



# **COMPLIANCE REVIEW REPORT**

## **EMPLOYMENT TRAINING PANEL**

Compliance Review Unit  
State Personnel Board  
July 2, 2021

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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 Employment Training Panel (ETP) 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	In Compliance	Appointments Complied with Civil Service Laws and Board Rules
Equal Employment Opportunity	Very Serious	A Disability Advisory Committee Has Not Been Established
Personal Services Contracts	Serious	Written Justification Was Not Provided for All Personal Services Contracts
Mandated Training	In Compliance	Mandated Training Complied with Statutory Requirements
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or 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	Administrative Time Off Authorizations 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

Area	Severity	Finding
Leave	In Compliance	Service and Leave Transactions 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 and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees

### **BACKGROUND**

Established in 1982, the Employment Training Panel (ETP) is the state's premier program supporting job creation and retention through training. The ETP is funded by a special tax on California employers and differs from other workforce development programs by reimbursing the cost of employer-driven training for incumbent workers and training needed by unemployed workers to re-enter the workforce. ETP-funded training helps ensure California businesses have the skilled workers they need to be competitive.

The ETP supports future-oriented, sustainable economic development and job training in California that is equitable and inclusive through strategic partnerships with business, labor, and government. The ETP provides financial assistance to California businesses to support customized worker training to:

- Attract and retain businesses contributing to a healthy California economy;
- Provide workers secure jobs paying good wages and having opportunities for advancement;
- Assist employers to successfully compete in the global economy;
- Promote benefits and ongoing investment of employee training among employers; and,
- Support high-wage, career track workforce training efforts for disproportionately affected communities.

The ETP is organized under the Labor and Workforce Development Agency led by a Cabinet level Secretary which encompasses ETP, the Department of Industrial Relations, the Employment Development Department (EDD), the Agricultural Labor Relations Board, the California Workforce Development Board, the California Unemployment

Insurance Appeals Board, and the Public Employment Relations Board. The ETP employs 101 full time employees and is governed by an 8-member labor/management panel, of which 7 are appointed by the Governor and Legislative leaders. The eighth member is the Director of The Governor's Office of Business and Economic Development (or a designee) who serves ex-officio as a voting member. The panel approves training proposals and adopts program policies and regulations.

The EDD performs human resources operations for the ETP. The review commenced in March 2020; however, due to COVID-19 hiring activities, the ETP requested that the review be temporarily delayed. Thus, review activities were suspended from May 2020 until August 2020.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the ETP's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>1</sup>. The primary objective of the review was to determine if the ETP'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 ETP'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 ETP provided, which included examination plans, examination bulletins, job analyses, and scoring results. The ETP did not conduct any permanent withhold actions during the compliance review period.

A cross-section of the ETP'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 ETP provided, which included Notice of Personnel Action forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The ETP did not conduct any unlawful appointment investigations, nor did it make any additional appointments during the compliance review period.

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

The ETP's appointments were also selected for review to ensure the ETP applied salary regulations accurately; and, correctly processed employees' compensation and pay. The CRU examined the documentation that the ETP provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. During the compliance review period, the ETP did not issue or authorize hiring above minimum requests, red circle rate requests, arduous pay, bilingual pay, monthly pay differentials, alternate range movements or out-of-class assignments.

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

The ETP's PSC's were also reviewed.<sup>2</sup> It was beyond the scope of the compliance review to make conclusions as to whether the ETP's justifications for the contracts were legally sufficient. The review was limited to whether the ETP's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU reviewed the ETP'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 ETP's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the ETP's employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRU reviewed a selection of the ETP employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of ETP positive paid employees

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<sup>2</sup>If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.

whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

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

The ETP declined to have an exit conference. The ETP was given until June 22, 2021, to submit a written response to the CRU's draft report. On June 16, 2021, the CRU received and carefully reviewed the response, 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, March 1, 2019, through February 29, 2020, the ETP conducted two examinations. The CRU reviewed two of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Career Executive Assignment (CEA) A, Technical Operations Branch Chief	CEA	Statement of Qualifications (SOQ) <sup>3</sup>	11/29/2019	5
CEA B, Chief Deputy Director	CEA	SOQ	11/18/2019	6

<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 ETP administered in order to create eligible lists from which to make appointments. The ETP published and distributed examination bulletins with the required information for all examinations. Applications received by the ETP 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 ETP 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

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<sup>3</sup> In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

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, May 1, 2019, through April 1, 2020, the ETP made 21 appointments. The CRU reviewed eight of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Career Executive Assignment (CEA) A, Technical Operations Branch Chief	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Executive Secretary II	Certification List	Permanent	Full Time	1
Research Data Analyst II	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Training and Development	Permanent	Full Time	1

<b>IN COMPLIANCE</b>	<b>FINDING NO. 2 APPOINTMENTS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The ETP 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 six list appointments reviewed, the ETP ordered a certification list of candidates ranked competitively. After properly clearing the certification lists including State Restriction of Appointments, the selected candidates were appointed based on eligibility attained by being reachable within the first three ranks of the certification lists.

The CRU reviewed one ETP 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 ETP verified the eligibility of each candidate to their appointed class.

Eligibility for training and development assignments are limited to employees who (1) have permanent status in their present class, or (2) who have probationary status and who previously have had permanent status and who, since such permanent status, have had no break in service due to a permanent separation. (Cal. Code Regs., tit. 2, § 438, subd. (a).) The CRU reviewed one training and development assignment, and determined it to be in compliance with applicable civil service laws and Board rules.

The CRU found no deficiencies in the appointments that the ETP initiated during the compliance review period. Accordingly, the CRU found that the ETP'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 ETP, 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).)

VERY SERIOUS	FINDING NO. 3 A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ESTABLISHED
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**Summary:** The ETP does not have an active DAC.

**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 EDD provides support to ETP through a memorandum of understanding. The ETP was not aware of the need for a separate DAC; however, it does recognize the importance of an active DAC. The ETP states that it recently established its DAC which has been active since February 2021.

**Corrective Action:** The ETP provides it has taken steps to establish its DAC. Within 90 days of the date of this report, the ETP must submit to the SPB written documentation which addresses the corrections the department has implemented to ensure it maintains an active 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 and is being maintained includes the current DAC roster, agenda, and meeting minutes.

## 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, March 1, 2019, through February 29, 2020, the ETP had 27 PSC's that were in effect. The CRU reviewed 14 of those, which are listed below:

Vendor	Services	Contract Date(s)	Contract Amount	Justification Identified?	Union Notification?
Allied Network Solutions	Salesforce Software License	09/2018 - 09/2019	\$225,000.00	Yes	Yes
Allied Network Solutions	Salesforce and Conga Software License	11/2019 - 10/2020	\$497,000.00	Yes	Yes
American Red Cross	First Aid /CPR/AED Training	11/2019 - 01/2020	\$2,050 00	Yes	Yes
CA Forward	Event Sponsorship	11/2019 - 11/2019	\$5,000 00	No	Yes

Vendor	Services	Contract Date(s)	Contract Amount	Justification Identified?	Union Notification?
CALSTART Inc.	2030 Summit Event Sponsorship	08/2019 - 08/2019	\$5,000.00	No	Yes
Carahsoft Technology Corp.	Training	04/2019 - 09/2019	\$7,526.88	Yes	Yes
Damone Waters of North America	Bottled Water Services	07/2019 - 06/2020	\$1,000.00	Yes	Yes
EOLA Capitol, LLC	Meeting Room Rental	02/2020 - 12/2020	\$4,770.00	Yes	Yes
ISI, Inc.	Training	07/2019 - 12/2019	\$4,999.00	Yes	Yes
LA Economic Development Corp.	Event Sponsorship/Mobility	08/2019 - 08/2019	\$5,000.00	No	Yes
LA Economic Development Corp.	Event Sponsorship/Aerospace Partnership	09/2019 - 06/2020	\$5,000.00	Yes	Yes
Mother Lode Van and Storage	Moving/Modular Services	08/2019 - 02/2020	\$9,999.00	Yes	Yes
ONLC Training Centers	Training	01/2020 - 06/2020	\$4,999.00	Yes	Yes
SFMade, Inc.	Event Sponsorship	02/2020 - 02/2020	\$2,500.00	No	Yes

<b>SERIOUS</b>	<b>FINDING NO. 4 WRITTEN JUSTIFICATION WAS NOT PROVIDED FOR ALL PERSONAL SERVICES CONTRACTS</b>
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**Summary:** The ETP did not prepare or retain sufficient written justification why four contracts satisfied Government Code section 19130, subdivision (b).

**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 ETP acknowledges the importance of providing written justifications for all personal services contracts under Government Code section 19130. The ETP states that its four contracts without written justifications were overlooked. The ETP states that it has updated its procedures to include verification that the justifications are incorporated.

**Corrective Action:** The ETP provides it has taken steps to update its procedures. Within 90 days of the date of this report, the ETP must submit to the SPB a written corrective action response which addresses the corrections the department implemented 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.)

Additionally, new supervisors 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 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 ETP’s mandated training program that was in effect during the compliance review period, March 1, 2018, through February 29, 2020.

<b>IN COMPLIANCE</b>	<b>FINDING NO. 5 MANDATED TRAINING COMPLIED WITH STATUTORY REQUIREMENTS</b>
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The ETP provided ethics training to its 12 new filers within 6 months of appointment and, for 32 existing filers, “at least once during each consecutive period of 2 calendar years, commencing on the first odd-numbered year thereafter.” The ETP also provided supervisory training to its 4 new supervisors within 12 months of appointment. In addition, the ETP provided sexual harassment prevention training its 4 new supervisors within 6 months of appointment, and sexual harassment prevention training to its 12 existing supervisors every 2 years. Thus, the ETP complied with mandated training requirements within statutory timelines.

## **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>4</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, May 1, 2019, through April 1, 2020, the ETP made 21 appointments. The CRU reviewed eight of those appointments to determine if the ETP applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Career Executive Assignment (CEA) A, Technical Operations Branch Chief	Certification List	Permanent	Full Time	\$9744.00
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5149.00
Executive Secretary II	Certification List	Permanent	Full Time	\$3668.02
Information Technology Specialist II	Certification List	Permanent	Full Time	\$8694.00
Research Data Analyst II	Certification List	Permanent	Full Time	\$6574.00
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$4281.00
Staff Services Manager I	Certification List	Permanent	Full Time	\$6124.00
Office Technician (Typing)	Transfer	Permanent	Full Time	\$3302.00

<sup>4</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).

<b>IN COMPLIANCE</b>	<b>FINDING NO. 6 SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the salary determinations that were reviewed. The ETP appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

Alternate Range Movement Salary Determination (within same classification)

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

During the period under review, May 1, 2019, through April 1, 2020, the ETP employees made 3 alternate range movements within a classification. The CRU reviewed 3 of those alternate range movements to determine if the ETP applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Information Technology Specialist I	B	C	Full Time	\$8,001.00
Information Technology Specialist I	B	C	Full Time	\$4,496.00
Staff Services Management Auditor	B	C	Full Time	\$7,258.00

IN COMPLIANCE	<b>FINDING NO. 7 ALTERNATE RANGE MOVEMENTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU determined that the alternate range movements the ETP made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies 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>5</sup> worked and paid absences<sup>6</sup>, is 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

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<sup>5</sup> For example, two hours or ten hours count as one day.

<sup>6</sup> For example, vacation, sick leave, compensating time off, etc.

may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

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, exceptions, under certain circumstances, may be made to the 1500-hour limitation, as long as the appointing power follows the process outlined in the Personnel Management Policy and Procedures Manual, section 333.

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

Classification	Tenure	Time Frame	Time Worked
Information Technology Specialist I	Permanent	10/1/2019 - 9/30/2020	1187.5
Office Technician (Typing)	Permanent	10/1/2019 - 9/30/2020	1066
Office Technician (Typing)	Permanent	10/2/2019 - 9/30/2020	880
Office Technician (Typing)	Permanent	10/2/2019 - 9/30/2020	696
Research Data Analyst	Permanent	10/1/2019 - 9/30/2020	613
Staff Services Analyst (General)	Permanent	1/1/2019 - 12/31/2020	320
Staff Services Analyst (General)	Permanent	10/2/2019 - 9/30/2020	712

<b>IN COMPLIANCE</b>	<b>FINDING NO. 8 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 ETP provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Administrative Time Off

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. (Human Resources Manual Section 2121.) Most often, ATO is used when an employee cannot come to work because of a pending investigation, fitness for duty evaluation, or when work facilities are unavailable. (*Ibid.*) ATO can also be granted when employees need time off for reasons such as blood or organ donation; extreme weather preventing safe travel to work; states of emergency; voting; and when employees need time off to attend special events. (*Ibid.*)

During the period under review, December 1, 2018, through November 30, 2019, the ETP placed 9 employees on ATO. The CRU reviewed 9 of these ATO appointments to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Associate Governmental Program Analyst	5/3/2019 - 5/3/2019	1 day
Associate Governmental Program Analyst	6/10/2019 - 6/10/2019	1 day
Research Development Analyst I	3/1/2019 - 3/1/2019	1 day
Regional Office Manager	6/10/2019 - 6/10/2019	1 day
Staff Services Analyst (General)	6/10/2019 - 6/10/2019	1 day
Staff Services Analyst (General)	6/10/2019 - 6/10/2019	1 day
Staff Services Analyst (General)	6/10/2019 - 6/10/2019	1 day
Staff Services Analyst (General)	6/10/2019 - 6/10/2019	1 day
Staff Services Analyst (General)	11/18/2019 - 11/18/2019	1 day

<b>IN COMPLIANCE</b>	<b>FINDING No. 9 ADMINISTRATIVE TIME OFF AUTHORIZATIONS 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 ATO transactions reviewed during the compliance review period. The ETP provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

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, September 1, 2019, through November 30, 2019, the ETP reported 6 units comprised of 109 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
September 2019	281-394	7	7	0
September 2019	281-395	9	9	0
September 2019	281-396	8	8	0

October 2019	281-393	67	67	0
November 2019	281-397	9	9	0
November 2019	281-399	9	9	0

<b>IN COMPLIANCE</b>	<b>FINDING NO. 10 LEAVE AUDITING AND TIMEKEEPING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU reviewed employee leave records from three different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The ETP kept complete and accurate time and attendance records for each employee and officer employed within the department and utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

### State Service

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

Generally, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service.<sup>7</sup> (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

Hourly or daily rate employees working at a department in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service. (Cal. Code Regs., tit. 2, § 599.609.)

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs. tit. 2, § 599.608.) When computing months of total state service to determine a change in the

<sup>7</sup> Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, and 19997.4 and California Code of Regulations, title 2, sections 599.609, 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.776.1, 599.787, 599.791, 599.840 and 599.843 provide further clarification for calculating state time.

monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs. tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees<sup>8</sup> shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

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

During the period under review, May 1, 2019, through April 1, 2020, the ETP had one employee with non-qualifying pay period transactions. The CRU reviewed nine transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	Number Reviewed
Non-Qualifying Pay Period	Full Time	9 pay periods

<b>IN COMPLIANCE</b>	<b>FINDING NO. 11</b>	<b>SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU determined that the ETP ensured employee with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRU found no deficiencies in this area.

## **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.*)

<sup>8</sup> As identified in Government Code sections 19858.3, subdivision (a), 19858.3, subdivision (b), or 19858.3, subdivision (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subdivision (c), or California Code of Regulations, title 2, section 599.752, subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

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. 12 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 ETP’s commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the ETP’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 ETP did not employ volunteers during the compliance review period.

<b>IN COMPLIANCE</b>	<b>FINDING NO. 13 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the ETP provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law. Furthermore, the CRU verified that when the ETP received workers' compensation claims, they properly provided claim forms within one working day of notice or knowledge of injury.

Performance Appraisals

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

The CRU selected 15 permanent ETP's employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines. These are listed below:

Classification	Date Performance Appraisals Due
Associate Governmental Program Analyst	4/30/2019
Associate Governmental Program Analyst	6/22/2019
Associate Governmental Program Analyst	7/30/2019
Associate Governmental Program Analyst	7/1/2019
Associate Governmental Program Analyst	8/22/2019
Associate Governmental Program Analyst	9/3/2020
Associate Management Auditor	4/1/2019
Associate Management Auditor	8/30/2019
Associate Management Auditor	10/19/2019
Information Technology Associate	9/23/2019
Information Technician Specialist I	8/17/2019
Management Services Technician	5/8/2019

Research Data Analyst II	11/30/2019
Staff Services Manager I	6/30/2019
Staff Services Manager II (Supervisor)	12/11/2019

<b>SERIOUS</b>	<b>FINDING NO. 14 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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**Summary:** The ETP did not provide annual performance appraisals to 10 of 15 employees reviewed after the completion of the employees' probationary period.

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

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

**Cause:** The ETP states that effort is made through its manual tracking system to inform supervisors and managers regarding the requirements of completing annual performance appraisals. The ETP states it is in the process of implementing a new operations management information system to help streamline the performance appraisal review process.

**Corrective Action:** The ETP provides it has taken steps since the review to expand their internal processes for tracking performance appraisals. Within 90 days of the date of this report, the ETP must submit to the SPB relevant documentation demonstrating that the corrective action has been implemented.

## **DEPARTMENTAL RESPONSE**

The ETP's response is attached as Attachment 1.

## **SPB REPLY**

Based upon the ETP's written response, the ETP 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.



# Memorandum

Employment Training Panel

ATTACHMENT 1

To: Diana Campbell, Compliance Manager  
State Personnel Board

Date: June 16, 2021

From: Reg Javier, Executive Director  
Employment Training Panel

File:

Subject: RESPONSE TO COMPLIANCE REVIEW REPORT

The Employment Training Panel (ETP) takes compliance issues very seriously and has taken steps to ensure both current and future compliance with the State Personnel Board (SPB) audit findings.

This memorandum serves as a response to the findings of the 2019 Compliance Review Report.

**Finding No. 3 – A Disability Advisory Committee has not been established**

**Cause:** The Employment Training Panel has been supported by the California Employment Development Department (EDD) through an MOU, ETP was not aware of the need for a separate DAC. This is why ETP did not have a DAC of its own.

The ETP recognizes the importance of an active DAC and announced the recruitment of a DAC on February 01, 2021 in which 8 ETP staff happily accepted the call to serve.

The first meeting of the DAC occurred on February 15, 2021 and by monthly meetings have been scheduled through the end of 2021. Below are the dates of the meetings that have occurred (the next DAC meeting is scheduled to occur on June 17, 2021)

- February 15, 2021 (Kick-off Meeting)
- April 15, 2021

Since the implementation of the ETP DAC this year, it is working on the following actions:

1. Working with the California Employment Development Department (EDD) on discussing the physical descriptive task on position statements that are not associated to a specific duties. Example: lifting, standing, pushing, pulling, walking, sitting, bending, and stooping.
2. The DAC is researching cost, equipment, and the steps required to place Emergency Evacuation Stair Chair on each of ETP's floors near the entry of the

## RESPONSE TO COMPLIANCE REVIEW REPORT

June 16, 2021

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stairwells. These are designed to aid in stairway descent during emergency situations or in case of power failure for the psychically disabled ETP Staff.

The ETP is dedicated to ensuring compliance from into the future and recognizes the positive impact of an active Disability Advisory Committee.

The EDD Scene Newsletter featured an article on the DAC in which we used in order to educate ETP employees about the purpose and benefits of having an active DAC.

### **Finding No. 4 – Written justification was not provided for all Personal Services Contracts.**

**Cause:** The ETP understands the importance of provided written 19130 justification for all Personal Services Contracts. The four missing 19130 justifications were overlooked. All four contracts were for sponsorship events to help supports our business engagement for potential contractors and multiple employer contractors throughout California to provide funding to employers to assist in upgrading the skills of their workers through training that leads to good paying, long-term jobs. We also gain free access to other events supporting manufacturing and public/private partnership.

Also to ensure the 19130 justifications are provided, ETP/EDD have updated their procedures to include verification that the justification are incorporated.

### **Finding No. 14 – Performance Appraisals were not provided to all employees**

**Cause:** The ETP acknowledges the critical role that Performance Appraisals (PAs) play in ensuring a successful workforce. After the current SBP findings, ETP implemented procedures for all ETP managers to completed PAs by November of each year. Also, the HR Unit developed a manual tracking system with reminders to Managers to ensure completion. In 2020, multiple announcements were sent out to all managers to complete all PAs by November 2020. PAs were provided and completed to all ETP employees. The ETP currently relies on a manual process for ensuring completion of PAs; however, ETP is currently implementing a new Operations Management Information System (MIS) through Salesforce and then the next phase will include an internal HR MIS system. This system will help streamlining, among other things, the performance appraisal review process and allow the ETP to have greater oversight over timely completion of performance appraisals for all of its employees. The HR MIS will provide ETP managers and supervisors with advanced notice of upcoming probationary reports, along with reminder notifications prior to a performance

## RESPONSE TO COMPLIANCE REVIEW REPORT

June 16, 2021

Page 3

appraisal due date, as well as an overdue notification. Additionally, the HR MIS would allow for reporting capability for greater compliance and accountability for late or overdue probationary reports. ETP also uses EDD's Talent Management System (TMS), which launched in 2020. The TMS consists of a Learning Management System (LMS), Performance Management (PM) module, and Succession Planning. The TMS will allow ETP/EDD to have greater oversight and ensure greater compliance with many of its training and performance management regulatory requirements.

The ETPs Human Resource Unit provides managers and supervisors with training on completion of Performance appraisals, and will continue to educate their managers and supervisors of the importance of timely completion of PAs to ensure the regulatory requirements are met and also maintain a successful and effective workforce to better serve the people of California. ETP is hopeful that through the TMS and continued education to Department managers and supervisors that ETP can ensure greater compliance with completion of employee's Performance Appraisals reports.

Thank you for the opportunity to respond to the draft audit findings. If you have any questions or need additional information, please contact Elizabeth Jones at (916) 417-9521 or [Elizabeth.Jones@etp.ca.gov](mailto:Elizabeth.Jones@etp.ca.gov) or Alicia Leisenring at (916) 653-8456 or [Alicia.Leisenring@edd.ca.gov](mailto:Alicia.Leisenring@edd.ca.gov).



Reg Javier  
Executive Director

### Attachments:

1. CalHR 272 – Response
2. 2021 DAC Recruitment Announcement
3. DAC Member Roster
4. February 15, 2021 DAC Meeting Agenda and Minutes
5. April 15, 2021 Meeting Agenda and Minutes



Employment Training Panel

# Memorandum

To: Diana Campbell, Compliance Manager  
State Personnel Board

Date: September 21,  
2021

From: Reg Javier, Executive Director  
Employment Training Panel

File:

Subject: CORRECTIVE ACTION RESPONSE TO COMPLIANCE REVIEW

The Employment Training Panel (ETP) takes compliance issues very seriously and has taken steps to ensure both current and future compliance to all rules and regulations govern by the State Personnel Board (SPB) are upheld.

This memorandum will demonstrate the necessary steps that ETP has taken to implement agency wide correction to the non-compliant findings (deficiency) discovered during the 2019 Compliance Review Report.

## **Finding No. 3**

### **A Disability Advisory Committee has not been established**

#### **Corrective Action:**

ETP announced the recruitment of a DAC on February 1, 2021 in which 8 ETP staff happily accepted the call to serve.

The first meeting of the DAC occurred on February 15, 2021 and has continue to meet with a goal of meeting every month and/or every other month for the first year to help implement the committee's goals.

Below are the dates of the meetings that have occurred and the meeting minutes are attached:

- February 15, 2021 (Kick-off Meeting)
- April 15, 2021
- June 17 2021
- July 22, 2021
- August 19, 2021

Since the implementation of the ETP DAC this year, it is working on the following actions:

1. Working with the California Employment Development Department (EDD) on discussing the physical descriptive task on position statements that are not associated to a specific duties. Example: lifting, standing, pushing, pulling, walking, sitting, bending, and stooping.
2. The DAC is researching cost, equipment, and the steps required to place Emergency Evacuation Stair Chair on each of ETP's floors near the entry of the stairwells. These are designed to aid in stairway descent during emergency situations or in case of power failure for the physically disabled ETP Staff.

The ETP is dedicated to ensuring continued compliance into the future and recognizes the positive impact of an active Disability Advisory Committee.

#### **Finding No. 4**

##### **Written justification was not provided for all Personal Services Contracts.**

##### **Corrective Action:**

The ETP understands the importance of providing written 19130 justification for all Personal Services Contracts. To ensure the 19130 justifications are continually provided, ETP/EDD has updated their procedures to include verification that the justifications are incorporated. (See attached CSG Ch\_8\_GC 19130 and form DE\_7409)

#### **Finding No. 14**

##### **Performance Appraisals were not provided to all employees on a year**

##### **Corrective Action:**

In 2020, ETP required all Managers to conduct Performance Appraisals (PA) for all ETP without probationary status, by November 30<sup>th</sup> of every calendar year. (See attached guidelines)

In November 2020 all employees received a PA. (See attached tally spreadsheet.)

Currently ETP has provided notice to manager reminding them of the due date and

expectation of PA's for November 2021. (See attached email)  
ETP Human Resources Unit will continue to provide managers and supervisors training to ensure the proper completion of Performance appraisals annually, and will continue to educate ETP's leadership team of the importance of compliancy, the add benefit of keeping staff well informed of their performance status, and maintaining a successful and effective workforce to better serve the citizens of California.

If you have any questions or need additional information, please contact Elizabeth Jones at (916) 417-9521 or [Elizabeth.Jones@etp.ca.gov](mailto:Elizabeth.Jones@etp.ca.gov) or Alicia Leisenring at (916) 653-8456 or [Alicia.Leisenring@edd.ca.gov](mailto:Alicia.Leisenring@edd.ca.gov) .



Reg Javier  
Executive Director

Attachments:

1. February 15, 2021 DAC Meeting Minutes
2. April 15, 2021 DAC Meeting Minutes
3. June 17, 2021 DAC Meeting Minutes
4. July 22, 2021 DAC Meeting Minutes
5. August 19, 2021 DAC Meeting Minutes
6. Guidelines for Processing Personal Services Contracts and Form
7. ETP Performance Appraisals Guidelines
8. November 2020 PA Tally Spreadsheet
9. Performance Appraisals Email Reminder to Managers