yes
Northwestern University	Training Services	\$23,900	Yes	Yes
Occupational Services, Inc.	Radiological Monitoring Services	\$27,042	Yes	Yes
Power Solutions	Generator Maintenance and Repair	\$38,999,480	Yes	Yes
Raymond Handling Concepts Corp.	Materials Handling Equipment Maintenance and Repair	\$2,400,000	Yes	Yes
Shred City, LLC.	Document Shredding	\$15,600	Yes	Yes
Siemens Industry, Inc.	Fire Sprinkler Maintenance and Repair Services	\$188,750	Yes	Yes
Spotting Lies, Inc.	Training Services	\$11,900	Yes	Yes
Stacy E. Don - Law Office of Stacy E. Don	Legal Services	\$200,000	Yes	Yes
United Site Services of California, Inc.	Portable Chemical Toilets Services	\$445,325	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Vestis Group Inc	Shop Clothing and Linen Services	\$30,000	Yes	Yes
Welcome's Auto Body and Towing	Towing and/or Storage of Evidence	\$50,000	Yes	Yes
Westscapes, Inc.	Landscaping Services	\$49,500	Yes	Yes

<b>FINDING NO. 7</b>	<b>PERSONAL SERVICES CONTRACTS COMPLIED WITH PROCEDURAL REQUIREMENTS</b>
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The total dollar amount of all the PSC's reviewed was \$101,939,758. It was beyond the scope of the review to make conclusions as to whether CHP justifications for the contract were legally sufficient. For all PSC's reviewed, the CHP provided specific and detailed factual information in the written justifications as to how each of the contracts met at least one condition set forth in Government Code section 19130, subdivision (b). Additionally, CHP complied with proper notification to all organizations that represent state employees who perform or could perform the type or work contracted as required by California Code of Regulations section 547.60.2. Accordingly, the CHP PSC's complied with civil service laws and board rules.

### **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.*)

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 Legislature encourages the state and its agencies to consult on a government-to-government basis with federally recognized tribes and with nonfederally recognized tribes and tribal organizations in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, programs, and projects that have tribal implications. (Gov. Code, § 11019.81, sub. (c).) Each official specified in Government Code section 11019.81 subdivision (f)<sup>10</sup> shall complete tribal consultations training by January 1, 2025, or, for officials appointed after that date, within six months of their appointment or confirmation of appointment, whichever is later. (Gov. Code, § 11019.81, sub. (h).) Each official shall retake the training annually. (*Ibid.*)

The Board may conduct reviews of any appointing power's personnel practices to ensure compliance with civil service laws and Board regulations. (Gov. Code, § 18661, subd. (a).) In particular, the Board may audit personnel practices related to such matters as selection and examination procedures, appointments, promotions, the management of probationary periods, and any other area related to the operation of the merit principle in state civil service. (*Ibid.*) Accordingly, the CRD reviews documents and records related to

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<sup>10</sup> Within the executive branch, the following officials have authority to represent the state in a tribal government-to-government consultation: the governor, the attorney general, each constitutional officer and statewide elected official, the director of each state agency and department, the chair and executive officer of each state commission and task force, and the chief counsel of any state agency. (Gov. Code, § 11019.81, sub. (f) (1).) Each authorized official may formally designate another agency official to conduct preliminary tribal consultations, and each designated official may have the authority to act on behalf of the state during a government-to-government consultation. (Gov. Code, § 11019.81, sub. (f) (2).)

training that appointing powers are required by the afore-cited laws to provide its employees.

The CRD reviewed the CHP's mandated training program that was in effect during the compliance review period, February 1, 2023, through January 30, 2025. The CHP's supervisory and tribal consultations training were found to be in compliance, while the CHP's ethics and sexual harassment prevention training were found to be out of compliance.

<b>FINDING NO. 8</b>	<b>ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS</b>
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**Summary:** The CHP did not provide ethics training to 45 of 351 existing filers. In addition, the CHP did not provide ethics training to 47 of 90 new filers within 6 months of their appointment.

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

**Corrective Action:** Within 90 days 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 Government Code section 11146.3. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>FINDING NO. 9</b>	<b>SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES<sup>11</sup></b>
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**Summary:** The CHP did not provide sexual harassment prevention training to 84 of 249 new supervisors within 6 months of their appointment. In addition, the CHP did not provide sexual harassment prevention training to 38 of 1,755 existing supervisors every 2 years. Finally, the CHP did not provide sexual harassment prevention training to 16 of 201 existing non-supervisors every 2 years.

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<sup>11</sup> Repeat finding; see reports dated December 23, 2022, and November 5, 2019.



**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.)

**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 rate<sup>12</sup> 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, February 1, 2024, through July 31, 2024, the CHP made 504 appointments<sup>13</sup>. The CRD reviewed 35 of those appointments to determine if the CHP applied salary regulations accurately and correctly processed employees' compensation.

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<sup>12</sup> "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).

<sup>13</sup> Uniformed officer appointments were not selected for this review.

<b>FINDING NO. 10</b>	<b>SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRD found no deficiencies in the salary determinations that were reviewed. The CHP appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

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, February 1, 2024, through July 31, 2024, the CHP employees made 51 alternate range movements within a classification. The CRD reviewed 20 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	Salary (Monthly Rate)
Associate Personnel Analyst	A	L	\$7,267
Business Service Assistant (Specialist)	B	C	\$4,177
Commercial Vehicle Inspection Specialist	A	B	\$4,526
Commercial Vehicle Inspection Specialist	A	B	\$4,526
Information Technology Associate	A	B	\$5,653
Information Technology Associate	B	C	\$5,918
Information Technology Specialist I	A	B	\$7,106

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Information Technology Specialist I	B	C	\$8,258
Information Technology Specialist I	B	C	\$9,500
Information Technology Specialist I	A	B	\$8,639
Office Assistant (General)	A	B	\$3,389
Office Assistant (Typing)	A	B	\$3,401
Office Services Supervisor I (Typing)	A	S	\$4,082
Office Services Supervisor I (Typing)	A	S	\$4,610
Personnel Specialist	A	B	\$4,366
Personnel Specialist	A	B	\$4,366
Personnel Specialist	B	C	\$4,887
Staff Services Analyst	B	C	\$5,335
Staff Services Analyst	A	B	\$4,528
Staff Services Analyst	B	C	\$5,180

<b>FINDING NO. 11</b>	<b>ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES<sup>14</sup></b>
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**Summary:** The CRD found 5 errors in the 20 alternate range movements reviewed.

Classification	Description of Findings	Criteria
Associate Personnel Analyst	Employee did not receive an accelerated merit salary adjustment (MSA) resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.583, subd. (b)
Information Technology Associate	Incorrect anniversary date determined resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.583, subd. (a)
Information Technology Associate	Employee did not meet alternate range criteria resulting in the employee being overcompensated.	Alternate Range Criteria 483

<sup>14</sup> Repeat finding; see reports dated December 23, 2022, and November 5, 2019.

Classification	Description of Findings	Criteria
Information Technology Specialist I <b>(2 Positions)</b>	Employees did not meet alternate range criteria resulting in the employees being overcompensated.	Alternate Range Criteria 484

**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.)

**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, February 1, 2024, through July 31, 2024, the CHP issued bilingual pay to 253 employees. The CRD reviewed 25 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	No. of Appts.
Commercial Vehicle Inspection Specialist	4
Motor Carrier Specialist I, CHP	6
Office Assistant (Typing)	3
Office Services Supervisor I (Typing)	2
Office Technician (Typing)	2
Public Safety Dispatch Supervisor II, CHP	1
Public Safety Dispatcher, CHP	5
School Pupil Transportation Safety Coordinator	1
Staff Services Analyst	1

<b>FINDING NO. 12</b>	<b>INCORRECT AUTHORIZATION OF BILINGUAL PAY<sup>15</sup></b>
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**Summary:** The CRD found 6 errors in the 25 bilingual pay authorizations reviewed.

Classification	Description of Findings	Criteria
Commercial Vehicle Inspection Specialist	Department failed to provide certification that the employee's duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Office Assistant (Typing)	Department failed to provide certification that the employee's duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Office Services Supervisor I (Typing)	Department failed to provide certification that the employee's duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14

<sup>15</sup> Repeat finding; see report dated December 23, 2022.

Classification	Description of Findings	Criteria
Office Services Supervisor I (Typing)	<p>Department failed to provide supporting documentation that the employee has been tested and certified bilingual.</p> <p>Department failed to provide certification that the employee's duties required use of bilingual skills for at least 10% of their time.</p>	Government Code section 7296 & Pay Differential 14
Office Technician (Typing)	Department failed to provide certification that the employee's duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
School Pupil Transportation Safety Coordinator	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14

**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.)

**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, February 1, 2024, through July 31, 2024, the CHP authorized over 8,000 pay differentials<sup>16</sup>. The CRD reviewed 25 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Assistant Chief, CHP	112	\$130
Associate Governmental Program Analyst	441	\$250
Automobile Mechanic	262	\$150
Automotive Technician II	235	5%
Automotive Technician II	262	\$150
Automotive Technician II	409	5%
Chief, CHP	112	\$130
Commercial Vehicle Inspection Specialist	409	5%
Custodian I	441	\$250
Maintenance Worker, CHP	409	5%
Motor Carrier Specialist I, CHP	245	3%
Motor Carrier Specialist II, CHP	245	3%

<sup>16</sup> For the purposes of CRD's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
Motorcycle Mechanic	262	\$150
Office Assistant (Typing)	441	\$250
Office Services Supervisor I (Typing) (2 Positions)	441	\$250
Public Safety Dispatch Supervisor I, CHP	205	\$300
Public Safety Dispatch Supervisor II, CHP	205	\$300
Public Safety Dispatch Supervisor II, CHP	205	\$750
Public Safety Dispatcher, CHP	205	\$300
Public Safety Dispatcher, CHP	205	\$750
Staff Services Analyst	441	\$250
Stationary Engineer	233	\$100
Stationary Engineer	435	\$100
Telecommunications Facilities Technician II, CHP	33	5%

<b>FINDING NO. 13</b>	<b>PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRD found no deficiencies in the pay differentials that the CHP authorized during the compliance review period. Pay differentials were issued correctly in recognition of unusual competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

#### Out-of-Class Assignments and Pay

For excluded<sup>17</sup> 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-

<sup>17</sup> “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.



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, February 1, 2024, through July 31, 2024, the CHP issued OOC pay to five employees. The CRD reviewed all of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Office Assistant (Typing)	R04	Office Technician (Typing)	3/25/24-7/24/24
Staff Services Analyst	R01	Associate Governmental Program Analyst	6/24/24-7/31/24
Staff Services Analyst	R01	Associate Personnel Analyst	3/1/24-6/1/24
Staff Services Analyst	R01	Associate Personnel Analyst	3/1/24-3/31/24
Staff Services Analyst	R01	Associate Personnel Analyst	3/1/24-6/28/24

<b>FINDING NO. 14</b>	<b>INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY</b>
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**Summary:** The CRD found two errors in the five OOC pay assignments reviewed:

Classification	Out-of-Class Classification	Description of Findings	Criteria
Office Assistant (Typing)	Office Technician (Typing)	OOC exceeded the 120-day limitation. In addition, incorrect OOC rate calculated resulting in the employee being undercompensated.	Pay Differential 91
Staff Services Analyst	Associate Personnel Analyst	Incorrect OOC rate calculated resulting in the employee being overcompensated.	Pay Differential 91

**Criteria:** An employee may be temporarily required to perform out-of-class work by his/her department for up to one hundred twenty (120) calendar days in any twelve (12) consecutive calendar months when it determines that such an assignment is of unusual urgency, nature, volume, location, duration, or other special characteristics; and, cannot feasibly be met through use of other civil service or administrative alternatives. Departments may not use out-of-class assignments to avoid giving civil service examinations or to avoid using existing eligibility lists created as the result of a civil service examination.

**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 California Code of Regulations, title 2, section 599.810 and Pay Differential 91. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## **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 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 the working days of a month. When counting 189 days, every day worked, including partial days<sup>18</sup> worked and paid absences<sup>19</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are 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

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<sup>18</sup> For example, two hours or ten hours count as one day.

<sup>19</sup> For example, vacation, sick leave, compensating time off, etc.

month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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 118 positive paid employees whose hours were tracked. The CRD reviewed 25 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	915.5 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	960 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	881.5 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	956.5 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	957 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	900 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	959.25 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	955 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	957 Hours

Classification	Tenure	Time Frame	Time Worked
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	960 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	874 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	960 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	960 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	958 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	930 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	854 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	886 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	903.75 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	913 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	856 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	960 Hours
Automotive Technician II	Retired Annuitant	7/1/23-6/30/24	944 Hours
Property Controller II	Retired Annuitant	7/1/23-6/30/24	954.25 Hours
Training Officer I	Retired Annuitant	7/1/23-6/30/24	900 Hours
Student Assistant	Temporary	12/1/24-12/1/25	367 Hours

<b>FINDING NO. 15</b>	<b>POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD 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, November 1, 2023, through October 31, 2024, the CHP authorized 43 ATO transactions. The CRD reviewed 25 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines.

<b>FINDING NO. 16</b>	<b>ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED<sup>20</sup></b>
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**Summary:** The CHP did not grant ATO in conformity with the established policies and procedures. Specifically, the CHP did not obtain approval from CalHR at least five working days prior to the expiration date of the approved leave for seven 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.*)

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<sup>20</sup> Repeat finding; see report dated December 23, 2022.

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.*)

**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 Accounting

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, July 31, 2024, through October 30, 2024, the CHP reported 348 units. The CRD reviewed 30 units within 3 pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

<b>FINDING NO. 17</b>	<b>LEAVE ACCOUNTING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD reviewed leave records from three different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRD found no deficiencies. The CHP 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 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.<sup>21</sup> (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 employees<sup>22</sup> 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, August 1, 2024, through January 30, 2025, the CHP had 28 employees with qualifying and non-qualifying pay period transactions. The CRD

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<sup>21</sup> 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.

<sup>22</sup> 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 23 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

<b>FINDING NO. 18</b>	<b>INCORRECT APPLICATION OF STATE SERVICE AND LEAVE TRANSACTIONS<sup>23</sup></b>
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**Summary:** The CRD found the following errors in the CHP's state service transactions.

Type of Transaction	Time base	State Service Incorrectly Posted	Leave Accruals Incorrectly Posted
Non-Qualifying Pay Period	Full Time	1	1
Qualifying Pay Period	Full Time	0	1

**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.*)

**Corrective Action:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

<sup>23</sup> Repeat finding; see reports dated December 23, 2022, and November 5, 2019.



## **Policy and Processes**

### **Nepotism**

It is the policy of the State of California to hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (Cal. Code Regs., tit. 2, § 87.) (*Ibid.*) All appointing powers shall adopt an anti-nepotism policy that includes the following components: (1) a statement that the appointing power is committed to merit-based hiring and that nepotism is antithetical to a merit-based civil service system; (2) a definition of "nepotism" as an employee's use of influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship; (3) a definition of "personal relationship" as persons related by blood, adoption, current or former marriage, domestic partnership or cohabitation; (4) a statement that prohibits participation in the selection of an applicant for employment by anyone who has a personal relationship with the applicant, as defined in section 83.6; (5) a statement that prohibits the direct or first-line supervision of an employee with whom the supervisor has a personal relationship, as defined in section 83.6; (6) a process for addressing issues of direct supervision when personal relationships between employees exist. (*Ibid.*)

<b>FINDING NO. 19</b>	<b>NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD 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.*)

<b>FINDING NO. 20</b>	<b>WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD 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 CRD 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 CRD selected 59 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.

<b>FINDING NO. 21</b>	<b>PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES<sup>24</sup></b>
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<sup>24</sup> Repeat finding; see reports dated December 23, 2022, and November 5, 2019.

**Summary:** The CHP did not provide annual performance appraisals to 12 of 59 employees reviewed after the completion of the employee's probationary period.

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

**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 on the CHP's written response, the department will comply with the corrective actions specified in the report findings. The causes of each finding are detailed in the departmental response attached at the end of this report. Within 90 days of the date of this report, a written corrective action response, including documentation demonstrating implementation of the specified corrective actions, must be submitted to the CRD.



**CALIFORNIA  
HIGHWAY PATROL**

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CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

July 18, 2025

File No.: 001.15584.A13568.036.Audit.036-2025-07011

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—Candidates Who Did Not Meet the Minimum Qualifications Were Admitted into the Examination - AGREE**

**Cause/Response:** Three candidates were admitted into the Maintenance Worker, CHP, examination despite not indicating possession of a valid California driver's license on their STD. 678, Examination Application/Employment Application, as stated as a requirement on the bulletin under Pattern III. The verbiage was added to the bulletin by the CHP in error. The CHP is aware a California driver's license is required prior to appointment and not prior to an examination. Since the audit, the bulletin was removed from the CalCareers website, and the associated eligibility list was abolished on June 30, 2025. A new examination was developed, and the bulletin announcement was corrected to state, "Applicants who do not possess this license will be admitted to the examination but must secure the license prior to appointment."

Additionally, two candidates were admitted into the Motor Carrier Specialist I, CHP, examination despite lacking the required years of experience as indicated under Pattern III. The CHP is aware a 511B, Minimum Qualifications Determination Tool,

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CHP 49 (Rev 4 - 25) OPI 003

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can be used to assist in evaluating the minimum qualifications (MQ) but cannot be used to redefine the MQs. The CHP is also aware a candidate must clearly state they are working at the level specified on the classification specification to meet MQs. Since the audit, the 511B will only be used as a guide and candidates must meet the MQs as stated on the classification specification. Additionally, if the candidate's STD. 678 does not clearly indicate a specific level of experience; the CHP will contact the employer listed on the STD. 678 to verify a candidate's level of work and/or will send a rejection notice to the candidate to obtain additional information.

### **Finding No. 2–Equal Employment Opportunity Questionnaires Were Not Separated from Applications - AGREE**

**Cause/Response:** The CHP is aware the Equal Employment Opportunity (EEO) questionnaires must be separated from the STD. 678 prior to the examination and will not be used in any employment decisions. However, 12 of the 20 examinations had EEO questionnaires included in their applications. Since the audit, the California Department of Human Resources has removed the EEO questionnaire from the applications submitted electronically through CalCareers. Additionally, the CHP will review all STD. 678s received and remove the EEO questionnaire, if present.

### **Finding No. 3–Permanent Withhold Actions Complied with Civil Service Laws and Board Rules**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.

### **Finding No. 4–Unlawful Appointments - AGREE**

**Cause/Response:** The CHP made one appointment utilizing the certification list for the Office Technician (Typing) classification. The hired candidate did not meet the MQs for the classification at the time of the examination. Additionally, the CHP made one appointment utilizing the certification list for the Senior Accounting Officer (Specialist) classification. The hired candidate did not meet the MQs for the classification at the time of the examination.

In both cases, the appointments will stand as more than one year has elapsed and the candidates accepted the job offers in good faith. The CHP is aware and understands the requirement for California Code of Regulations, Title 2, Section 249.4 to verify the candidate satisfies the MQs of the classification before the



candidate is appointed. The CHP has emphasized the importance of calculating the applicant's experience appropriately when verifying the MQs of the selected candidate and has established procedures to assist in calculating experience to ensure the candidates meet the MQs of the classification.

**Finding No. 5–Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely**

**Cause/Response:** No response is needed since the CHP was found to be at least 90 percent compliant.

**Finding No. 6–Complainants Were Not Notified of The Reasons for Delays in Decisions Within the Prescribed Time Period - AGREE**

**Cause/Response:** One of six complaint investigations exceeded 90 days, and the CHP did not provide written communication to the complainant regarding the status of the complaint. The CHP is aware and understands the requirements of California Code of Regulations, Title 2, Subsection 64.4, Subdivision (a) requirement to issue a written decision to the complainant within 90 days of an EEO complaint being filed and if unable to do so, the complainant must be informed in writing of the reasons for the delay. Since the audit, the CHP has implemented a tracking system to ensure notification(s) are sent within the 90-day requirement.

**Finding No. 7–Personal Services Contracts Complied with Procedural Requirements**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.

**Finding No. 8–Ethics Training Was Not Provided for All Filers - AGREE**

**Cause/Response:** The CHP acknowledges the ethics training was not provided to 45 of 351 existing filers as well as 47 of 90 new filers within 6 months of their appointment. In 2021, the CHP underwent reorganization, placing the uniformed hiring under the same command responsible for the nonuniformed hiring. During this transition, the manager who oversaw the Conflict-of-Interest (COI) program was reassigned as the manager for the uniformed hiring. Due to this transition and prolonged staffing shortages, the COI program became out of compliance. Since then, the manager originally responsible for the COI program promoted and assumed responsibility for bringing the COI program back into compliance. In 2024, following an internal audit of training certificates, all non-compliant filers were

informed that they were required to complete the training. As of July 2025, all filers are current with their ethics training and a structured tracking system to monitor compliance for all designated COI filers has been set in place.

#### **Finding No. 9–Sexual Harassment Prevention Training Was Not Provided for All Employees - AGREE**

**Cause/Response:** The CHP acknowledges that Sexual Harassment Prevention Training was not provided for all employees, as required. The CHP's previous corrective actions were not fully developed related to follow-up procedures to ensure new supervisors received sexual harassment prevention training within 6 months of their appointment. Additionally, to achieve full compliance, annual audits should have occurred more frequently to ensure existing supervisors and non-supervisors received sexual harassment prevention training every two years. The CHP has implemented monthly audits to ensure future compliance.

#### **Finding No. 10–Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.

#### **Finding No. 11–Alternate Range Movements Did Not Comply with Civil Service Laws, Rules, and CalHR Policies and Guidelines - AGREE**

**Cause/Response:** Errors were caused by a misinterpretation of the alternate range criteria and incorrect anniversary dates. To correct this error, the Selections Standards and Examinations Section will determine when a range change is due at the time of appointment, taking into consideration prior experience and education. This information will be logged and tracked by the Human Resources Section (HRS), to process range changes at the appropriate time. The HRS supervisors will review and approve all appointment documents for correct range change and anniversary dates.

#### **Finding No. 12–Incorrect Authorization of Bilingual Pay - AGREE**

**Cause/Response:** The CHP did not maintain documents required for Pay Differential 14, Bilingual Differential Pay. To correct this error, all non-uniformed employees (excluding BU 7 in bilingual commands) requesting bilingual pay will complete an Oral Fluency Examination, STD 897, Bilingual Pay Authorization, including page 2,



and a CHP 9, Daily Bilingual Usage Audit form. The STD 897 and CHP 9 forms will be electronically stored in two separate locations within the HRS to ensure availability when requested.

**Finding No. 13–Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.

**Finding No. 14–Incorrect Authorization of Out-Of-Class Pay - AGREE**

**Cause/Response:** The CHP incorrectly calculated the rates and number of days paid for two of five out-of-class pay assignments reviewed. The HRS has created a Microsoft Excel calculator to determine accurate pay rates and the maximum allowable payment days. The calculator sheets will be reviewed and approved by a supervisor prior to issuing pay.

**Finding No. 15–Positive Paid Employees’ Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.

**Finding No. 16–Administrative Time Off Was Not Properly Documented - AGREE**

**Cause/Response:** The CHP is aware of the requirement to request ATO extensions at least five working days prior to the expiration date of the approved leave. The CHP has implemented a new suspense system to ensure all extension requests are sent five working days prior to the expiration date of the current ATO.

**Finding No. 17–Leave Accounting Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.



### **Finding No. 18–Incorrect Application of State Service and Leave Transactions**

**Cause/Response:** No response is needed since the CHP was found to be at least 90 percent compliant.

### **Finding No. 19–Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.

### **Finding No. 20–Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause/Response:** No response is needed since the CHP was found to be in compliance.

### **Finding No. 21–Performance Appraisals Were Not Provided to All Employees - AGREE**

**Cause/Response:** The CHP acknowledges this finding and is aware that as an appointing power, the CHP is responsible for preparing performance reports and keeping them on file per Government Code § 19992.2. The CHP acknowledges and is aware that each supervisor, as designated by the CHP, shall make an appraisal in writing and discuss said appraisal with employees concerning their overall performance at least once in the 12 calendar-month period following the end of each employee's probationary period per California Code of Regulations, Title 2, § 599.798. The CHP has introduced a Microsoft Excel tracking resource for commands to utilize, to ensure supervisors and commanders are aware of appraisal due dates to ensure completion. Furthermore, the CHP, in proactive measure, has provided accountability measures such as requiring quarterly memorandums be completed, documenting a command's compliance, partial compliance, or noncompliance concerning annual appraisal completion for each Chief's review and discretionary authority to implement corrective measures for commands out of compliance. Additionally, the CHP is in process of amending policy to include a single method of submission to an electronic e-mail inbox, ensuring a fast and trackable means of appraisal submissions.

July 18, 2025

We appreciate the opportunity to provide a response to the compliance report. If you have any questions or require further information, please contact Chief Mike Alvarez at (916) 291-3456.

Sincerely,

  
S. A. DURYEE for/  
Commissioner

cc: California State Transportation Agency  
Office of Assistant Commissioner, Staff  
Office of Assistant Commissioner, Field  
Departmental Affairs Division

