



# **COMPLIANCE REVIEW REPORT**

## **STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**

Compliance Review Unit  
State Personnel Board  
January 18, 2023

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## INTRODUCTION

Established by the California Constitution, the State Personnel Board (the SPB or Board) is charged with enforcing and administering the civil service statutes, prescribing probationary periods and classifications, adopting regulations, and reviewing disciplinary actions and merit-related appeals. The SPB oversees the merit-based recruitment and selection process for the hiring of over 200,000 state employees. These employees provide critical services to the people of California, including but not limited to, protecting life and property, managing emergency operations, providing education, promoting the public health, and preserving the environment. The SPB provides direction to departments through the Board's decisions, rules, policies, and consultation.

Pursuant to Government Code section 18661, the SPB's Compliance Review Unit (CRU) conducts compliance reviews of appointing authorities' personnel practices in five areas: examinations, appointments, equal employment opportunity (EEO), personal services contracts (PSC's), and mandated training, to ensure compliance with civil service laws and Board regulations. The purpose of these reviews is to ensure state agencies are in compliance with merit related laws, rules, and policies and to identify and share best practices identified during the reviews.

Pursuant to Government Code section 18502, subdivision (c), the SPB and the California Department of Human Resources (CalHR) may "delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement." SPB and CalHR, by mutual agreement, expanded the scope of program areas to be audited to include more operational practices that have been delegated to departments and for which CalHR provides policy direction. Many of these delegated practices are cost drivers to the state and were not being monitored on a statewide basis.

As such, SPB also conducts compliance reviews of appointing authorities' personnel practices to ensure that state departments are appropriately managing the following non-merit-related personnel functions: compensation and pay, leave, and policy and processes. These reviews will help to avoid and prevent potential costly litigation related to improper personnel practices, and deter waste, fraud, and abuse.

The SPB conducts these reviews on a three-year cycle.

The CRU may also conduct special investigations in response to a specific request or when the SPB obtains information suggesting a potential merit-related violation.

It should be noted that this report only contains findings from this hiring authority's compliance review. Other issues found in SPB appeals and special investigations as well as audit and review findings by other agencies such as the CalHR and the California State Auditor are reported elsewhere.

### **EXECUTIVE SUMMARY**

The CRU conducted a routine compliance review of the State Council on Developmental Disabilities (SCDD) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Appointments	Technical	Department Did Not Provide Benefit Information in Accordance with Civil Service Law
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time
Equal Employment Opportunity	In Compliance	Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts
Personal Services Contracts	Serious	Written Justification Was Not Provided for All Personal Services Contracts
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
Compensation and Pay	Very Serious	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment
Compensation and Pay	In Compliance	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Bilingual Pay Authorizations 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

Area	Severity	Finding
		Policies and Guidelines
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Serious	Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely <sup>1</sup>
Leave	Serious	Department Did Not Retain Employee Time and Attendance Records
Leave	Very Serious	Incorrectly Posted Leave Usage and/or Leave Credit
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Very Serious	Injured Employees Did Not Receive Claim Forms Within One Working Day of Notice or Knowledge of Injury
Policy	Serious	Performance Appraisals Were Not Provided to All Employee <sup>2</sup>

### **BACKGROUND**

The SCDD is an independent state agency mandated by federal and state law to pursue systemic change, capacity-building, and advocacy to promote a person-centered consumer and family-based system of services and supports for individuals with intellectual/developmental disabilities (IDD).

The goal of the federal law is to enable individuals with IDD (self-advocates) to maximize their self-determination, independence, productivity, and community integration and inclusion. The SCDD consists of 31 voting members, all of whom are appointed by the Governor. SCDD has 67 employees spread throughout 13 regional offices in the State of California. The SCDD's classifications are primarily comprised of the analytical series including the Staff Services Analyst (SSA) and Associate Governmental Program Analyst (AGPA) classifications in addition to the Community Program Specialist and the Staff Services Manager (Managerial) II classifications. The SCDD is a mission driven

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<sup>1</sup> Repeat finding. The September 26, 2019, compliance review report identified that the SCDD did not implement a monthly internal audit process for any of the five units reviewed.

<sup>2</sup> Repeat finding. The September 26, 2019, compliance review report identified that the SCDD did not provide performance appraisals to 21 of 22 employees reviewed.

organization that provides invaluable resources and support to the IDD community and their advocates.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the SCDD's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>3</sup>. The primary objective of the review was to determine if the SCDD'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 SCDD's examinations were selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRU examined the documentation that the SCDD provided, which included examination plans, examination bulletins, job analyses, and scoring results. The SCDD did not conduct any permanent withhold actions during the compliance review period.

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

The SCDD's appointments were also selected for review to ensure the SCDD applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the SCDD provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay: bilingual pay, monthly pay differentials, and alternate range movements. During the

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<sup>3</sup> Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

compliance review period, the SCDD did not issue or authorize hiring above minimum requests, red circle rate requests, arduous pay, or out-of-class assignments.

The review of the SCDD's EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal discrimination complaint process; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee.

The SCDD's PSC's were also reviewed.<sup>4</sup> It was beyond the scope of the compliance review to make conclusions as to whether the SCDD's justifications for the contracts were legally sufficient. The review was limited to whether the SCDD's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The SCDD'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 Career Executive Assignments (CEA) were provided leadership and development training, and that all employees were provided sexual harassment prevention training within statutory timelines.

The CRU reviewed the SCDD's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRU selected a small cross-section of the SCDD's units in order to ensure they maintained accurate and timely leave accounting records. Additionally, the CRU reviewed a selection of the SCDD's 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 SCDD did not have any employees with non-qualifying pay period transactions. The SCDD did not authorize administrative time off.

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

On November 14, 2022, an exit conference was held with the SCDD to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully

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<sup>4</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.

reviewed the SCDD's written response on November 16, 2022, which is attached to this final compliance review report.

## **FINDINGS AND RECOMMENDATIONS**

### **Examinations**

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931, subd. (a).) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) The advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) The final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, January 1, 2021, through December 31, 2021, the SCDD conducted two examinations. The CRU reviewed those two examinations, which are listed below:



Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Deputy Director of Policy & Public Affairs	CEA	Statement of Qualifications (SOQ) <sup>5</sup>	12/24/2020	3
CEA B, Chief Deputy Director	CEA	SOQ	7/24/2021	13

<b>IN COMPLIANCE</b>	<b>FINDING NO. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRU reviewed two CEA examinations which the SCDD administered in order to create eligible lists from which to make appointments. The SCDD published and distributed examination bulletins containing the required information for all examinations. Applications received by the SCDD were accepted prior to the final filing date. Applicants were notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. The CRU found no deficiencies in the examinations that the SCDD conducted during the compliance review period.

### **Appointments**

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for

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<sup>5</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.

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, 2020, through September 30, 2021, the SCDD made 10 appointments. The CRU reviewed four of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
AGPA	Certification List	Permanent	Full Time	1
SSA (General)	Certification List	Permanent	Full Time	1
Staff Services Manager II (Managerial)	Certification List	Limited Term	Full Time	1
SSA (General)	Transfer	Limited Term	Full Time	1

<b>SEVERITY: TECHNICAL</b>	<b>FINDING NO. 2 DEPARTMENT DID NOT PROVIDE BENEFIT INFORMATION IN ACCORDANCE WITH CIVIL SERVICE LAW</b>
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**Summary:** The SCDD did not provide explanations of benefits prior to appointment to any of the four employees reviewed.

Additionally, the SCDD did not memorialize that the applicant received an explanation of benefits, prior to appointment, in a formal offer of employment to any of the four appointments reviewed.

**Criteria:** An appointing power, before offering employment to an applicant, shall provide the applicant, in writing, with an explanation of benefits that accompany state service. These documents shall include a summary of the applicable civil service position with salary ranges and steps within them, as well as information on benefits afforded by membership in the Public Employees’ Retirement System and benefits and protections provided to public employees by the State Civil Service Act. (Gov. Code, § 19057.2.)

**Severity:** Technical. An applicant is entitled to have all of the information regarding benefits relating to their potential employment prior to making a decision as to whether to accept or decline the appointment.

**Cause:** The SCDD did not have a clear procedure for sending benefits information to new employees before they accepted a job offer.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates the actions it has taken to ensure conformity with the explanation of benefits requirements of Government Code section 19057.2.

<b>SEVERITY: TECHNICAL</b>	<b>FINDING NO. 3 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME</b>
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**Summary:** The SCDD failed to retain personnel records such as NOPA's for two of four appointments reviewed.

**Criteria:** As specified in section 26 of the Board's Regulations, appointing powers are required to retain records related to affirmative action, equal employment opportunity, examinations, merit, selection, and appointments for a minimum period of five years from the date the record is created. These records are required to be readily accessible and retained in an orderly and systematic manner. (Cal. Code Regs., tit. 2, § 26.)

**Severity:** Technical. Without documentation, the CRU could not verify if the appointments were properly conducted.

**Cause:** The SCDD did not have a clear retention policy in place, thus documentation was not retained for the appropriate amount of time.

**Corrective Action:** Within 90 days of the date of this report, the SCDD must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

**Equal Employment Opportunity**

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; and cooperate with the CalHR, in accordance with Civil Code section 1798.24, subdivisions (o) and (p), by providing access to all required files, documents and data necessary to carry out these mandates. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department’s EEO program. (Gov. Code, § 19795, subd. (a).)

Pursuant to Government Code section 19795, subdivision (a), in a state agency with less than 500 employees, like SCDD, 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).)

IN COMPLIANCE	<b>FINDING NO. 4</b> <b>EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES</b>
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After reviewing the policies, procedures, and programs necessary for compliance with the EEO program’s role and responsibilities according to statutory and regulatory guidelines, the CRU determined that the SCDD’s EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Executive Director of the SCDD. The SCDD also provided evidence of its efforts to promote EEO in its hiring and employment practices and to increase its hiring of persons with a disability.

**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, 2021, through December 31, 2021, the SCDD had nine PSC’s that were in effect. The CRU reviewed those nine, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Chime Institute	Developmental disabilities grant	10/1/2021 – 9/30/2022	\$62,000	Yes	Yes
Down Syndrome Connection of the Bay Area	Developmental disabilities grant	10/1/2021 – 9/30/2022	\$55,030	Yes	Yes
Elizabeth Grigsby	Advocacy	7/1/2021 – 6/30/2022	\$900	Yes	Yes
Jennifer Walsh	Advocacy	7/1/2021 – 6/30/2022	\$900	Yes	Yes
K&K JL Services	Janitorial	7/1/2021 – 6/30/2022	\$5,042	No	No
Michelle Padilla	Advocacy	7/1/2021 – 6/30/2022	\$900	Yes	Yes
Parents Helping	Developmental disabilities	10/1/2021 –	\$57,808	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Parents, Inc.	grant	9/30/2022			
PathPoint	Developmental disabilities grant	10/1/2021 – 9/30/2022	\$41,902	Yes	Yes
Ukiah Valley Association for Habilitation	Janitorial	7/1/2021 – 6/30/2022	\$6,417	Yes	Yes

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 5 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS</b>
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**Summary:** The SCDD did not notify unions prior to entering into one of nine PSC's reviewed.

**Criteria:** The contract shall not be executed until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted. (Gov. Code, § 19132, subd. (b)(1).)

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

**Cause:** Unidentified. The SCDD does not have record of the missing PSC.

**SPB Reply:** The SCDD provided the CRU with a listing of its PSCs during the review period, including the PSC with the missing union notification.

**Corrective Action:** Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSCs reviewed during this compliance review involved several services and functions which various rank-and-file civil service classifications perform. Within 90 days of the date of this report, the SCDD must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure

conformity with the requirements of California Code of Regulations section 547.60.2. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY:</b> <b>SERIOUS</b>	<b>FINDING NO. 6 WRITTEN JUSTIFICATION WAS NOT PROVIDED FOR ALL PERSONAL SERVICES CONTRACTS</b>
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**Summary:** The SCDD did not prepare or retain written justification stating why one contract satisfied Government Code section 19130, subdivision (b).

Vendor	Services	Contract Dates	Contract Amount
K&K JL Services	Janitorial	7/1/2021 – 6/30/2022	\$5,042.40

**Criteria:** Whenever an agency executes a personal services contract under Government Code section 19130, subdivision (b), the agency shall document, with specificity and detailed factual information, the reasons why the contract satisfies one or more of the conditions specified in Government Code section 19130, subdivision (b). (Cal. Code Reg., tit. 2, § 547.60, subd. (a).) The agency shall maintain the written justification for the duration of the contract and any extensions of the contract or in accordance with the record retention requirements of section 26, whichever is longer. (Cal. Code Reg., tit. 2, § 547.60, subd. (b).)

**Severity:** Serious. Without specific written justification detailing why a PSC satisfies one or more conditions specified in Government Code section 19130, the CRU could not determine whether the department’s PSC’s complied with current procedural requirements.

**Cause:** The SCDD asserts that it drafts justifications to support PSC’s; however, the SCDD does not have a record of the justification for one PSC.

**Corrective Action:** Within 90 days of the date of this report, the SCDD 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 19130, subdivision (b), and California

Code of Regulations, title 2, section 547.60, subdivision (a). Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **Mandated Training**

Each member, officer, or designated employee of a state agency who is required to file a statement of economic interest (referred to as “filers”) because of the position he or she holds with the agency is required to take an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. (Gov. Code, §§ 11146 & 11146.1.) State agencies are required to offer filers the orientation course on a semi-annual basis. (Gov. Code, § 11146.1.) New filers must be trained within six months of appointment and at least once during each consecutive period of two calendar years, commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3.)

Upon the initial appointment of any employee designated in a supervisory position, the employee shall be provided a minimum of 80 hours of training, as prescribed by the CalHR. (Gov. Code, § 19995.4, subd. (b).) The training addresses such topics as the role of the supervisor, techniques of supervision, performance standards, and sexual harassment and abusive conduct prevention. (Gov. Code, §§ 12950.1, subds. (a), and (b), & 19995.4, subd. (b).) Additionally, the training must be successfully completed within the term of the employee’s probationary period or within six months of the initial appointment, unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during this time period due to limited availability of supervisory training courses. (Gov. Code, § 19995.4, subd. (c).)

Within 12 months of the initial appointment of an employee to a management or CEA position, the employee shall be provided leadership training and development, as prescribed by CalHR. (Gov. Code, § 19995.4, subds. (d) & (e).) For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid.*) Thereafter, for both categories of appointment, the employee must be provided a minimum of 20 hours of leadership training on a biennial basis. (*Ibid.*)

New employees must be provided sexual harassment prevention training within six months of appointment. Thereafter, each department must provide its supervisors two hours of sexual harassment prevention training and non-supervisors one hour of sexual



harassment prevention training every two years. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code, § 19995.4.)

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

The CRU reviewed the SCDD's mandated training program that was in effect during the compliance review period, January 1, 2020, through December 31, 2021.

<b>SEVERITY:</b> <b>VERY SERIOUS</b>	<b>FINDING NO. 7 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS</b>
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**Summary:** The SCDD did not provide ethics training to 13 of 18 existing filers. In addition, the SCDD did not provide ethics training to any of its three new filers within six months of 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 2 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 SCDD provides that some required filers failed to submit Ethics Training certification timely and/or the SCDD failed to retain Ethics Training certification.

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

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 8    SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES</b>
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**Summary:** The SCDD provided sexual harassment prevention training to all of its four new supervisors within six months of appointment. In addition, the SCDD provided sexual harassment prevention training to all 16 of its existing supervisors every 2 years. However, the SCDD did not provide sexual harassment prevention training to 4 out of 40 non-supervisors as mandated 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 SCDD provides that some employees failed to submit their certification timely and/or the SCDD failed to retain the certifications.

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

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 9    SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS</b>
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**Summary:** The SCDD provided CEA training to its 1 new CEA within 12 months of appointment. However, the SCDD did not provide biennial

leadership training to 13 of 14 existing supervisors, managers, and/or CEAs.

**Criteria:** Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period. Upon completion of the initial training, supervisory employees shall receive a minimum 20 hours of leadership training biennially. (Gov. Code, § 19995.4, subds. (b) and (c).)

Upon initial appointment of an employee to a managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biennially. (Gov. Code, § 19995.4, subd. (d).)

Upon initial appointment of an employee to a Career Executive Assignment position, each employee must receive 20 hours of leadership training within 12 months of appointment. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biennially. (Gov. Code, § 19995.4, subd. (e).)

**Severity:** Very Serious. The department does not ensure its leaders are properly trained. Without proper training, leaders may not properly carry out their leadership roles, including managing employees.

**Cause:** The SCDD acknowledges some of the supervisory training records were not retained and some supervisors failed to complete the required training.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates the actions it has taken to ensure that new supervisors, managers, and CEAs are provided leadership and development training within twelve months of appointment, and that thereafter, they receive a minimum of 20 hours of leadership training biennially, as required by Government Code section 19995.4.

## **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>6</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, October 1, 2020, through September 30, 2021, the SCDD made four appointments. The CRU reviewed those four appointments to determine if the SCDD applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
AGPA	Certification List	Permanent	Full Time	\$5,149
SSA (General)	Certification List	Permanent	Full Time	\$3,448
Staff Services Manager II (Managerial)	Certification List	Limited Term	Full Time	\$8,453
SSA (General)	Transfer	Limited Term	Full Time	\$3,618

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 10</b>	<b>INCORRECT APPLICATIONS OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT</b>
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**Summary:** The CRU found one error in the SCDD’s four determinations of employee compensation:

Classification	Description of Finding(s)	Criteria
SSA (General)	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.674, subd. (a)

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<sup>6</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).

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

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

**Cause:** An incorrect application of the salary rules was applied for an alternate range criterion.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates that the SCDD has established an audit system to correct current compensation transactions as well as future transactions.

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, October 1, 2020, through September 30, 2021, the SCDD employees made one alternate range movement within a classification. The CRU reviewed that one alternate range movement to determine if the SCDD applied salary regulations accurately and correctly processed the employee's compensation, which is listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
SSA (General)	A	C	Full Time	\$4,476

<b>IN COMPLIANCE</b>	<b>FINDING NO. 11</b>	<b>ALTERNATIVE RANGE MOVEMENTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU determined that the one alternate range movement the SCDD made during the compliance review period satisfied civil service laws, Board rules and CalHR policies and guidelines.

### 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, October 1, 2020, through September 30, 2021, the SCDD issued bilingual pay to five employees. The CRU reviewed those five bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts.
AGPA	R01	Full Time	3
Staff Services Manager II (Managerial)	M01	Full Time	2

<b>IN COMPLIANCE</b>	<b>FINDING NO. 12</b>	<b>BILINGUAL PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found that the bilingual pay authorized to employees during the compliance review period satisfied 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, 2020, through September 30, 2021, the SCDD authorized five pay differentials.<sup>7</sup> The CRU reviewed those five pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
AGPA	441	\$250
Community Program Specialist II	441	\$250
Office Technician (Typing)	441	\$250
SSA (General)	441	\$250
Staff Services Manager II (Managerial)	441	\$250

<b>IN COMPLIANCE</b>	<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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<sup>7</sup> For the purposes of CRU’s review, only monthly pay differentials were selected for review at this time.

The CRU found no deficiencies in the pay differentials that the SCDD 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.

## Leave

### Positive Paid Employees

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

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days<sup>8</sup> worked and paid absences<sup>9</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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).)

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<sup>8</sup> For example, two hours or ten hours count as one day.

<sup>9</sup> For example, vacation, sick leave, compensating time off, etc.



Generally, permanent intermittent employees may work up to 1500 hours in any calendar year. (Applicable Bargaining Unit Agreements.) However, Bargaining Unit 6 employees may work up to 2000 hours in any calendar year.

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 SCDD had two positive paid employees whose hours were tracked. The CRU reviewed those two positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Base	Time Worked
AGPA	Retired Annuitant	Intermittent	145.25 hours
Staff Services Manager I	Retired Annuitant	Intermittent	85 hours

<b>IN COMPLIANCE</b>	<b>FINDING NO. 14</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 CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. The SCDD provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

#### Leave Auditing and Timekeeping

Departments must keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.)

Departments are directed to create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall create an audit process to review and correct leave input errors on a monthly basis. The review of leave accounting records shall be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. (*Ibid.*) If an employee's attendance record is determined to have errors or it is determined that the employee has insufficient balances for a leave type used, the attendance record must be amended. (*Ibid.*) Attendance

records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*Ibid.*)

During the period under review, July 1, 2021, through September 30, 2021, the SCDD reported 14 units comprised of 25 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
July 2021	101	3	3	0
July 2021	103	2	2	0
July 2021	114	4	3	1
August 2021	103	2	2	0
August 2021	104	4	4	0
September 2021	102	2	2	0
September 2021	105	3	3	0
September 2021	110	5	5	0

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 15</b>	<b>DEPARTMENT HAS NOT IMPLEMENTED A MONTHLY INTERNAL AUDIT PROCESS TO VERIFY ALL LEAVE INPUT IS KEYED ACCURATELY AND TIMELY</b>
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**Summary:** The SCDD failed to implement a monthly internal audit process to verify all timesheets were keyed accurately and timely and to certify that all leave records have been reviewed and corrected if necessary. This is the second consecutive time this has been a finding for the SCDD.

**Criteria:** Each appointing power shall keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.) Departments are directed to create an audit process to verify all leave input is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall identify and record all errors found and shall certify that all leave records for the unit/pay period identified have been reviewed and all leave errors identified have been corrected. (*Ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*)

**Severity:** Serious. Departments must document that they reviewed all leave inputted into their leave accounting system to ensure accuracy and timeliness. Failure to audit leave could put the department at risk of incurring additional costs from the initiation of collection efforts from overpayments, and the risk of liability related to recovering inappropriately credited leave hours and funds.

**Cause:** Unidentified. The SCDD contracts with another agency to perform payroll functions.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates the actions it has taken to ensure that its monthly internal audit process was documented and that all leave input is keyed accurately and timely.

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 16</b>	<b>DEPARTMENT DID NOT RETAIN EMPLOYEE TIME AND ATTENDANCE RECORDS</b>
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**Summary:** The SCDD did not retain 1 of 26 timesheets from the July 2021 pay period.

**Criteria:** Each appointing power shall keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.) Such records shall be kept in the form and manner prescribed by the Department of Finance in connection with its powers to devise, install and supervise a modern and complete accounting system for state agencies. (*Ibid.*)

**Severity:** Serious. The SCDD failed to retain employee time and attendance records for one employee. Therefore, the department was unable to reconcile timesheets against their leave accounting system at the conclusion of the pay period, which could have affected employee leave accruals and compensation.

**Cause:** Unidentified. The SCDD was unable to locate the record for one timesheet.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates the actions it has taken to ensure all timesheets are accounted for and processed in conformity with California Code of Regulations, title 2, section 599.665.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 17</b>	<b>INCORRECTLY POSTED LEAVE USAGE AND/OR LEAVE CREDIT</b>
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**Summary:** The SCDD did not correctly enter 1 of 26 timesheets into the Leave Accounting System during the August 2021 pay period. As a result, one employee used more leave than what was documented in the system.

**Criteria:** Departments shall create a monthly internal audit process to verify that all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) 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.*)

**Severity:** Very Serious. Errors in posting leave usage and/or leave credits puts the department at risk of incurring additional costs from the initiation of collection efforts from overpayments, and the risk of liability related to recovering inappropriately credited leave hours and funds.

**Cause:** In one instance, the SCDD failed to correctly enter a timesheet into the Leave Accounting System which resulted in the incorrect posting of leave usage due to a keying error.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates the actions it has taken to ensure conformity with Human Resources Manual Section 2101.

## Policy and Processes

### Nepotism

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (*Ibid.*) Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. (*Ibid.*) Personal relationships for this purpose include association by blood, adoption, marriage and/or cohabitation. (*Ibid.*) All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. (*Ibid.*)

<b>IN COMPLIANCE</b>	<b>FINDING NO. 18</b>	<b>NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the policy was disseminated to all staff and emphasized the SCDD's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the SCDD'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 SCDD did not employ volunteers during the compliance review period.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 19</b>	<b>INJURED EMPLOYEES DID NOT RECEIVE CLAIM FORMS WITHIN ONE WORKING DAY OF NOTICE OR KNOWLEDGE OF INJURY</b>
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**Summary:** Of the five workers' compensation claim forms reviewed by the CRU, four of them were not provided to the employee within one working day of notice or knowledge of injury.

**Criteria:** An employer shall provide a claim form and notice of potential eligibility for workers' compensation benefits to its employee within one working day of notice or knowledge that the employee has suffered a work-related injury or illness. (Cal. Lab. Code, § 5401, subd. (a).)

**Severity:** Very Serious. An injured employee was not provided the required form within the 24-hour time period. Providing the form within 24-hours of injury prevents any delay in treatment to which the employee is entitled. A work-related injury can result in lost time beyond the employee's work shift at the time of injury and/or result in additional medical treatment beyond first aid.

**Cause:** Due to staffing changes, delayed reporting, and a decentralized structure, the SCDD failed to provide claim forms within one working day of notice or knowledge of injury.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates the actions it has taken to ensure conformity with Labor Code section 5401.

## Performance Appraisals

According to Government Code section 19992.2, subdivision (a), appointing powers must “prepare performance reports.” Furthermore, California Code of Regulations, title 2, section 599.798, directs supervisors to conduct written performance appraisals and discuss overall work performance with permanent employees at least once in each twelve calendar months after the completion of the employee’s probationary period.

The CRU selected 16 permanent SCDD employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies, and guidelines.

<b>SEVERITY:</b> <b>SERIOUS</b>	<b>FINDING NO.</b> <b>20</b>	<b>PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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**Summary:** The SCDD did not provide annual performance appraisals to 15 of 16 employees reviewed after the completion of the employee’s probationary period. This is the second consecutive time this has been a finding for the SCDD.

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

**Severity:** Serious. The department does not ensure that all its employees are apprised of work performance issues and/or goals in a systematic manner.

**Cause:** The SCDD failed to send out notifications to managers to complete performance appraisals.

**Corrective Action:** The SCDD asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCDD must submit to the SPB documentation which demonstrates the actions it has

taken to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798.

### **DEPARTMENTAL RESPONSE**

The SCDD's departmental response is attached as Attachment 1.

### **SPB REPLY**

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





November 16, 2022

Luisa Doi  
Compliance Review Manager  
Policy and Compliance Review Division  
State Personnel Board  
800 Capitol Mall  
Sacramento, CA 95814

**TO:** State Personnel Board (SPB) Policy and Compliance Review Division

**SUBJECT:** State Council on Developmental Disabilities (SCDD) SPB Audit Departmental Response

The SCDD submits this letter in response to SPB's Compliance Review Report. SCDD understands and appreciates the importance of SPB's compliance reviews and is working to ensure conformance with state civil service personnel laws, rules, and regulations.

We appreciate the opportunity to discuss the findings in this report and to discuss our proposed process changes for increasing compliance with the CRU. We thank the CRU for their dedication and professionalism throughout the audit process.

Kind regards,

A handwritten signature in blue ink, appearing to read "Ken DaRosa". The signature is stylized and fluid.

Ken DaRosa  
Chief Deputy Director on behalf of  
Aaron Carruthers  
Executive Director

cc: Andrea Lynch, Personnel Officer, Human Resources Unit, SCDD



**Finding #2 – Appointments: Department did not provide benefit information in accordance with Civil Service law**

Cause: SCDD did not have a clear procedure for sending benefits information to new employees prior to accepting a job offer.

Remedy: SCDD has created a Benefits Information sheet that is sent to applicants to review during the job interview. The Benefits Information sheet provides a broad overview of benefits to which a state employee may receive.

**Finding #3 -Appointments: Appointment documentation was not kept for the appropriate amount of time.**

Cause: SCDD did not have a clear retention policy in place, therefore appointment documentation was not retained for the appropriate amount of time. Additionally, some recruitment documents were unable to be located.

Remedy: SCDD will create a retention policy for appointment documentation which includes retaining all appointment documentation for five (5) years. SCDD will create an electronic filing system for all recruitment documents.

**Finding #5 -Personal Services Contracts: Unions were not notified of Personal Services Contracts**

Cause: SCDD notified the union for all Personal Service Contracts except one (1). SCDD does not have record of the missing Personal Service Contract.

Remedy: SCDD will create a process for notifications to the union for all Personal Service Contracts and other items that require union notification. The union notification procedure will include a justification for the personal service contract.

**Finding #6 - Personal Service Contracts: Written justification not provided for all Personal Services Contracts.**

Cause: SCDD drafts justifications to support Personal Service Contracts. SCDD does not have record of a justification for one (1) Personal Service Contract.

Remedy: SCDD will continue to draft justifications for Personal Service Contracts and retain copies of the justifications.



**Finding #7 - Mandated Training: Ethics Training was not provided for all filers**

Cause: SCDD acknowledges the importance of Ethics Training. SCDD notified required filers to complete Ethics Training by a specified date. Some required filers failed to submit Ethics training certification timely and/or SCDD failed to retain Ethics Training certification.

Remedy: SCDD has implemented a new process for retaining Ethics certification records. SCDD has created a notification method to all filers, retained certifications, and is available to answer employees' questions regarding Ethics training.

**Finding # 8 - Mandated Training: Sexual Harassment & Prevention Training was not provided for all employees**

Cause: SCDD acknowledges the importance of Sexual Harassment and Prevention Training. SCDD notified all employees via email to complete Sexual Harassment and Prevention Training by a specified date. Some employees failed to complete the Sexual Harassment and Prevention Training and/or SCDD failed to retain the certifications.

Remedy: SCDD contracts with the Department of Social Services (DSS) for certain Human Resources functions, which includes training. In 2021 DSS Learning Management System (LMS) became fully operational. SCDD employees will now receive regular notifications of all mandated trainings from DSS LMS system, inclusive of Sexual Harassment & Prevention Training. In addition to this, SCDD's Training Officer will pull compliance reports from DSS LMS on a monthly basis to follow up with employees that are not in compliance.

**Finding #9 -Mandated Training: Supervisory training was not provided for all supervisors, managers, and CEAs**

Cause: SCDD acknowledges the importance of Mandated Supervisory Training. SCDD's tracking of supervisory training completion was a collaboration between Human Resources (HR) and SCDD's regional offices, because of this some records were not retained, and some employees failed to complete the Mandated Supervisory Training as required.

Remedy: SCDD HR will solely be responsible for tracking mandatory supervisory training. SCDD contracts with the Department of Social Services (DSS) for certain Human Resources functions, which includes training. SCDD managers will now receive regular notifications of all mandated trainings from DSS LMS system, inclusive of Supervisory Training. In addition to this, SCDD's Training Officer will pull compliance reports from DSS LMS on a monthly basis to follow up with employees that are not in compliance.



## **FINDING'S # 10, 15,16, 17 – COMPENSATION FINDINGS**

The following findings are functions carried out through a contractual relationship between SCDD and the Department of Social Services (DSS). SCDD is a small agency that does not directly process any payroll functions. The remedies for each finding include a summarization of how SCDD will work in partnership with DSS to ensure contractual obligations are met, reduce the number of errors, and to mitigate the reoccurrence of repeat findings.

### **Finding #10 – Compensation: Incorrect salary determination resulting in the employee being undercompensated**

Cause: SCDD contracts with DSS for various HR functions, which includes completion of salary determinations. SCDD does not have access to the State Controllers Office (SCO) system to review an employee's history to complete salary determinations. Salary Determinations are calculated and provided by DSS Payroll. The incorrect application of the salary rules was applied for an alternate range criterion.

Remedy: SCDD has begun monthly meetings with DSS Payroll to address payroll issues impacting SCDD employees. An agenda item for the reoccurring monthly meetings are payroll calculations, SCDD addresses issues with miscalculations and ensures that calculations are completed correctly and timely. Additionally, SCDD will audit DSS Payroll calculations to ensure accuracy.

### **Finding #15- Compensation: Department has not implemented a monthly internal audit process to verify all leave input is keyed accurately and timely.**

Cause: SCDD contracts with DSS for various HR Functions, which includes keying timesheets. SCDD does not have access to SCO systems.

Remedy: In October 2021, DSS implemented Service Now an electronic time reporting system. Service Now exports leave used by SCDD employees into a file that interfaces with the SCO's CLAS. The interface will automatically deduct leave used from employee leave balances which will help eliminate keying errors.

SCDD will audit Quality Assurance (QA) reports generated from the Service Now system monthly to ensure accuracy. Additionally, SCDD will request updates from DSS Payroll during our standing monthly meeting to address issues with keying.



**Finding #16 – Compensation: Department did not retain employee time and attendance records**

Cause: SCDD collected and retained time and attendance records for all employees. SCDD was unable to locate the record for one (1) timesheet.

Remedy: In October 2021, DSS implemented Service Now an electronic time reporting system. Service Now exports leave used by SCDD employees into a file that interfaces with the SCO's CLAS. The Service Now platform serves as a time and attendance reporting record.

SCDD will audit the Quality Assurance (QA) reports generated from the Service Now system monthly to ensure time and attendance records are updated.

**Finding #17 – Compensation: Incorrectly posted leave usage and/or leave credit**

Cause: SCDD sends out a monthly reminder to all staff to complete timesheets timely. In one (1) instance, SCDD failed to correctly enter a timesheet into the Leave Accounting System. SCDD contracts with DSS for various HR Functions, which includes keying leave usage and/or leave credit. SCDD does not have access to SCO systems to key in leave accounting. The incorrect posting of leave usage was due to a keying error.

Remedy: In October 2021, DSS implemented Service Now an electronic time reporting system. Service Now exports leave used by SCDD employees into a file that will interface with the SCO's CLAS. The interface allows employees to enter their own leave usage and attest to the accuracy of the leave request. If an employee makes an error while inputting leave usage, there is an option to amend the timesheet. Supervisors are responsible for reviewing and approving/denying leave requests. Once leave is requested, it is automatically deducted from the employees leave balances.

SCDD will audit the Quality Assurance (QA) reports generated from the Service Now system monthly to ensure accuracy. SCDD will continue to send out monthly notifications to staff to complete timesheets and follow up with staff who are out of compliance.

**Finding #19- Workers Compensation: Injured employees did not receive claim forms within one (1) working day of notice or knowledge of injury**

Cause: SCDD had several staffing changes within HR. Additionally, with thirteen regional office locations throughout the State of California, some of the claims were not reported to SCDD HR timely, thus delaying providing the claim form. Due to the staffing changes and delayed



reporting, SCDD failed to provide claim forms within one (1) working day of notice or knowledge of injury.

Remedy: SCDD will conduct training with regional offices to ensure understanding and application of notification to injured employees. SCDD will create a centralized email address for inquiries to be submitted and provide claim forms within one (1) working day of notice or knowledge of injury.

**Finding #20 – Performance Appraisals: Performance Appraisals were not provided to all employees**

Cause: SCDD failed to send out notifications to managers to complete Performance Appraisals.

Remedy: SCDD will designate a centralized date for all Performance Appraisals to be completed. SCDD will provide all managers a list of their subordinate staffs' annual performance date. The managers will be encouraged to calendar these dates to provide timely performance appraisals to their staff. SCDD will review monthly DSS Quality Assurance Reports to track the appraisals and send email reminders to the manager.