

COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

Compliance Review Division
State Personnel Board
May 14, 2025

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INTRODUCTION

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

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

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

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

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

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

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

EXECUTIVE SUMMARY

The CRD conducted a routine compliance review of the California Department of Parks and Recreation (Parks) 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	Very Serious	Candidates Who Did Not Meet the Minimum Qualifications Were Admitted Into the Examination
Examinations	Very Serious	Candidates Who Did Meet the Minimum Qualifications Were Not Admitted Into the Examinations
Examinations	Technical	Department Did Not Comply with Documentation Requirements for Permanent Withholds
Appointments	Very Serious	Unlawful Appointments
Appointments	Very Serious	Training and Development Assignment Was Filled Improperly
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely
Appointments	Substantial Compliance	Appointment Documentation Was Not Kept for the Appropriate Amount of Time ¹
Equal Employment Opportunity	Very Serious	A Disability Advisory Committee Has Not Been Established

¹ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks did not retain 1 appointment file and did not retain 61 NOPAs for 88 of the appointments reviewed. The Parks' September 30, 2019, compliance review report identified that of the 135 appointments reviewed, the Parks did not retain 35 NOPAs, 4 job bulletins, 21 interview notes, 6 appointment files, and 1 organizational chart. The Parks' December 23, 2015, compliance review report identified that of the 39 appointments reviewed, the Parks did not retain 26 applications for hired candidates, 21 job bulletins, and 34 NOPAs.

Area	Severity	Finding
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts ²
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ³
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ⁴
Compensation and Pay	Substantial Compliance	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment
Compensation and Pay	Substantial Compliance	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines ⁵
Compensation and Pay	In Compliance	Bilingual Pay Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Substantial Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines ⁶
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay ⁷

² Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks did not notify unions prior to entering into all 69 of the PSC's reviewed. The Parks' September 30, 2019, compliance review report identified that the Parks did not notify unions prior to entering into 48 of the 52 PSC's reviewed.

³ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks did not provide ethics training to 398 of 1,167 existing filers, and did not provide ethics training to 57 of 102 new filers within 6 months of their appointment. The Parks' September 30, 2019, compliance review report identified that Parks did not provide ethics training to 386 of 554 existing filers, and did not provide ethics training to 251 of 413 new filers within 6 months of their appointment.

⁴ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks did not provide sexual harassment prevention training to 6 of 81 new supervisors within 6 months of their appointment and did not provide sexual harassment prevention training to 5 of 617 existing supervisors every 2 years. The Parks' September 30, 2019, compliance review report identified that Parks did not provide sexual harassment prevention training to 42 of 151 new supervisors within 6 months of their appointment and did not provide sexual harassment prevention training to 105 of 407 existing supervisors every 2 years.

⁵ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks had 1 error in the 14 alternate range movements reviewed.

⁶ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks incorrectly authorized 2 of the 60 pay differentials reviewed. The Parks' September 30, 2019, compliance review report identified that the Parks incorrectly authorized 7 of the 144 pay differentials reviewed.

⁷ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks had 2 errors in the 27 OOC assignments reviewed.

Area	Severity	Finding
Leave	Serious	Positive Paid Temporary Employees' Work Exceeded Time Limitations ⁸
Leave	Serious	Administrative Time Off Was Not Properly Documented ⁹
Leave	Serious	Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely
Leave	Substantial Compliance	Incorrect Application of State Service and Leave Transactions
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees ¹⁰

BACKGROUND

The Parks provides access to parks and open spaces and contributes to a healthier and richer quality of life for Californians and for people all over the world who visit the Golden State's natural wonders.

Equitable access to the outdoors ensures more Californians from all walks of life can reap the benefits for their hearts, minds and bodies for generations to come. California's state parks and the recreational programs supported by the Parks and its divisions of Boating and Waterways, Off-Highway Motor Vehicle Recreation, and Office of Historic

⁸ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks did not consistently monitor the actual number of days/hours worked for 28 of the 49 positive paid employees reviewed. The Parks' September 30, 2019, compliance review report identified that Parks did not consistently monitor the actual number of days/hours worked for 8 of the 50 positive paid employees reviewed.

⁹ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks did not properly document ATO for 3 of the 50 ATO authorizations reviewed. The Parks' September 30, 2019, compliance review report identified that the Parks did not properly document ATO for 12 of the 38 ATO authorizations reviewed.

¹⁰ Repeat finding. The Parks' November 23, 2022, compliance review report identified that the Parks did not provide annual performance appraisals to 130 of 160 employees reviewed. The Parks' September 30, 2019, compliance review report identified that the Parks did not provide annual performance appraisals to 34 of 40 employees reviewed.

Preservation are gateways to these benefits and to opportunities to connect with families, friends and communities.

With 280 state park units, over 340 miles of coastline, 970 miles of lake and river frontage, 15,000 campsites, 5,200 miles of trails, 3,195 historic buildings and more than 11,000 known prehistoric and historic archaeological sites, the Parks contains the largest and most diverse recreational, natural and cultural heritage holdings of any state agency in the nation. More than 68 million people annually visit California's State Park System.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the Parks' examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes¹¹. The primary objective of the review was to determine if the Parks' 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 Parks' examinations was selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRD examined the documentation that the Parks provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRD also reviewed the Parks' permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

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

The Parks' appointments were also selected for review to ensure the Parks applied salary regulations accurately and correctly processed employees' compensation and pay. The CRD examined the documentation that the Parks provided, which included employees'

¹¹ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRD reviewed specific documentation for the following personnel functions related to compensation and pay: bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the Parks did not issue or authorize red circle rate requests or arduous pay.

The review of the Parks' 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 Parks' PSC's were also reviewed.¹² It was beyond the scope of the compliance review to make conclusions as to whether the Parks' justifications for the contracts were legally sufficient. The review was limited to whether the Parks' practices, policies, and procedures relative to PSC's complied with procedural requirements.

The Parks' mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, that all supervisors, managers, and those serving in Career Executive Assignments (CEA) were provided leadership and development training, and that all employees were provided sexual harassment prevention training within statutory timelines.

The CRD reviewed the Parks' monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRD selected a small cross-section of the Parks' units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the Parks employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit.

Additionally, the CRD reviewed a selection of the Parks employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRD reviewed a selection of Parks positive paid employees

¹²If 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 CRD reviewed the Parks' policies and processes concerning nepotism, workers' compensation, and performance appraisals. The review was limited to whether the Parks' policies and processes adhered to procedural requirements.

On May 5, 2025, an exit conference was held with the Parks to explain and discuss the CRD's initial findings and recommendations. The CRD received and carefully reviewed the Parks' written response on April 15, 2025, which is attached to this final compliance review report.

FINDINGS AND RECOMMENDATIONS

Examinations

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

During the period under review, February 1, 2024, through October 31, 2024, the Parks conducted 50 examinations. The CRD reviewed 20 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Aquatic Pest Control Specialist	Departmental Open	Training and Experience (T&E) ¹³	9/1/24	4
Aquatic Pest Control Technician	Departmental Open	T&E	9/1/24	7
CEA A, Chief of the Office of Acquisition and Real Property Services	CEA	Statement of Qualifications (SOQ) ¹⁴	4/15/24	12
CEA B, Chief Information Officer	CEA	SOQ	2/7/24	57
Communications Operator	Open	Performance ¹⁵	4/1/24	18
Communications Operator	Open	Performance	3/1/24	7
Communications Supervisor	Servicewide Open	T&E	8/1/24	6
Communications Supervisor	Servicewide Open	T&E	5/1/24	9
Graphic Services Supervisor	Open	T&E	8/31/24	7
Guide I, Historical Monument	Open	T&E	10/1/24	28
Museum Custodian	Departmental Open	T&E	8/1/24	29
Park Maintenance Chief II	Departmental Open	T&E	9/30/24	23
Pool Lifeguard	Open	T&E	10/31/24	5
State Historian III	Departmental Open	T&E	5/1/24	16
State Park Equipment Operator	Departmental Open	Performance	3/1/24	13
State Park Peace Officer Supervisor I (Lifeguard)	Open	T&E	4/30/24	4

¹³ The Training and Experience examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

¹⁴ 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.

¹⁵ A Performance examination requires applicants to replicate/simulate job related tasks or duties.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
State Park Peace Officer Supervisor II (Lifeguard)	Open	T&E	4/30/24	2
Supervisor, Cultural Resources Program	Open	T&E	8/9/24	25
Water and Sewage Plant Supervisor	Departmental Open	T&E	6/30/24	12
Water and Sewage Plant Supervisor	Departmental Open	T&E	3/31/24	12

SEVERITY: VERY SERIOUS	FINDING NO. 1 CANDIDATES WHO DID NOT MEET THE MINIMUM QUALIFICATIONS WERE ADMITTED INTO THE EXAMINATION
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Summary: The Parks admitted seven candidates who did not meet the minimum qualifications into the Supervisor, Cultural Resources Program examination.

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

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

Severity: Very Serious. Failure to verify minimum qualifications for candidates during the examination process may result in an unlawful appointment that wastes resources and incurs costs to the state.

Cause: The Parks states that this was an oversight due to inconsistent procedures and limited quality control safeguards during the eligibility screening process. Additionally, the inexperience of new staff contributed to this finding.

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

SEVERITY: VERY SERIOUS	FINDING NO. 2 CANDIDATES WHO MET THE MINIMUM QUALIFICATIONS WERE NOT ADMITTED INTO THE EXAMINATIONS
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Summary: The Parks did not admit one candidate who met the minimum qualifications into the State Historian III examination, and did not admit one candidate who met the minimum qualifications into the Guide I, Historical Monument examination.

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

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

Severity: Very Serious. Failure to properly verify minimum qualifications for candidates during the examination process may result in disadvantaging eligible candidates and jeopardizes the equitable administration of the civil service merit system.

Cause: The Parks states that the applicants' qualifications were misinterpreted due to human error.

Corrective Action: Within 90 days of the date of this report, the Parks 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 171.2. Copies of relevant documentation

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

Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligibles from lists based on specified criteria. (Gov. Code, § 18935.) Permanent appointments and promotions within the state civil service system shall be merit-based, ascertained by a competitive examination process. (Cal. Const., art. VII, § 1, subd. (b).) If a candidate for appointment is found not to satisfy the minimum qualifications, the appointing power shall provide written notice to the candidate, specifying which qualification(s) are not satisfied and the reason(s) why. The candidate shall have an opportunity to establish that s/he meets the qualifications. (Cal. Code Regs., tit. 2, § 249.4, subd. (b).) If the candidate fails to respond or fails to establish that s/he meets the minimum qualification(s), the candidate's name shall be removed from the eligibility list. (Cal. Code Regs., tit. 2, § 249.4, subd. (b)(1), (2)), (HR Manual, section 1105.) The appointing authority shall promptly notify the candidate in writing and shall notify the candidate of his or her appeal rights. (*Ibid.*) A permanent withhold does not necessarily permanently restrict a candidate from retaking the examination for the same classification in the future; however, the appointing authority may place a withhold on the candidate's subsequent eligibility record if the candidate still does not meet the minimum qualifications or continues to be unsuitable. (HR Manual, Section 1105). State agency human resources offices are required to maintain specific withhold documentation for a period of five years. (*Ibid.*)

During the period under review, February 1, 2024, through October 31, 2024, the Parks conducted 29 permanent withhold actions. The CRD reviewed 17 of these permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Associate Governmental Program Analyst	9PB04	12/7/23	12/7/24	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	2/14/24	2/14/25	Failed to Meet Minimum Qualifications
Guide I, Historical Monument	3PR35	11/22/23	11/22/24	Failed to Meet Minimum Qualifications

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Maintenance Mechanic	0PBCT	4/10/24	4/10/26	Failed to Meet Minimum Qualifications
Management Service Technician	4PB42	3/10/23	3/10/24	Failed to Meet Minimum Qualifications
Museum Curator I	EX-02265	3/23/23	3/23/24	Failed to Meet Minimum Qualifications
Office Technician (Typing)	6PB4802	11/2/23	11/2/25	Failed to Meet Minimum Qualifications
Skilled Laborer	2PBBF	7/3/24	7/3/25	Failed to Meet Minimum Qualifications
Skilled Laborer	2PBBF	11/22/23	11/22/24	Failed to Meet Minimum Qualifications
Skilled Laborer	2PBBF	6/16/24	6/16/25	Failed to Meet Minimum Qualifications
Staff Park and Recreation Specialist	2PBAP	2/23/23	2/23/24	Failed to Meet Minimum Qualifications
Staff Park and Recreation Specialist	2PBAP	8/15/23	8/15/24	Failed to Meet Minimum Qualifications
State Park Interpreter I	3PBAX	8/17/23	8/17/24	Failed to Meet Minimum Qualifications
State Park Interpreter I	3PBAX	5/11/23	5/11/24	Failed to Meet Minimum Qualifications
State Park Interpreter I	3PBAX	10/1/23	10/1/24	Failed to Meet Minimum Qualifications
State Park Interpreter I	3PBAX	4/14/23	4/14/24	Failed to Meet Minimum Qualifications
Staff Services Manager II	2PBDA	4/24/24	4/24/25	Failed to Meet Minimum Qualifications

SEVERITY: TECHNICAL	FINDING No. 3 DEPARTMENT DID NOT COMPLY WITH DOCUMENTATION REQUIREMENTS FOR PERMANENT WITHHOLDS
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Summary: The Parks did not provide timely Withhold Determination Worksheets for 6 of the 17 permanent withhold actions reviewed. Specifically, the Withhold Determination Worksheets were completed after the permanent withhold actions were processed.

Criteria: HR Manual Section 1105 mandates that Human Resources offices processing withhold actions must use the appropriate Withhold Determination Worksheet to document the withhold decision. The worksheets are (1) CalHR Form 272 – Minimum Qualifications Withhold Determination Worksheet or (2) CalHR Form 267 – Withhold for Cause Determination Worksheet

Further, human resources offices are required to maintain the following withhold documentation for a period of five years:

1. Withhold Determination Worksheet
2. Job vacancy posting
3. Candidate's application package (including the STD Form 678, and all received documents)
4. Supporting documentation for the withhold determination
5. Copies of all non-system generated correspondence

Severity: Technical. Without documentation, the CRD could not verify if the permanent withhold actions were properly conducted.

Cause: The Parks states that contributing factors such as limited and newly assigned staff, competing priorities, and a high volume of urgent work resulted in the permanent withhold documentation not being prioritized.

Corrective Action: Within 90 days of the date of this report, the Parks 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, and HR Manual Section 1105. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Appointments

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

For the purposes of temporary appointments, an employment list is considered not to exist where there is an open eligible list that has three or fewer names of persons willing to accept appointment and no other employment list for the classification is available. (Cal. Code Regs., tit. 2, § 265.) In such a situation, an appointing power may make a temporary appointment in accordance with section 265.1 (*Ibid.*) A Temporary Authorization Utilization (TAU) appointment shall not exceed nine months in a 12-month period. (Cal. Const., art. VII.) In addition, when a temporary appointment is made to a permanent position, an appropriate employment list shall be established for each class to which a temporary appointment is made before the expiration of the appointment. (Gov. Code, § 19058.)

During the period under review, January 1, 2024, through June 30, 2024, the Parks made 458 appointments. The CRD reviewed 69 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accounting Administrator I (Supervisor)	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	4
Associate Personnel Analyst	Certification List	Permanent	Full Time	2

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Communications Operator	Certification List	Permanent	Full Time	1
Dispatcher-Clerk	Certification List	Limited Term	Full Time	2
Environmental Program Manager I (Managerial)	Certification List	Permanent	Full Time	1
Environmental Scientist	Certification List	Permanent	Full Time	1
Groundskeeper	Certification List	Permanent	Full Time	1
Guide I Historical Monument	Certification List	Permanent	Intermittent	2
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Information Technology Specialist III	Certification List	Permanent	Full Time	1
Information Technology Supervisor II	Certification List	Permanent	Full Time	1
Management Services Technician	Certification List	Permanent	Intermittent	1
Management Services Technician	Certification List	Permanent	Full Time	1
Park Landscape Maintenance Technician	Certification List	Permanent	Full Time	1
Park Maintenance Supervisor	Certification List	Permanent	Full Time	1
Park Maintenance Worker II	Certification List	Permanent	Full Time	1
Personnel Specialist	Certification List	Permanent	Full Time	1
Research Data Manager	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full Time	1
Skilled Laborer	Certification List	Permanent	Intermittent	2
Staff Park and Recreation Specialist	Certification List	Permanent	Full Time	2
Staff Services Analyst	Certification List	Permanent	Full Time	4
Staff Services Analyst	Certification List	Limited Term	Full Time	1
Staff Services Analyst (LEAP)	Certification List	Limited Term	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	2
State Park Interpreter I	Certification List	Permanent	Intermittent	1
State Park Interpreter I	Certification List	Permanent	Full Time	2
State Park Interpreter II	Certification List	Limited Term	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
State Park Peace Officer (Lifeguard)	Certification List	Permanent	Full Time	1
State Park Peace Officer (Ranger)	Certification List	Permanent	Full Time	4
State Park Peace Officer Supervisor (Ranger)	Certification List	Permanent	Full Time	2
State Park Peace Officer Supervisor (Ranger)	Certification List	Limited Term	Full Time	1
State Park Peace Officer Supervisor I (Lifeguard)	Certification List	Limited Term	Full Time	1
State Park Peace Officer Supervisor I (Lifeguard)	Certification List	Permanent	Full Time	2
State Park Superintendent II	Certification List	Permanent	Full Time	2
State Park Superintendent III	Certification List	Permanent	Full Time	1
Associate Personnel Analyst	Demotion	Permanent	Full Time	1
Guide Trainee Historical Monument	TAU	Temporary	Intermittent	3
Digital Print Operator II	Training and Development	Permanent	Full Time	1
Staff Services Manager I	Training and Development	Permanent	Full Time	1
Information Technology Manager II	Transfer	Permanent	Full Time	1
Maintenance Mechanic	Transfer	Permanent	Full Time	1
Personnel Supervisor I	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	1
Groundskeeper	Reinstatement	Permanent	Full Time	1
State Park Interpreter III	Reinstatement	Limited Term	Full Time	1

SEVERITY: VERY SERIOUS	FINDING No. 4 UNLAWFUL APPOINTMENTS
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Summary: The CRD found four unlawful appointments during the course of its review, as follows:

1. The Parks made one appointment utilizing the certification list for the Staff Park and Recreation Specialist classification. The hired

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

While the Parks was notified of this potential unlawful appointment in time investigate and correct it; the Parks failed to complete the unlawful appointment investigation in a prompt and timely manner in accordance with its delegated responsibility. In this case, the appointment will stand as more than one year has elapsed and the candidate accepted the job offer in good faith.

2. A candidate in a non-reachable rank on the certification list was appointed to a Staff Services Analyst position. Specifically, two reemployment candidates in ranks one and two were not properly cleared from the certification list. As a result, the hired candidate was in rank four, which was not a reachable rank. The Parks is working with CalHR in conducting the unlawful appointment investigation.
3. The Parks made two appointments utilizing the certification lists for the Information Technology Specialist III and Information Technology Supervisor II classifications. The candidates were appointed to vacant positions that were not properly advertised. Specifically, the job postings limited the recruitment to internal candidates. The Parks was unable to provide evidence that the vacancies were exempt from public recruitment. The appointments will stand as more than one year has elapsed and there is no evidence of other than good faith by the employees or the department.

Criteria:

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

California Code of Regulations, title 2, section 254 mandates that each vacancy for a class in which the certification of eligibles is under

Government Code sections 19057.1 and 19057.3, the department shall fill a vacancy by eligibles in the three highest ranks certified.

All job announcements shall be posted on the Department's designated website. (Cal. Code Regs., tit. 2, §249.2 (a).) An appointing power may also post job announcements on other websites, social media sites, relevant career centers, career fairs, academic institution websites, or by other electronic means designed to provide fair, equitable notice to eligible candidates. (*Ibid.*)

Severity:

Very Serious. An unlawful appointment provides the employee with an unfair and unearned appointment advantage over other employees whose appointments have been processed in compliance with the requirements of civil service law. Unlawful appointments which are not corrected also create appointment inconsistencies that jeopardize the equitable administration of the civil service merit system.

When an unlawful appointment is voided, the employee loses any tenure in the position, as well as seniority credits, eligibility to take promotional examinations, and compensation at the voided appointment level. If "bad faith" is determined on the part of the appointing power, civil or criminal action may be initiated. Disciplinary action may also be pursued against any officer or employee in a position of authority who directs any officer or employee to take action in violation of the appointment laws. If bad faith is determined on the part of the employee, the employee may be required to reimburse all compensation resulting from the unlawful appointment and may also be subject to disciplinary action.

Cause:

The Parks states that the unlawful appointments were the result of misapplication of hiring rules, insufficient oversight, and pressure to fill critical vacancies. These issues were further compounded by training gaps and a high turnover in leadership roles, which led to an overall lack of institutional continuity.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate that the department will improve its hiring practices. Copies of relevant

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

SEVERITY: VERY SERIOUS	FINDING No. 5 TRAINING AND DEVELOPMENT ASSIGNMENT WAS FILLED IMPROPERLY
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Summary: The CRD found one improperly filled Training and Development (T&D) assignment. The Parks made one appointment utilizing a T&D assignment to the Business Service Officer III classification. However, the hired candidate should have been performing the T&D assignment in the Business Service Officer I (Supervisor) classification, as it was nearest in salary to the employee's current Digital Print Operator II classification and provided a reasonable opportunity for the employee to achieve the purpose of the T&D assignment.

Criteria: In accordance with California Code of Regulations, title 2, section 439.2 subdivision (a) and HR Manual section 3401, training and development assignments may be made to any of the following classifications:

- The same class as the employee's current class, but in a different position.
- A different class than the employee's "current" class with substantially the same salary range as the employee's "current" class.
- A different class than the employee's "current" class with a higher salary range, as long as: The higher salaried class is the class in the employee's desired occupational area that will provide the appropriate training experience; and, there is not another class closer in salary to the employee's "current" class that would provide the appropriate training.

Severity: Very Serious. The higher class may offer the desired experience; however, it is not appropriate given there is a class nearer in salary that provides the appropriate training experience.

Cause: The Parks states that there was a misinterpretation of the rules governing T&D assignments and the salary proximity criteria was not considered.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with California Code of Regulations, title 2, section 439.2 and HR Manual section 3401.

SEVERITY: SERIOUS	FINDING No. 6 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY
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Summary: The Parks did not provide 15 probationary reports of performance for 7 of the 69 appointments reviewed by the CRD. In addition, the Parks did not provide 6 probationary reports of performance in a timely manner, as reflected in the tables below.

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Associate Governmental Program Analyst	Certification List	1	2
Guide I Historical Monument	Certification List	2	6
State Park Interpreter I	Certification List	1	3
State Park Superintendent III	Certification List	1	1
Maintenance Mechanic	Transfer	1	2
Personnel Supervisor I	Transfer	1	1

Classification	Appointment Type	No. of Appointments	Total No. of Late Probation Reports
Associate Governmental Program Analyst	Certification List	1	1
Associate Personnel Analyst	Certification List	1	1
State Park Interpreter I	Certification List	2	4

Criteria: The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; upon reinstatement after a

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

Severity: Serious. The probationary period is the final step in the selection process to ensure that the individual selected can successfully perform the full scope of their job duties. Failing to use the probationary period to assist an employee in improving his or her performance or terminating the appointment upon determination that the appointment is not a good job/person match is unfair to the employee and serves to erode the quality of state government.

Cause: The Parks states that there was a lack of centralized probationary report tracking, staffing constraints, and competing operational priorities.

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

SUBSTANTIAL COMPLIANCE	FINDING No. 7 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME
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Summary: Of the 69 appointments reviewed, the Parks did not retain 2 NOPAs. This is the fourth consecutive time this has been a finding for the Parks.

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

Equal Employment Opportunity

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

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

appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

SEVERITY: VERY SERIOUS	FINDING No. 8 A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ESTABLISHED
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Summary: The Parks 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 Parks acknowledges the absence of a DAC and states this was due to competing priorities and structural changes within the EEO program.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure the establishment of a DAC, comprised of members who have disabilities or who have an interest in disability issues. Copies of relevant documentation demonstrating that the corrective action has been implemented, including the new DAC roster, agenda, and meeting minutes, must be included with the corrective action response.

Personal Services Contracts

A PSC includes any contract, requisition, or purchase order under which labor or personal services is a significant, separately identifiable element, and the business or person performing the services is an independent contractor that does not have status as an employee of the state. (Cal. Code Regs., tit. 2, § 547.59.) The California Constitution has an implied civil service mandate limiting the state's authority to contract with private entities to perform services the state has historically or customarily performed. Government Code section 19130, subdivision (a), however, codifies exceptions to the civil service mandate where PSC's achieve cost savings for the state. PSC's that are of a type enumerated in subdivision (b) of Government Code section 19130 are also permissible. Subdivision (b) contracts include, but are not limited to, private contracts for a new state function, services that are not available within state service, services that are incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

For cost-savings PSC's, a state agency is required to notify SPB of its intent to execute such a contract. (Gov. Code, § 19131.) For subdivision (b) contracts, the SPB reviews the adequacy of the proposed or executed contract at the request of an employee organization representing state employees. (Gov. Code, § 19132.)

During the period under review, February 1, 2024, through October 31, 2024, the Parks had 1,523 PSC's that were in effect. The CRD reviewed 29 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
A&P Helicopters, Inc.	Helicopter Services	\$670,935	Yes	No
AGP Video, Inc.	Video Productions Services	\$876,075	Yes	No
Anne E Svenson dba 5 Oaks Conservation	Textile Conservation	\$49,975	Yes	No
Aquarium Science	Aquarium Maintenance	\$51,588	Yes	No
Bajada Ecology	Desert Tortoise Demography Survey	\$81,205	Yes	No
Central Coast Transportation Consulting	Engineering and Traffic Surveys	\$6,000	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Crimeguard Security Systems	Diagnosis and Repair of Alarm	\$250	Yes	No
Eagleshield Pest Control, Inc.	Pest and Rodent Control	\$86,016	Yes	No
East Bay Regional Parks District	Wild Pig Population Monitoring	\$10,000	Yes	No
Eaton Interpreting Services	Interpreting Services	\$34,170	Yes	No
Electronic Recycling Center	Pick-up, Removal, and Recycling of Laserjet Printers	\$200	Yes	No
Ferrellgas, L.P.	Replace Pressure Relief Valves on Propane Tanks	\$7,700	Yes	No
FLC Inc, dba Accurate Backflow	Testing Services and Repairs for Backflow Prevention Devices	\$2,299	Yes	No
Gabriela Gallegos, dba Deep-Forest Services	Reduce Fuels and Control Non-Native Plants	\$846,800	Yes	No
Gary Derner Trucking, Inc.	Log Hauling	\$75,000	Yes	No
Humane Wildlife Control Inc.	Ground Squirrel Mitigation	\$99,125	Yes	No
MarBorg Industries	Collect, Remove, and Disposal of Refuse	\$465,628	Yes	Yes
McCauley Agricultural & Pest Service	Pest Control	\$4,860	Yes	No
Milan Hawthorne/DJ BeatsMe, AWear	DJ Services	\$650	Yes	No
Mosquito and Vector Management District of Santa Barbara County	Mosquito Abatement	\$114,411	Yes	Yes
Oconnor Pest Control	Termite Fumigation and Damage Repair	\$4,880	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Premier Print & Mail	Printing Distribution of Wallet Cards and Letters	\$97,482	Yes	No
Redwood Waste Solutions, Inc.	Refuse and Recycling Services	\$322,920	Yes	Yes
Shred City, LLC	Mobile Document Shredding and Destruction Services	\$18,000	Yes	No
Specialty Vehicle Institute of America	Motorcycle, Recreational, and All-Terrain Vehicle Safety Training	\$643,164	Yes	No
Spectrum Gas	Hydro Testing and Oxygen Services	\$6,983	Yes	No
Tahoe Truckee Disposal Co., Inc.	Collect, Haul, and Dispose of Refuse	\$439,658	Yes	No
Valley Office Equipment, Inc.	Copier Maintenance Service	\$2,833	Yes	No
Vestis Group, Inc.	Weekly Rental and Cleaning Equipment/Supplies	\$49,502	Yes	No

SEVERITY: SERIOUS	FINDING NO. 9 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The Parks did not notify unions prior to entering into 26 of the 29 PSC's reviewed. This is the third consecutive time this has been a finding for the Parks.

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

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

Cause: The Parks states that the unions were not notified in a timely manner due to the receipt of executed contracts after their effective dates, as well as workload constraints.

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 PSC's 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 Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations section 547.60.2. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Mandated Training

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

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

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

New employees must be provided sexual harassment prevention training within six months of appointment. Thereafter, each department must provide its supervisors two hours of sexual harassment prevention training and non-supervisors one hour of sexual harassment prevention training every two years. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code, § 19995.4.)

The Legislature encourages the state and its agencies to consult on a government-to-government basis with federally recognized tribes and with nonfederally recognized tribes and tribal organizations in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, programs, and projects that have tribal implications. (Gov. Code, § 11019.81, sub. (c).) Each official specified in Government Code section 11019.81 subdivision (f)¹⁶ shall complete tribal consultations training by January 1, 2025, or, for officials appointed after that date, within six months of their appointment or confirmation of appointment, whichever is later. (Gov. Code, § 11019.81, sub. (h).) Each official shall retake the training annually. (*Ibid.*)

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

¹⁶ Within the executive branch, the following officials have authority to represent the state in a tribal government-to-government consultation: the governor, the attorney general, each constitutional officer and statewide elected official, the director of each state agency and department, the chair and executive officer of each state commission and task force, and the chief counsel of any state agency. (Gov. Code, § 11019.81, sub. (f) (1).) Each authorized official may formally designate another agency official to conduct preliminary tribal consultations, and each designated official may have the authority to act on behalf of the state during a government-to-government consultation. (Gov. Code, § 11019.81, sub. (f) (2).)

The CRD reviewed the Parks' mandated training program that was in effect during the compliance review period, November 1, 2022, through October 31, 2024.

SEVERITY: VERY SERIOUS	FINDING NO. 10 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The Parks did not provide ethics training to 90 of 98 existing filers. In addition, the Parks did not provide ethics training to 7 of 72 new filers within 6 months of their appointment. This is the third consecutive time this has been a finding for the Parks.

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

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

Cause: The Parks acknowledges historical deficiencies within their ethics training tracking procedures but asserts that they have since implemented a new tracking system that has improved accuracy and accountability.

Corrective Action: Within 90 days of this report, the Parks must submit to the SPB a written correction action response which addresses the corrections the department will implement to demonstrate conformity with Government Code section 11146.3. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

SEVERITY: VERY SERIOUS	FINDING NO. 11 SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS
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Summary: The Parks did not provide basic supervisory training to 33 of 95 new supervisors within 12 months of appointment; did not provide manager training to 11 of 13 new managers within 12 months of appointment; and did not provide CEA training to 3 of 5 new CEAs within 12 months of appointment.

Criteria: Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period.(Gov. Code, § 19995.4, subd. (b).)

Upon initial appointment of an employee to a managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. (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. (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 Parks states that there was a lack of system-based tracking and unclear role responsibilities.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that new supervisors, managers, and CEAs are provided leadership and development training within 12 months of appointment as required by Government Code section 19995.4. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

SEVERITY: VERY SERIOUS	FINDING NO. 12 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The Parks did not provide sexual harassment prevention training to 70 of 165 new supervisors within 6 months of their appointment. In addition, the Parks did not provide sexual harassment prevention training to 59 of 553 existing supervisors every 2 years. This is the third consecutive time this has been a finding for the Parks.

Further, the Parks did not provide sexual harassment prevention training to 17 of 98 existing non-supervisors every 2 years.

- Criteria:** Each department must provide its supervisors two hours of sexual harassment prevention training every two years and non-supervisory employees one hour of sexual harassment prevention training every two years. New employees must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code § 19995.4.)
- Severity:** Very Serious. The department does not ensure that all new and existing employees are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.
- Cause:** The Parks states that they relied on live training courses, which limited scheduling flexibility.
- SPB Reply:** California's Department of Civil Rights (DCR) offers this mandatory training at no cost for both supervisory and non-supervisory staff. Furthermore, this training is available on-demand on DCR's website.
- Corrective Action:** Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that all employees are provided sexual harassment prevention training in accordance with Government Code section 12950.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Compensation and Pay

Salary Determination

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

calculate and determine an employee's salary rate¹⁷ 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, January 1, 2024, through June 30, 2024, the Parks made 458 appointments. The CRD reviewed 25 of those appointments to determine if the Parks applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,684
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$6,212
Associate Personnel Analyst	Certification List	Permanent	Full time	\$6,531
Dispatcher-Clerk	Certification List	Limited Term	Full time	\$3,760
Guide I Historical Monument	Certification List	Permanent	Intermittent	\$3,973
Information Technology Specialist III	Certification List	Permanent	Full time	\$9,881
Park Landscape Maintenance Technician	Certification List	Permanent	Full Time	\$4,108
Personnel Specialist	Certification List	Permanent	Full Time	\$4,366
Skilled Laborer	Certification List	Permanent	Intermittent	\$4,192
Staff Services Analyst	Certification List	Permanent	Full Time	\$4,726
Staff Services Analyst	Certification List	Permanent	Full Time	\$4,726
Staff Services Manager I	Certification List	Permanent	Full Time	\$7,470

¹⁷ "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full time	\$8,818
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full time	\$7,420
State Park Interpreter I	Certification List	Permanent	Full time	\$4,514
State Park Interpreter I	Certification List	Permanent	Intermittent	\$4,514
State Park Interpreter II	Certification List	Limited Term	Full time	\$5,179
State Park Peace Officer (Ranger)	Certification List	Permanent	Full Time	\$5,347
State Park Peace Officer Supervisor I (Lifeguard)	Certification List	Limited Term	Full Time	\$7,001
State Park Peace Officer Supervisor (Ranger)	Certification List	Permanent	Full Time	\$8,815
State Park Peace Officer Supervisor (Ranger)	Certification List	Limited Term	Full Time	\$8,165
State Park Superintendent II	Certification List	Permanent	Full time	\$9,719
Information Technology Manager I	Transfer	Permanent	Full Time	\$13,048
Maintenance Mechanic	Transfer	Permanent	Full Time	\$6,067
Staff Services Manager I	Transfer	Permanent	Full Time	\$6,907

SUBSTANTIAL COMPLIANCE	FINDING NO. 13 INCORRECT APPLICATIONS OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT
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Summary: The CRD found 2 errors in the 25 salary determinations reviewed:

Classification	Description of Findings	Criteria
State Park Peace Officer Supervisor I (Lifeguard)	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, section 599.674, subd. (b)
State Park Peace Officer Supervisor (Ranger)		

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

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, January 1, 2024, through June 30, 2024, the Parks made 52 alternate range movements within a classification. The CRD reviewed 21 of those alternate range movements to determine if the Parks 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)
Communications Operator	A	B	Full Time	\$5,220
Communications Operator	A	B	Full Time	\$5,101
Engineering Geologist	C	D	Full Time	\$11,443
Environmental Scientist	A	B	Full Time	\$5,037
Environmental Scientist	A	B	Intermittent	\$5,037
Environmental Scientist	A	B	Full Time	\$5,037
Management Services Technician	A	B	Intermittent	\$3,786
Park and Recreation Specialist	B	C	Full Time	\$5,425
Park and Recreation Specialist	A	B	Full Time	\$4,514
Park and Recreation Specialist	A	B	Full Time	\$4,514

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Park and Recreation Specialist	B	C	Intermittent	\$5,425
Personnel Specialist	C	D	Full Time	\$5,655
Personnel Specialist	C	D	Full Time	\$5,231
Staff Services Analyst	B	C	Full Time	\$5,180
Staff Services Analyst	B	C	Full Time	\$4,726
Staff Services Analyst	B	C	Full Time	\$5,180
Staff Services Analyst	B	C	Full Time	\$5,049
State Park Peace Officer (Ranger)	A	B	Full Time	\$6,093
State Park Peace Officer (Ranger)	A	B	Full Time	\$6,093
State Park Peace Officer (Ranger)	A	B	Full Time	\$6,093
Telecommunications Systems Analyst I	A	B	Full Time	\$3,941

SUBSTANTIAL COMPLIANCE	FINDING NO. 14 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRD found 1 error in the 21 alternate range movements reviewed. This is the second consecutive time this has been a finding for the Parks.

Classification	Description of Finding	Criteria
Personnel Specialist	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, section 599.674, subd. (b)

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

Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with

minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

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

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, January 1, 2024, through June 30, 2024, the Parks issued bilingual pay to five employees. The CRD reviewed the 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.
Office Technician (Typing)	R04	Full Time	1
State Park Peace Officer (Ranger)	R07	Full Time	4

IN COMPLIANCE	FINDING NO. 15 BILINGUAL PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD 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, January 1, 2024, through June 30, 2024, the Parks authorized 1,257 pay differentials.¹⁸ The CRD reviewed 25 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Associate Governmental Program Analyst	441	\$250
Guide I Historical Monument	441	\$1.44 Hourly (\$250)
Lifeguard I (Seasonal)	243	\$1.01 Hourly (\$175)
Lifeguard II (Seasonal)	243	\$1.01 Hourly (\$175)
Park Maintenance Assistant	409	5%
Park Maintenance Supervisor	409	5%
Park Maintenance Worker I	409	5%
Senior Electrical Engineer	261	\$300
Senior Maintenance Aide (Seasonal) (2 Positions)	409	5%
Staff Services Analyst (2 Positions)	441	\$250

¹⁸ For the purposes of CRD's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
State Park Peace Officer (Ranger) (2 Positions)	244	5%
State Park Peace Officer (Ranger)	244	2.5%
State Park Peace Officer (Ranger) (2 Positions)	142	\$300
State Park Peace Officer (Ranger) (2 Positions)	245	6%
State Park Peace Officer Supervisor I (Lifeguard)	245	7%
State Park Superintendent II	245	9%
State Park Superintendent III	142	\$350
State Park Superintendent III	244	5%
State Park Superintendent IV	245	5%
State Park Superintendent V	47	5%

SUBSTANTIAL COMPLIANCE	FINDING NO. 16 INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS
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Summary: The CRD found 1 error in the 25 pay differentials reviewed. This is the third consecutive time this has been a finding for the Parks.

Classification	Area	Description of Finding	Criteria
Park Maintenance Worker I	Recruitment and Retention Pay	The employee's location is not eligible to receive the five percent recruitment and retention differential pay resulting in the employee being overcompensated.	Pay Differential 409

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

Severity: Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to

address full compliance in the future; therefore, no corrective action is required.

Out-of-Class Assignments and Pay

For excluded¹⁹ and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

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

During the period under review, January 1, 2024, through June 30, 2024, the Parks issued OOC pay to 33 employees. The CRD reviewed 19 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Associate Governmental Program Analyst	R01	Staff Services Manager I	1/1/24-3/31/24
Associate Governmental Program Analyst	R01	Staff Services Manager I	4/24/24-4/30/24
Associate Governmental Program Analyst	R01	Staff Services Manager II (Supervisor)	1/1/24-2/7/24

¹⁹ “Excluded employee” means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Associate Personnel Analyst	R01	Staff Services Manager I	1/1/24-1/15/24
Associate Personnel Analyst	R01	Staff Services Manager I	1/1/24-2/29/24
Groundskeeper	R12	Park Maintenance Supervisor	1/1/24-1/29/24
Maintenance Mechanic	R12	Park Maintenance Supervisor	1/1/24-4/30/24
Park and Recreation Specialist	R01	Staff Park & Recreation Specialist	2/12/24-4/30/24
Park Maintenance Supervisor	S12	Park Maintenance Chief II	1/1/24-1/30/24
Park Maintenance Worker I	R12	Water and Sewage Plant Supervisor	3/18/24-4/30/24
Park Maintenance Worker II	R12	Park Maintenance Chief	1/1/24-3/31/24
Personnel Specialist	R01	Personnel Supervisor I	1/1/24-3/31/24
Senior Environmental Scientist (Supervisory)	S10	District Superintendent II, Parks	1/1/24-4/1/24
Senior Environmental Scientist (Specialist)	R10	Senior Environmental Scientist (Supervisor)	1/1/24-4/1/24
State Historian II	R01	Supervisor, Cultural Resources Program	1/1/24-4/2/24
State Park Interpreter I	R01	State Park Interpreter II	4/8/24-4/30/24
State Park Interpreter I	R01	State Park Interpreter II	4/2/24-4/30/24
State Park Interpreter I	R01	State Park Interpreter III	3/4/24-4/30/24
State Park Superintendent III	S07	District Superintendent II, Parks	1/1/24-4/30/24

SEVERITY: VERY SERIOUS	FINDING NO. 17 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
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Summary: The CRD found 9 errors in the 19 OOC pay assignments reviewed. This is the second consecutive time this has been a finding for the Parks.

Classification	Out-of-Class Classification	Description of Findings	Criteria
Associate Governmental Program Analyst	Staff Services Manager I	Incorrect OOC rate calculated resulting in the employee being undercompensated.	Pay Differential 91

Classification	Out-of-Class Classification	Description of Findings	Criteria
Associate Personnel Analyst	Staff Services Manager I	Employee continued to receive OOC pay beyond the completion of the OOC assignment resulting in the employee being overcompensated.	Pay Differential 91
Associate Personnel Analyst	Staff Services Manager I	Incorrect OOC rate calculated resulting in the employee being overcompensated.	Pay Differential 91
Park Maintenance Supervisor	Park Maintenance Chief II	Incorrect OOC rate calculated resulting in the employee being undercompensated.	Pay Differential 101
Park Maintenance Worker II	Park Maintenance Chef	Incorrect OOC rate calculated resulting in the employee being overcompensated.	Pay Differential 236
Senior Environmental Scientist (Specialist)	Senior Environmental Scientist (Supervisor)	OOC exceeded the 120-day limitation.	MOU Bargaining Unit 10
State Historian II	Supervisor, Cultural Resources Program	OOC exceeded the 120-day limitation.	MOU Bargaining Unit 1
State Park Interpreter I (2 Positions)	State Park Interpreter II	Incorrect OOC rate calculated resulting in the employee being undercompensated.	Pay Differential 91

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

Employees may be compensated for performing duties of a higher classification provided that: the assignment is made in advance in writing and the employee is given a copy of the assignment; and the duties performed by the employee are not described in a training and

development assignment or by the specification for the class to which the excluded employee is appointed and, are fully consistent with the types of jobs described in the specification for the higher classification; and the employee does not perform such duties for more than 120 days in a fiscal year. (Cal. Code Regs., tit. 2, § 599.810, subd. (b)(1)(3)(4).)

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, § 599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month period only if the appointing power files a written statement with the CalHR certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

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

Cause: The Parks states that the OOC errors were due to insufficient training, lack of supervisory oversight, and unclear review procedures during a period of organizational transition.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.810 and Pay Differentials 91, 101 and 236. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Leave

Positive Paid Employees

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

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days²⁰ worked and paid absences²¹, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

²⁰ For example, two hours or ten hours count as one day.

²¹ For example, vacation, sick leave, compensating time off, etc.

At the time of the review, the CRD reviewed 24 positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	889.5 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	469 Hours
Associate Park and Recreation Specialist	Retired Annuitant	7/1/23-6/30/24	956 Hours
Associate Park and Recreation Specialist	Retired Annuitant	7/1/23-6/30/24	243.75 Hours
Park Interpretive Specialist (Seasonal)	Retired Annuitant	7/1/23-6/30/24	931 Hours
Senior Land Agent (Specialist)	Retired Annuitant	7/1/23-6/30/24	956.5 Hours
Special Investigator	Retired Annuitant	7/1/23-6/30/24	312 Hours
Staff Services Manager II (Supervisory)	Retired Annuitant	7/1/23-6/30/24	951 Hours
State Park Interpreter II	Retired Annuitant	7/1/23-6/30/24	416 Hours
Forestry Aide	Temporary	4/1/23-3/31/24	1,984 Hours
Graduate Student Assistant	Temporary	1/1/23-12/31/23	1,510.93 Hours
Graduate Student Assistant	Temporary	12/1/23-10/30/24	1,263.5 Hours
Guide Trainee Historical Monument	Temporary	10/1/23-9/30/24	1,281.5 Hours
Lifeguard I (Seasonal)	Temporary	4/1/23-3/31/24	554.5 Hours
Lifeguard II (Seasonal)	Temporary	6/1/23-5/30/24	1,518.75 Hours
Lifeguard II (Seasonal)	Temporary	5/2/23-4/30/24	389.5 Hours
Lifeguard II (Seasonal)	Temporary	6/1/23-5/30/24	317 Hours
Maintenance Aide (Seasonal)	Temporary	5/2/23-4/30/24	60 Days
Maintenance Aide (Seasonal)	Temporary	10/1/23 - 9/30/24	1,450.5 Hours
Maintenance Aide (Seasonal)	Temporary	4/1/24-10/30/24	1,151 Hours
Park Aide Seasonal	Temporary	6/1/23-5/30/24	509 Hours
Senior Maintenance Aide (Seasonal)	Temporary	5/2/23-4/30/24	189 Days
Senior Park Aide (Seasonal)	Temporary	3/2/23-2/29/24	167 Days
Senior Park Aide (Seasonal)	Temporary	5/2/23-4/30/24	1,336 Hours

SEVERITY: SERIOUS	FINDING NO. 18 POSITIVE PAID TEMPORARY EMPLOYEES' WORK EXCEEDED TIME LIMITATIONS
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Summary: The Parks did not consistently monitor the actual number of days and/or hours worked to ensure that positive paid employees did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period. This is the third consecutive time this has been a finding for the Parks.

Specifically, the following employees exceeded the 1,500-hour limitation:

Classification	Tenure	Time Frame	Hours Worked	Hours Worked Over Limit
Forestry Aid	Temporary	4/1/23-3/31/24	1,984	484
Graduate Student Assistant	Temporary	1/1/23-12/31/23	1,510.93	10.93
Lifeguard II (Seasonal)	Temporary	6/1/23-5/30/24	1,518.75	18.75

Criteria: If any employee is appointed to an intermittent time base position on a TAU basis, there are two controlling time limitations that must be considered. The first controlling factor is the constitutional limit of nine months in any 12 consecutive months for temporary appointments that cannot be extended for any reason. (Cal Const., art. VII, § 5.) Time worked shall be counted on a daily basis with every 21 days worked counting as one month or 189 days equaling nine months. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) Another controlling factor limits the maximum work time for student, youth, and seasonal classifications to 1,500 hours. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

Severity: Serious. The number of days or hours an individual may work in a temporary appointment is limited in the state civil service. TAU appointments are distinguished from other appointments as they can be made in the absence of an appropriate employment list.

Cause: The Parks states that there were lapses in communication between specialists and field units that led to the overages. Additional

contributing factors included reassigned workload and an absence of real-time alerts.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 265.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, August 1, 2023, through July 31, 2024, the CRD reviewed 25 of the Parks' ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Associate Landscape Architect (Specialist)	8/18/23	1 Hour
Associate Personnel Analyst	2/5/24	9 Hours
Business Services Officer III	8/2/23-12/28/23	800 Hours
Communications Operator	8/31/23-12/7/23	538 Hours
Environmental Scientist	7/25/24-7/30/24	27 Hours
Environmental Services Intern	8/21/23	8 Hours
Forestry Aide	8/21/23	10 Hours
Forestry Aide	8/21/23	10 Hours
Maintenance Aide (Seasonal)	6/16/24-6/19/24	40 Hours
Park Aide (Seasonal)	7/3/24-7/4/24	20 Hours
Park Maintenance Chief I	1/22/24	5 Hours
Park Maintenance Worker I	8/20/23-8/21/23	16 Hours
Park Maintenance Worker II	7/3/24-7/4/24	16 Hours
Senior Environmental Scientist (Supervisory)	2/5/24	9 Hours

Classification	Time Frame	Amount of Time on ATO
Senior Maintenance Aide (Seasonal)	1/22/24	4 Hours
Senior Maintenance Aide (Seasonal)	1/22/24	4 Hours
Senior Maintenance Aide (Seasonal)	1/22/24	4 Hours
Senior Park Aide (Seasonal)	2/5/24-2/6/24	20 Hours
Senior Park Aide (Seasonal)	8/19/23-8/21/23	24 Hours
Skilled Laborer	6/17/24	8 Hours
Staff Services Analyst	2/5/24	8 Hours
Staff Services Analyst	8/2/23-8/11/23	64 Hours
State Park Equipment Operator	6/25/24-7/9/24	82 Hours
State Park Interpreter I	4/5/24-4/11/24	40 Hours
State Park Peace Officer (Ranger)	8/30/23-9/6/23	50 Hours

SEVERITY: SERIOUS	FINDING NO. 19 ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED
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Summary: The Parks did not grant ATO in conformity with the established policies and procedures. Of the 25 ATO authorizations reviewed by the CRD, 11 were found to be out of compliance for failing to document justification for ATO. This is the third consecutive time this has been a finding for the Parks.

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

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

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

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

Cause: The Parks states that generalized ATO justifications led to insufficient documentation practices.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19991.10 and Human Resources Manual Section 2121. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Leave Accounting

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

During the period under review, May 1, 2024, through July 30, 2024, the Parks reported 68 units. The CRD reviewed 17 units within two pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

SEVERITY: SERIOUS	FINDING NO. 20 DEPARTMENT HAS NOT IMPLEMENTED A MONTHLY INTERNAL AUDIT PROCESS TO VERIFY ALL LEAVE INPUT IS KEYED ACCURATELY AND TIMELY
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Summary: The Parks 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.

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: The Parks states that staffing shortages, resource constraints, and a significant backlog resulted in the absence of regular internal leave accounting audits.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that their monthly internal audit process was documented and that all leave input is keyed accurately and timely. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

State Service

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

Generally, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service.²² (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

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

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees²³ 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, January 1, 2024, through September 30, 2024, the Parks had 28 employees with qualifying and non-qualifying pay period transactions. The CRD

²² 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.

²³ As identified in Government Code sections 19858.3, subdivisions (a), (b), or (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subdivision (c), or California Code of Regulations, title 2, section 599.752, subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

reviewed 32 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	No. Reviewed
Non-Qualifying Pay Period	Full Time	21
Qualifying Pay Period	Full Time	11

SUBSTANTIAL COMPLIANCE	FINDING NO. 21 INCORRECT APPLICATION OF STATE SERVICE AND LEAVE TRANSACTIONS
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Summary: The CRD found the following errors in the Parks' state service transactions:

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

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

Hourly or daily rate employees working in a state agency in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service. (Cal. Code Regs., tit.2, § 599.609.) When an employee has a break in service or changes to full-time, any combination of time worked which does not equal one qualifying month of full-time service shall not be accumulated or counted. (*Ibid.*)

Severity: Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to

address full compliance in the future; therefore, no corrective action is required.

Policy and Processes

Nepotism

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

IN COMPLIANCE	FINDING NO. 22 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD verified that the policy was disseminated to all staff and emphasized the Parks' commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the Parks' 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 COMPLIANCE	FINDING NO. 23 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD verified that the Parks provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law. Furthermore, the CRD verified that when the Parks received workers' compensation claims, they properly provided claim forms within one working day of notice or knowledge of injury.

Performance Appraisals

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

The CRD selected 65 permanent Parks employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

SEVERITY: SERIOUS	FINDING NO. 24 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The Parks did not provide annual performance appraisals to 26 of 65 employees reviewed after the completion of the employee's probationary period. This is the third consecutive time this has been a finding for the Parks.

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 employees are apprised of work performance issues and/or goals in a systematic manner.

Cause: The Parks states that not all performance appraisals were completed due to decentralized record keeping and lack of system-based tracking.

Corrective Action: Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

DEPARTMENTAL RESPONSE

The Parks' departmental response is attached as Attachment 1.

SPB REPLY

Due to ongoing systemic human resources challenges within the Parks, the department has been directed to collaborate with the CalHR's Personnel Advisory and Consultation

Team (PACT). This partnership aims to enhance employee knowledge and performance, as well as to identify opportunities for policy and program improvements that will ensure compliance with civil service laws, Board regulations, and CalHR policies and guidelines. The Parks is directed to reach out to PACT no later than 30 days from the date of this report to begin the collaboration.

Within 90 days of the date of this report, a written corrective action response including documentation demonstrating implementation of the corrective actions specified must be submitted to the CRD.

Introduction

The State Personnel Board's audit findings highlight serious gaps in compliance across several core HR functions at California State Parks. While each issue is distinct, the underlying causes share a clear pattern: inconsistent application of policy, lack of standardized procedures, inadequate staff training, and limited infrastructure to monitor and enforce compliance.

These challenges were significantly compounded by an unprecedented period of instability in the Human Resources Division. From 2022 through early 2024, the division experienced over 80% turnover in key leadership positions—including the Personnel Officer and branch chiefs overseeing Classification & Hiring, Exams, and Transactions. This instability, paired with high attrition across broader HR staff, severely disrupted institutional knowledge, onboarding, and oversight capacity.

Despite these disruptions, Parks has already initiated substantial corrective actions. Since mid-2023, the department has implemented automated tracking tools (e.g., NetFile, ServiceNow, Tempo, and FOCUS), launched structured internal training, clarified documentation standards, and strengthened compliance review processes. These reforms are laying the groundwork for consistent, accountable, and policy-aligned operations.

The responses that follow acknowledge the shortcomings that led to these findings while demonstrating a clear and active commitment to sustained corrective action.

Examinations Causes

1. Candidates who did not meet the minimum qualifications were admitted into the examination

The admission of candidates who did not meet the minimum qualifications resulted from a breakdown in the review and validation process. While updated 511Bs and subsequent re-evaluations have been completed, the original oversight was due to inconsistent procedures and limited quality control safeguards. These gaps were exacerbated by rapid onboarding of new staff during a period of significant transition in the division. Moving forward, the division has implemented revised review protocols and cross-validation procedures to ensure proper eligibility screening.

2. Candidates who met the minimum qualification were not admitted into the examinations

This occurred due to human error in evaluating application materials. The department acknowledges the misinterpretation of the applicant's qualifications and has since taken corrective action. Additional quality checks have been introduced to prevent similar errors and ensure qualified applicants are appropriately admitted in future exams.

3. Department did not comply with the documentation requirements for Permanent Withholds.

While CalHR Form 272 was completed in most cases, it was not always done within the required timeframe. Contributing factors included limited and newly assigned staff, competing priorities, and a high volume of urgent work where withhold documentation was not seen as a top priority. The department has since reinforced training and clarified expectations to ensure timely and consistent compliance.

APPOINTMENTS CAUSES

FINDING NO. 4– Unlawful Appointments

Unlawful appointments were the result of misapplication of hiring rules, insufficient oversight, and pressure to fill critical vacancies. These issues were compounded by gaps in training and high turnover in leadership roles, which led to a lack of institutional continuity. The department is now reinforcing compliance checkpoints, improving hiring manager training, and working closely with CalHR to resolve any pending appointment investigations.

FINDING NO. 5 – Training and Development Assignment Was Filled Improperly

This issue arose from a misinterpretation of CCR 439 governing T&D assignments. The Classification and Hiring Unit did not consider the salary proximity criteria, resulting in the assignment of a higher classification than appropriate. The department has revised its process and initiated comprehensive training to align future assignments with regulatory requirements.

FINDING NO. 6 – Probationary Evaluations Were Not Provided for All Appointments Reviewed and Those That Were Reviewed Were Untimely

Despite efforts to remind managers of their obligations, inconsistent follow-through occurred due to a lack of centralized tracking, staffing constraints, and competing operational priorities. The department is implementing system-based alerts, improved accountability measures, and expanded training to ensure timely completion of probationary evaluations.

EEO CAUSE

Finding NO 8. A Disability Advisory Committee Has Not Been Established

The department acknowledges that a functional Disability Advisory Committee (DAC) was not in place during the audit period. This lapse occurred amidst competing compliance priorities and structural changes in the EEO program. A renewed effort is now underway to formally re-establish the DAC, recruit diverse participation, and ensure sustained engagement moving forward.

PSC's CAUSE

FINDING NO. 9 - Unions Were Not Notified of Personal Services Contracts

The failure to notify unions in a timely manner was primarily due to the receipt of executed contracts after the effective dates, as well as workload constraints. The department is reviewing contract intake processes and implementing notification tracking mechanisms to ensure union partners are informed as required.

Training CAUSES

FINDING NO. 10 – Ethics Training Was Not Provided for All Filers

The department acknowledges historical deficiencies in tracking ethics training compliance. These issues predated the implementation of the NetFile tracking system in 2023, which has since improved accuracy and accountability. Continued monitoring and automated reminders have been established to ensure ongoing compliance.

FINDING NO. 11 – Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs

A lack of system-based tracking and unclear role responsibilities led to missed supervisory training deadlines. The department has since launched leadership learning paths in FOCUS and is utilizing ServiceNow tools to identify new supervisors and trigger training requirements upon hire.

FINDING NO. 12 – Sexual Harassment Prevention Training Was Not Provided for All Employees

Training non-compliance was primarily due to the department's prior reliance on live courses with limited scheduling flexibility. The transition to CalHR-provided eLearning in March 2025 is expected to significantly improve access and completion rates. Additional department-specific content is under development to further enhance training quality and compliance.

Compensation CAUSE

FINDING NO. 17 – Incorrect Authorization of Out-of-Class Pay

Errors in OOC salary determinations occurred due to insufficient training, lack of supervisory oversight, and unclear review procedures during a period of organizational transition. Since then, the department has filled key supervisory roles, launched

structured internal training, and implemented multi-tiered review protocols to ensure accuracy.

Leave CAUSE

FINDING NO. 18 – Positive Paid Employees Exceeded the Nine Month Limitation in Any Twelve Consecutive Month Period

While internal procedures exist to monitor time limits, lapses in communication between specialists and field units led to overages. Contributing factors included reassigned workload and lack of real-time alerts. The department is enhancing monitoring protocols using Tempo and training staff on proactive notification procedures.

FINDING NO. 19 - Administrative Time Off (ATO) Was Not Properly Documented

While ATO was applied appropriately, documentation practices did not meet standards. The use of generalized justifications (e.g., Governor's Proclamations) in Tempo led to insufficient detail. The department will revise its instructions and enforce clearer documentation protocols for all ATO claims.

FINDING NO. 20 – DEPARTMENT HAS NOT IMPLEMENTED A MONTHLY INTERNAL AUDIT PROCESS TO VERIFY ALL LEAVE INPUT IS KEYED ACCURATELY AND TIMELY

The absence of regular internal audits was due to staffing shortages and resource constraints, compounded by a significant backlog. Since July 2024, new leadership has instituted audit protocols and integrated CalHR 139 tracking with Tempo to streamline corrections and ongoing compliance.

POLICY CAUSE

FINDING NO. 24 – Performance Appraisals Were Not Provided to All Employees

The department recognizes that many performance appraisals were not completed due to decentralized recordkeeping and lack of system-based tracking. While department policy mandates evaluations, enforcement has been inconsistent. Plans are underway to centralize oversight, develop reporting tools, and increase accountability for timely completion.