

COMPLIANCE REVIEW REPORT

DELTA STEWARDSHIP COUNCIL

Compliance Review Unit
State Personnel Board
April 21, 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 Delta Stewardship Council (DSC) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Appointments	In Compliance	Appointments Complied with Civil Service Laws and Board Rules
Equal Employment Opportunity	Very Serious	A Disability Advisory Committee Has Not Been Actively Maintained ¹
Personal Services Contracts	Substantial Compliance	Unions Were Not Notified of Personal Services Contracts ²
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ³
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ⁴

¹ Repeat finding. The DSC's November 7, 2022, compliance review report identified the department's DAC had not been actively maintained. The DSC's January 17, 2020, compliance review report identified the department's DAC had not been actively maintained.

² Repeat finding. The DSC's November 7, 2022, compliance review report identified that unions were not notified prior to entering 4 of 27 PSC's reviewed.

³ Repeat finding. The DSC's November 7, 2022, compliance review report identified that the DSC did not provide ethics training to 4 of 9 existing filers and 1 of 2 new filers. The DSC's January 17, 2020, compliance review report identified that the DSC did not provide ethics training to 3 of 11 existing filers and 2 of 4 new filers.

⁴ Repeat finding. The DSC's November 7, 2022, compliance review report identified that the DSC did not provide sexual harassment prevention training to 2 of 2 new supervisors, 6 of 24 existing supervisors, 6 of 6 new non-supervisors, and 9 of 30 existing non-supervisors. The DSC's January 17, 2020, compliance review report identified that the DSC did not provide sexual harassment prevention training to 2 of 4 new supervisors and 1 of 11 existing supervisors.

Area	Severity	Finding
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
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	In Compliance	Performance Appraisal Policy and Processes Complied with Civil Service Laws and Regulations and CalHR Policies and Guidelines

BACKGROUND

The Delta Reform Act of 2009 created the DSC. The mission of the DSC is to achieve the co-equal goals of providing a more reliable water supply for California while protecting, restoring, and enhancing the Delta ecosystem in keeping with the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

To carry out its mission, the DSC developed the Delta Plan, which is an enforceable, long-term, sustainable management plan for the Delta to ensure coordinated action at the federal, state, and local levels. The DSC is a steward, bringing together representatives

of the Delta's diverse interests to collaboratively and inclusively develop science-based equitable solutions to achieve the coequal goals.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the DSC's appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes⁵. The primary objective of the review was to determine if the DSC's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

The DSC did not conduct any examinations or permanent withhold actions during the compliance review period.

A cross-section of the DSC'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 DSC 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 DSC did not conduct any unlawful appointment investigations during the compliance review period.

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

The review of the DSC's EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal

⁵ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

discrimination complaint process; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC).

The DSC's PSC's were also reviewed.⁶ It was beyond the scope of the compliance review to make conclusions as to whether the DSC's justifications for the contracts were legally sufficient. The review was limited to whether the DSC's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The DSC'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.

The CRD reviewed the DSC'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 DSC's units in order to ensure they maintained accurate and timely leave accounting records. Additionally, the CRD reviewed a selection of DSC positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements. During the compliance review period, the DSC did not have any employees with non-qualifying pay period transactions, and did not authorize Administrative Time Off (ATO).

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

The CRD received and carefully reviewed the DSC's written response on April 10, 2025, which is attached to this final compliance review report.

⁶ 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.

FINDINGS AND RECOMMENDATIONS

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, October 1, 2023, through September 30, 2024, the DSC made eight appointments. The CRD reviewed five of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Associate Personnel Analyst	Certification List	Permanent	Full Time	1
Environmental Program Manager I (Supervisory)	Certification List	Permanent	Full Time	1
Environmental Scientist	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Transfer	Permanent	Full Time	1

IN COMPLIANCE	FINDING No. 1 APPOINTMENTS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The DSC measured each applicant's ability to perform the duties of the job by conducting hiring interviews and selecting the best-suited candidates. For each of the four list appointments reviewed, the DSC ordered a certification list of candidates ranked competitively. After properly clearing the certification lists including SROA, the selected candidates were appointed based on eligibility attained by being reachable within the first three ranks of the certification lists.

The CRD reviewed one DSC appointment made via transfer. A transfer of an employee from a position under one appointing power to a position under another appointing power may be made if the transfer is to a position in the same class or in another class with substantially the same salary range and designated as appropriate by the executive officer. (Cal. Code Regs., tit. 2, § 425.) The DSC verified the eligibility of the candidate to their appointed class.

The CRD found no deficiencies in the appointments that the DSC initiated during the compliance review period. Accordingly, the CRD found that the DSC's appointments processes and procedures utilized during the compliance review period satisfied civil service laws and Board rules.

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).)

Pursuant to Government Code section 19795, subdivision (a), in a state agency with less than 500 employees, like the DSC, the EEO Officer may be the Personnel Officer.

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

SEVERITY: VERY SERIOUS	FINDING No. 2 A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ACTIVELY MAINTAINED
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Summary: The DSC does not have an active DAC. This is the third consecutive time this has been a finding for the DSC.

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

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

Cause: The DSC states that they established an active DAC in 2021; however, due to its' small size and DAC leadership turnover, the DAC dissolved. The DSC attempted to recruit for a new DAC in 2023 and 2024 but were unsuccessful.

Corrective Action: The DSC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the DSC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure the establishment of a DAC, comprised of members who have disabilities or who have an interest in disability issues. Copies of relevant documentation demonstrating

that the corrective action has been implemented, including the new DAC roster, agenda, and meeting minutes, 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, January 1, 2024, through December 31, 2024, the DSC had 23 PSC's that were in effect. The CRD reviewed 12 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
AGP Video, Inc.	Webcasting Services	\$249,999	Yes	Yes
Association of Bay Area Governments	Science Partnership to Support the San Francisco Estuary	\$728,757	Yes	Yes
California Reporting LLC	Court Reporting Services	\$10,000	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Cramer Fish Sciences	Open-Source Resources for the Sacramento-San Joaquin Delta Telemetry Research Community	\$224,951	Yes	No
Essa Technologies, Ltd	Delta Science Tracker Maintenance and Support IT Services	\$9,900	Yes	Yes
Little Manila Foundation	Issue Paper Expert Group	\$9,684	Yes	Yes
Oregon State University	Post-Drought Wildfire Retardant Effects on Salmonids	\$350,961	Yes	Yes
Resource Management Associates, Inc	Analysis of Delta Salinity	\$324,856	Yes	Yes
Rudstam Consultants, LLC	Review of the Summer-Fall Habitat Action Monitoring and Science Plans	\$39,000	Yes	Yes
Thomson Reuters	Legal Research Services	\$66,888	Yes	Yes
U.S. Geological Survey Western Ecological Research Center	Review of the Summer-Fall Habitat Action Science and Monitoring Plans	\$39,000	Yes	Yes
Western Washington University	Contaminants Risk Assessment Project	\$170,098	Yes	Yes

SUBSTANTIAL COMPLIANCE	FINDING NO. 3 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The DSC did not notify unions prior to entering into 1 of the 12 PSC's reviewed. This is the second consecutive time this has been a finding for the DSC.

Criteria: Before a state agency executes a contract or amendment to a contract for personal services conditions specified within Government Code section 19130, subdivision (b), the agency shall notify all organizations that represent state employees who perform or could perform the type of work that is called for within the contract, unless exempted under Government Code section 19132, subdivision (b)(1). (Cal. Code Regs., tit. 2, § 547.60.2.)

Severity: 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.

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)⁷ 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 training that appointing powers are required by the afore-cited laws to provide its employees.

The CRD reviewed the DSC's mandated training program that was in effect during the compliance review period, January 1, 2023, through December 31, 2024. The DSC's supervisory training and tribal consultations training were found to be in compliance, while the DSC's ethics training and sexual harassment prevention training were found to be out of compliance.

⁷ 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).)

SEVERITY: VERY SERIOUS	FINDING No. 4 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The DSC did not provide ethics training to 5 of 24 existing filers. This is the third consecutive time this has been a finding for the DSC.

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).)

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

Cause: The DSC states that its' small size and staff turnover led to the Learning Manage System (LMS) not being monitored consistently.

Corrective Action: The DSC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the DSC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with Government Code section 11146.3.

Furthermore, as this is the third consecutive time the DSC has been out of compliance in this area, it is the expectation that the DSC make meaningful progress in achieving compliance as required by statute.

SEVERITY: VERY SERIOUS	FINDING No. 5 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The DSC did not provide sexual harassment prevention training to 7 of 20 existing supervisors every 2 years. This is the third consecutive time this has been a finding for the DSC.

Furthermore, the DSC did not provide sexual harassment prevention training to 6 of 46 existing non-supervisors every 2 years.

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

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

Severity: Very Serious. The department does not ensure that all new and existing employees are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.

Cause: The DSC states that its' small size and staff turnover led to the LMS not being monitored consistently.

Corrective Action: The DSC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the DSC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure that all employees are provided sexual harassment prevention training in accordance with Government Code section 12950.1.

Furthermore, as this is the third consecutive time the DSC has been out of compliance in this area, it is the expectation that the DSC make meaningful progress in achieving compliance as required by statute.

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 rate⁸ upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

⁸ "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).

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, October 1, 2023, through September 30, 2024, the DSC made eight appointments. The CRD reviewed two of those appointments to determine if the DSC applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Personnel Analyst	Certification List	Permanent	Full Time	\$7,023
Environmental Program Manager I (Supervisory)	Certification List	Permanent	Full Time	\$11,946

IN COMPLIANCE	FINDING No. 6	SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the salary determinations that were reviewed. The DSC 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.

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, October 1, 2023, through September 30, 2024, the DSC authorized one pay differential.⁹ The CRD reviewed the pay differential to ensure compliance with applicable CalHR policies and guidelines. It is listed below:

Classification	Pay Differential	Monthly Amount
Supervising Engineer Water Resources	433	3%

IN COMPLIANCE	FINDING NO. 7	PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the pay differential that the DSC authorized during the compliance review period. The pay differential was 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 excluded¹⁰ 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).)

⁹ For the purposes of CRD's review, only monthly pay differentials were selected for review at this time.

¹⁰ "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.

According to the Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and the California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

During the period under review, October 1, 2023, through September 30, 2024, the DSC issued OOC pay to one employee. The CRD reviewed the OOC assignment to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. It is listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Senior Environmental Planner	S01	Environmental Program Manager I	10/1/23-3/31/24

IN COMPLIANCE	FINDING NO. 8	OUT OF CLASS PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the OOC pay assignment that the DSC authorized during the compliance review period. OOC pay was issued appropriately to the employee performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment.

Leave

Positive Paid Employees

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used 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 days¹¹ worked and paid absences¹², 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 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 DSC had four positive paid employees whose hours were tracked. The CRD reviewed three of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Hours Worked
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	931
Office Technician (Typing)	Retired Annuitant	7/1/23-6/30/24	756
Staff Services Manager I	Retired Annuitant	7/1/23-6/30/24	960

¹¹ For example, two hours or ten hours count as one day.

¹² For example, vacation, sick leave, compensating time off, etc.

IN COMPLIANCE	FINDING No. 9	POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the positive paid employees reviewed during the compliance review period. The DSC provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

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 1, 2024, through September 30, 2024, the DSC reported three units. The CRD reviewed the three units within three pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

IN COMPLIANCE	FINDING No. 10	LEAVE ACCOUNTING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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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 DSC utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

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.*)

IN COMPLIANCE	FINDING NO. 11	NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD verified that the policy was disseminated to all staff and emphasized the DSC's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the DSC's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

Employers shall provide to every new employee, either at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers' compensation law. (Cal. Code Regs., tit. 8, § 9880, subd. (a).) This notice shall include the right to predesignate their personal physician or medical group; a form that the employee may use as an optional method for notifying the employer of the name of employee's "personal physician," as defined by Labor Code section 4600. (Cal. Code

Regs., tit. 8, § 9880, subd. (c)(7) & (8).) Additionally, within one working day of receiving notice or knowledge that the employee has suffered a work-related injury or illness, employers shall provide a claim form and notice of potential eligibility for benefits to the injured employee. (Labor Code, § 5401, subd. (a).)

Public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. (Human Resources Manual Section 1415.) Workers' compensation coverage is not mandatory for volunteers as it is for employees. (*Ibid.*) This is specific to the legally uninsured state departments participating in the Master Agreement. (*Ibid.*) Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers. (*Ibid.*)

In this case, the DSC did not employ volunteers during the compliance review period.

IN COMPLIANCE	FINDING No. 12	WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD verified that the DSC 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 DSC 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 16 permanent DSC employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

IN COMPLIANCE	FINDING NO. 13 PERFORMANCE APPRAISAL POLICY AND PROCESSES COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the performance appraisals selected for review. Accordingly, the DSC performance appraisal policy and processes satisfied civil service laws, Board rules, policies and guidelines.

DEPARTMENTAL RESPONSE

The DSC's response is attached as Attachment 1.

SPB REPLY

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



Delta Stewardship Council

A CALIFORNIA STATE AGENCY

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Jessica R. Pearson

April 9, 2025

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

From: Sarah Keck
Chief of Administration
Delta Stewardship Council
715 P Street, 15-300
Sacramento, CA 95814

**SUBJECT: DELTA STEWARDSHIP COUNCIL RESPONSE TO THE STATE PERSONNEL BOARD
DRAFT COMPLIANT REPORT**

The Delta Stewardship Council (DSC) has reviewed the State Personnel Board (SPB) draft Compliance Review Report, received March 28, 2025. We would like to thank the Compliance Review Unit (CRU) for their professionalism and diligence during this review and appreciates the opportunity to respond to the findings. The DSC remains committed to regularly evaluating its practices and procedures to ensure compliance with all applicable laws, rules, and regulations.

The following information describes the actions the DSC has already taken, or plans to take, to improve practices related to the findings identified in this report.

FINDING NO. 2 – A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ACTIVELY MAINTAINED

CRU Summary: The DSC does not have an active DAC. This is the third consecutive time this has been a finding for the DSC.

Cause: Following DSC's last SPB Compliance Review, a Disability Advisory Committee (DAC) was established and made a priority for the DSC. DSC DAC was established in

November of 2021, with a committee, DAC officers, agendas, and meetings conducted. However, because the DSC is a small organization, DAC leadership turnover led to DAC being dissolved. In September of 2023, the DSC sent out an all-hand message soliciting volunteers. Unfortunately, there was no response. Prior to the SPB Compliance Review, the DSC had already started to reestablish the DAC. The DSC advertised the DAC, requested volunteers, received volunteers, and has started the DAC meetings.

Response: The DSC recognizes the value of establishing, maintaining, and implementing DAC objectives throughout the organization to ensure all applicants and employees have equal access to the tools, resources, and opportunities pertinent to employment at the DSC. As stated above, prior to the SPB Compliance Review, the DSC had already started to reestablish DAC. In November of 2024, the DSC sent out another inquiry, followed by another invitation in December 2024, and another in January of 2025. By February 2025, there were enough volunteers to start DAC meetings. The first meeting was held in March of 2025. Both the DSC's EEO and Justice Equity Diversity and Inclusion Officer chair this committee and have secured representation from each of our four (4) Divisions.

FINDING NO. 4 – ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS

CRU Summary: The DSC did not provide ethics training to 5 of 24 existing filers. This is the third consecutive time this has been a finding for the DSC.

Cause: The DSC has a Learning Management System (LMS) that was established in July of 2022 that automates compliance training, tracking, establishing reminders, and centralizing transcripts. However, because the DSC is a small organization, staff turnover led to the LMS not being monitored consistently.

Response: The DSC has scheduled training for training coordinators and officers to ensure the LMS is administered, monitored, and updated consistently, with an understanding on how to use the LMS's features. Additionally, the DSC now utilizes a spreadsheet to monitor and track due dates, completions, and certification as a backup snapshot to ensure compliance. An audit procedure has been established to prevent future errors. The DSC is currently updating the Training Policy which outlines the process, authority, roles and responsibilities, along with the reminders to reiterate the mandate and timely completion to all staff, managers, and executives. Additionally, the DSC will ensure that this issue is mitigated by conducting extensive follow-up with employees and escalating to their management team when they are close to their deadline.

FINDING NO. 5 – SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES

CRU Summary: The DSC did not provide sexual harassment prevention training to 7 of 20 existing supervisors every 2 years. This is the third consecutive time this has been a finding for the DSC.

Furthermore, the DSC did not provide sexual harassment prevention training to 6 of 46 existing non-supervisors every 2 years.

Cause: The DSC has a Learning Management System (LMS) that was established in July of 2022 that automates compliance training, tracking, establishing reminders, and centralizing transcripts. However, because the DSC is a small organization, staff turnover led to the LMS not being monitored consistently.

Response: The DSC has scheduled training for training coordinators and officers to ensure the LMS is administered, monitored, and updated consistently, with an understanding of how to use the LMS's features. Additionally, the DSC now utilizes a spreadsheet to monitor and track due dates, completions, and certification as a backup snapshot to ensure compliance. An audit procedure has been established to prevent future errors. The DSC is currently updating the Training Policy which outlines the process, authority, roles and responsibilities, along with the reminders to reiterate the mandate and timely completion to all staff, managers, and executives. Additionally, the DSC will ensure that this issue is mitigated by conducting extensive follow-up with employees and escalating to their management team when they are close to their deadline.

Thank you for the opportunity to respond to the draft Compliance Review Report. If you have any questions, please contact Sara Hostetter, Personnel Officer, Human Resources Office, at (916) 320-7210 or at Sara.Hostetter@deltacouncil.ca.gov.

Please note that responses were not required for Findings No. 1, 6, 7, 8, 9, 10, 11, 12, and 13 since the DSC was determined to be compliant, and substantial compliant, with Finding No. 3.

Sincerely,

Sarah Keck
Digitally signed by Sarah Keck
Date: 2025.04.09 17:21:11 -07'00'

Sarah Keck
Deputy Executive Officer
Administration Division
Delta Stewardship Council

Cc: Jessica Pearson, Executive Officer
Ryan Stanbra, Chief Deputy Executive Officer
Sara Hostetter, Personnel Officer