



# **COMPLIANCE REVIEW REPORT**

## **SAN DIEGO RIVER CONSERVANCY**

Compliance Review Unit  
State Personnel Board  
November 16, 2020

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## **INTRODUCTION**

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

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

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

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

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

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

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

### **EXECUTIVE SUMMARY**

The CRU conducted a routine compliance review of the San Diego River Conservancy’s SDRC’s 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	Finding
Equal Employment Opportunity	A Disability Advisory Committee Has Not Been Established
Equal Employment Opportunity	Equal Employment Opportunity Officer Is Not at the Managerial Level
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors
Leave	Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records
Policy	Department Does Not Maintain a Current Written Nepotism Policy
Policy	No Evidence that Department is Out of Compliance with Workers’ Compensation Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Performance Appraisals Were Not Provided to All Employees

A color-coded system is used to identify the severity of the violations as follows:

- Red = Very Serious
- Orange = Serious
- Yellow = Technical
- Green = In Compliance

### **BACKGROUND**

The SDRC is an independent, non-regulatory state agency established to preserve, restore and enhance the San Diego River area. The SDRC's 17 member Governing Board consists of both state and local representatives, creating a diverse partnership dedicated to conserving this highly valued resource of statewide significance.

The SDRC's mission is accomplished by (1) acquiring, managing and conserving land; and (2) protecting or providing recreational opportunities, open spaces, wildlife species and habitats, wetlands, water quality, natural flood conveyances, historical/cultural resources, and educational opportunities. For example, one important SDRC goal is to build, in conjunction with our partners, a river-long park and hiking trail stretching fifty-two miles from the river's headwaters near Julian to the Pacific Ocean.

With over 10,000 years of human habitation, the San Diego River area boasts no less than 29 state historic landmarks, 4 national historic landmarks, 3 state parks, 20 local and municipal parks and public open spaces, as well as rich cultural resources. Today, the region is home to over one-half million people, including 5 Native American tribes, and at least 25 state and federally listed endangered and threatened plant and animal species. The region is also of significant economic value, welcoming more than 25 million visitors, and helping to support an annual tourism industry in San Diego of over five billion.

The Department of General Services (DGS) performs human resources operations for the SDRC. The SDRC has three permanent employees.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the SDRC's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>1</sup>. The primary objective of the review was to determine if the SDRC's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

The SDRC did not conduct any examinations, permanent withhold actions, unlawful appointment investigations, and did not make any regular or additional appointments during the compliance review period. Furthermore, during the review period, the SDRC did not issue or authorize hiring above the minimum (HAM) requests, red circle rate

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

requests, arduous pay, bilingual pay, monthly pay differentials, alternate range movements or out-of-class assignments.

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

The SDRC did not execute any PSC's during the compliance review period.

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

The CRU reviewed the SDRC's Leave Activity and Correction Certification forms to verify that the SDRC created a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely. The CRU selected a small cross-section of the SDRC's units in order to ensure they maintained accurate and timely leave accounting records.

During the compliance review period, the SDRC did not have any employees with non-qualifying pay period transactions.

The SDRC also did not authorize Administrative Time Off (ATO).

Additionally, the SDRC did not track any temporary intermittent employees by actual time worked during the compliance review period.

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

The SDRC declined an exit conference to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the SDRC's written response on July 30, 2020, which is attached to this final compliance review report.

## **FINDINGS AND RECOMMENDATIONS**

### **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).)

#### **FINDING NO. 1 – A Disability Advisory Committee Has Not Been Established**

**Summary:** The SDRC 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:** A formal EEO program has not been established as the SDRC has three authorized positions. Currently, all 3 incumbents have been employees of the SDRC between 5 and 10 years respectively.

**Corrective Action:** Within 90 days of the date of this report, the SDRC 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. SDRC may opt to join a larger agency's DAC to satisfy this requirement. Copies of relevant documentation demonstrating that the corrective action has been implemented, including its own or another agency's DAC roster, agenda, and meeting minutes, must be included with the corrective action response.

**FINDING NO. 2 – Equal Employment Opportunity Officer Is Not at the Managerial Level**

**Summary:** The SDRC's EEO Officer is a Staff Services Analyst. This is a rank and file classification.

**Criteria:** California Government Code section 19795, subdivision (a), states "the appointing power of each state agency and the director of each state department shall appoint, at the managerial level, an equal employment opportunity officer, who shall report directly to, and be under the supervision of, the director of the department, to develop, implement, coordinate, and monitor the agency's equal employment opportunity program."

**Severity:** Very Serious. The EEO Officer is responsible for developing, implementing, coordinating, and monitoring an effective EEO program. Due to the substantial responsibilities held by each department's EEO Officer, it is essential that each department



dedicate adequate resources to the oversight of the EEO program.

**Cause:** At the time the audit was conducted, the SDRC's Administrative Services Manager was a Staff Services Analyst. He has recently been promoted to an Associate Governmental Analyst. The SDRC was not aware of the requirement for the EEO Officer to be at the managerial level.

**Corrective Action:** Within 90 days of the date of this report, the SDRC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code 19795, subdivision (a). SDRC may choose to utilize an EEO Officer at another agency, if it determines that would be the best option for the agency. 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).) As to the sexual harassment and abusive-

conduct prevention component, the training must thereafter be provided to supervisors once every two years. (Gov. Code, § 12950.1.)

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.*) Thereafter, for both categories of appointment, the employee must be provided a minimum of 20 hours of leadership training on a biennial basis. (*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 CRU reviews documents and records related to training that appointing powers are required by the afore-cited laws to provide its employees.

The CRU reviewed the SDRC's mandated training program<sup>2</sup> that was in effect during the compliance review period, August 1, 2017, through July 30, 2019. The SDRC's ethics training was found to be in compliance, while the SDRC's sexual harassment prevention training was found to be out of compliance.

**FINDING NO. 3 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors**

**Summary:** The SDRC did not provide mandatory sexual harassment prevention training to its Executive Officer every two years.

**Criteria:** Each department must provide its supervisors two hours of sexual harassment prevention training every two years. New supervisors must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subd. (a).)

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<sup>2</sup> The SDRC does not have any managerial or supervisory positions required to take the training mandated in Gov. Code § 19995.4.

**Severity:** Very Serious. The department does not ensure that all new and existing supervisors 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 Executive Officer had not completed the Sexual Harrassment Prevention Training timely.

**Corrective Action:** Within 90 days of the date of this report, the SDRC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that supervisors are provided sexual harassment prevention training in accordance with Government Code section 12950.1. While the Executive Officer completed this training after the review, a process or procedure must be established to ensure continued compliance with this requirement. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## Leave

### Leave Auditing and Timekeeping

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

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

occurred. (*Ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*Ibid.*)

During the period under review, February 1, 2019, through April 30, 2019, the SDRC reported one unit comprised of two active employees. The pay periods and timesheets reviewed by the CRU are summarized as follows:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
February 2019	100	2	2	0
March 2019	100	2	2	0
April 2019	100	2	2	0

**FINDING NO. 4 – Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed**

**Summary:** The SDRC failed to provide completed Leave Activity and Correction Certification forms for one unit reviewed during the February, March and April 2019 pay periods.

**Criteria:** Departments are responsible for maintaining accurate and timely leave accounting records for their employees. (Cal. Code Regs., tit. 2, § 599.665.) Departments shall identify and record all errors found using a Leave Activity and Correction Certification form. (Human Resources Manual Section 2101.) Furthermore, departments shall certify that all leave records for the unit/pay period identified on the certification form have been reviewed and all leave errors identified have been corrected. (*Ibid.*)

**Severity:** Technical. Departments must document that they reviewed all leave inputted into their leave accounting system to ensure accuracy and timeliness. For post-audit purposes, the completion of Leave Activity and Correction Certification forms demonstrates compliance with CalHR policies and guidelines.

**Cause:** The SDRC relies on its contractor, DGS, for compliance with this requirement as DGS does keys all of the leave into the leave accounting system.

**SPB Response:** Ultimately, the SDRC, as the hiring authority, is responsible for the compliance of all human resources functions. The SDRC may want to have discussions with its contractor about compliance with existing laws and policy, and/or explore seeking a different contractor to perform its human resources functions.

**Corrective Action:** Within 90 days of the date of this report, the SDRC 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 is documented and that all leave input is keyed accurately and timely. The SDRC must incorporate completion of Leave Activity and Correction Certification forms for all leave records even when errors are not identified or corrected. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## **Policy and Processes**

### **Nepotism**

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

### **FINDING NO. 5 – Department Does Not Maintain a Current Written Nepotism Policy**

**Summary:** The SDRC does not maintain a current written nepotism policy designed to prevent favoritism or bias in the recruiting, hiring, or assigning of employees.

**Criteria:** It is the policy of the State of California to recruit, hire and assign all employees on the basis of fitness and merit in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204). All department policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring, and assigning employees on the basis of merit. (*Ibid.*)

**Severity:** Very Serious. Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. Departments must take proactive steps to ensure that the recruitment, hiring, and assigning of all employees is done on the basis of merit and fitness in accordance with civil service statutes. Maintaining a current written nepotism policy, and its dissemination to all staff, is the cornerstone for achieving these outcomes.

**Cause:** The SDRC did not have a Nepotism Policy that was approved by the SDRC's Governing Board Members at the time of the review.

**Corrective Action:** On September 10, 2020, the SDRC's Governing Board approved a Nepotism Policy that meets the requirements of HR Manual Section 1204 which has been disseminated to its employees. Therefore, no further action is required at this time.

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

Public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. (Human Resources Manual Section 1415.)

Workers' compensation coverage is not mandatory for volunteers as it is for employees. (*Ibid.*) This is specific to the legally uninsured state departments participating in the Master Agreement. (*Ibid.*) Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers. (*Ibid.*)

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

**FINDING NO. 6 – No Evidence that Department is Out of Compliance with Workers' Compensation Laws, Board Rules, and/or CalHR Policies and Guidelines**

During the review period, there was no indication that the SDRC was out of compliance with applicable Workers' Compensation Law, Board Rules, and/or CalHR policies and or guidelines. SDRC has not appointed any new employees for five years, and they reported no work-related injuries within current record retention requirements.

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

Performance Appraisals

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

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

Classification	Date Performance Appraisals Due	Date Performance Appraisal Provided
Staff Services Analyst (General)	11/1/15 - 4/30/19	None
Environmental Scientist	7/1/15 - 6/30/19	None

## **FINDING NO. 7 – Performance Appraisals Were Not Provided to All Employees**

- Summary:** The SDRC did not provide annual performance appraisals to two employees reviewed after the completion of the employee's probationary period.
- Criteria:** Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)
- Severity:** Serious. The department does not ensure that all of its employees are appraised of work performance issues and/or goals in a systematic manner.
- Cause:** The SDRC's employees are provided feedback on an immediate and ongoing basis; as such, written performance appraisals are superfluous. Nonetheless, the SDRC will conduct written performance appraisals if required on an annual basis, based on hiring date.
- Corrective Action:** Within 90 days of the date of this report, the SDRC 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 SDRC's response is attached as Attachment 1.



## **SPB REPLY**

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

**SAN DIEGO RIVER CONSERVANCY**

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July 30, 2020

**VIA EMAIL TO [Luisa.Doi@spb.ca.gov](mailto:Luisa.Doi@spb.ca.gov)**

Ms. Luisa Doi  
Compliance Review Manager  
Compliance Review Division  
State Personnel Board  
(916) 653-1401

Re: Response to Draft State Personnel Board Compliance Review

Dear Ms. Doi,

This letter is in response to your Draft Compliance Review Report for the San Diego River Conservancy (SDRC), a small agency with a staff of three. SDRC has reviewed the report and prepared a cause and action plan for each finding.

**FINDING NO. 1 – A Disability Advisory Committee Has Not Been Established**

Cause: A formal EEO program has not been established as hiring opportunities have not been available. Over the years, San Diego River Conservancy (SDRC) has experienced few vacancies and has had extremely limited new hiring opportunities. With only three authorized positions, staff who are currently employed ran from periods of incumbency from 10 years, down to 5 years for the most recent hire. SDRC is committed to promoting and implementing equal opportunity for any vacant and/or new positions that arise. SDRC's Human Resources and personnel services are provided by the Department of General Services- Office of Human Resources, but is committed to the State Personnel Board and California Department of Human Resources policies for equal employment opportunity. SDRC is one of the smallest state agencies, which enables excellent daily communication among staff.

Correction Action: If a formal EEO policy needs to be adopted above and beyond those of DGS and CalHR, then SDRC will do so. Staff has at least weekly in-person meetings in addition to daily phone and email communications, where any concerns for reasonable accommodation or disability issues are raised and addressed. However, if written documentation of meetings is required, that will commence.

## **FINDING NO. 2 – Equal Employment Opportunity Officer Is Not at the Managerial Level**

Cause: At the time the audit was conducted, SDRC's Administrative Services Manager was a Staff Services Analyst, but was recently promoted to an Associate Governmental Program Analyst. It is important to note the SDRC currently has only 3 staff: Executive Officer, Environmental Scientist and Associate Governmental Program Analyst.

Corrective Action: Associate Governmental Program Analyst will be designated as EEO unless SPB determines otherwise.

## **FINDING NO. 3 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors**

Cause: Biennial online training has been taken by all SDRC staff. When audit began, the Executive Officer had not completed. The Executive Officer completed this training at the end of 2019.

Corrective Action: SDRC submitted to SPB a certificate of completion by the Executive Officer

## **FINDING NO. 4 – Leave Activity and Correction Certification Forms Were Not Completed for All Leave Records Reviewed**

Cause: Department of General Services- Office of Human Resources (DGS-OHR) performs all timekeeping and payroll activity for SDRC. SDRC provides timesheets (STD. 634) to DGS-OHR for review and accuracy for keying entry into state's timekeeping database. SDRC does not have access to state's database to enter leave information and/or review accuracy of leave balances. SDRC must contact DGS-OHR to retrieve any and all information. SDRC receives no monthly/quarterly reports from DGS-OHR notifying of employees' leave balance. It is unknown to SDRC how DGS-OHR verifies timesheets and or leave balances.

Corrective Action: If SPB determines SDRC shall track leave hours internally, it will do so via a spreadsheet.

## **FINDING NO. 5 – Departmental Leave Reduction Policy Was Not Developed**

Cause: Department of General Services - Office of Human Resources performs all time keeping and payroll services on behalf of SDRC. Thus, accurate and timely input is a DGS-OHR responsibility. The Conservancy was not notified by DGS-Office of Human Resources about any excess hours and need for leave reduction. During the audit when this issue was identified, the staff member with excess leave hours created and submitted

leave reduction plan approved via email by Reeta Macho, Personnel Supervisor I, Office of Human Resources/Personnel Transactions Unit DGS on May 20, 2020.

Corrective Action: Staff member is currently implementing plan and reducing leave hours.

**FINDING NO. 6 – Department Does Not Maintain a Current Written Nepotism Policy**

Cause: An Anti-nepotism policy exists, but has not been approved by the Governing Board Members. However, as SDRC has had extremely limited hiring opportunities, and even then, must rely on Department of General Services - Office of Human Resources, and any and all hiring must be based on merit and fitness. Any issue of potential nepotism is exceedingly remote and would be antithesis to state and SDRC policy.

Corrective Action: SDRC staff will submit written anti-nepotism policy to be considered/ approved by the Conservancy's Governing Board Members at the next regularly scheduled meeting. Recommended policy will be considered at the San Diego River Conservancy's next board meeting on September 10, 2020.

**FINDING NO. 8 – Performance Appraisals Were Not Provided to All Employees**

Cause: Any probationary periods have long since expired. All 3 staff members work together as a team and meet together at least 2 days per week, and performance issues are raised on a 1 to 1 basis and corrective actions are then determined as needed. Written performance appraisals would be superfluous and given that the Executive Officer provides immediate feedback and support as issues arise. Discussion of work performance is immediately address in an ongoing, collegial and positive manner.

Corrective Action: However, if written performance reviews are required, SDRC will comply. On an annual basis, based on hiring date.

Thank you for the opportunity to responds to the draft Compliance Review Report. If you have any questions, please do not hesitate to contact me by email at [Julia.richards@sdrc.ca.gov](mailto:Julia.richards@sdrc.ca.gov) or at 619-390-0534

Sincerely,



Julia L. Richards  
Executive Officer

The Corrective Action Response (CAR) is an opportunity for departments to demonstrate necessary steps have been implemented to correct the non-compliant Findings (deficiency) found as a result of the Compliance Review.

For each non-compliant Finding, refer to the Corrective Action section of that Finding in the review report. Copies of relevant documentation demonstrating that the Corrective Action has been or is in the process of being corrected must be included with the CAR. Examples include, but are not limited to, a training log for supervisory training, leave reduction policy and/or any new procedures that have been implemented.

### CORRECTIVE ACTION RESPONSE

DEPARTMENT: SAN DIEGO RIVER CONSERVANCY	BRANCH/DIVISION/PROGRAM:
CONTACT PERSON (NAME AND TITLE): JULIA RICHARDS, Executive Officer	CORRECTIVE ACTION RESPONSE DATE: 07/30/2020

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)
Finding as stated in the report, by number	Description of 1) completed or planned corrective action(s) and 2) of supporting documentation (if applicable)	Actual or Estimated Completion Date
<b>FINDING NO. 1 – A Disability Advisory Committee Has Not Been Established</b>	<p>A formal EEO program has not been established as hiring opportunities have not been available. Over the years, San Diego River Conservancy (SDRC) has experienced few vacancies and has had extremely limited new hiring opportunities. With only three authorized positions, staff who are currently employed ran from periods of incumbency from 10 years, down to 5 years for the most recent hire. SDRC is indeed committed to promoting and implementing equal opportunity for any vacant and/or new positions that arise. SDRC's Human Resources matters are provided by the Department of General Services- Office of Human Resources for personnel, but is committed to the State Personnel Board and California Department of Human Resources policies for equal employment opportunity. SDRC is one of the smallest state agencies, which enables excellent communication among staff.</p> <p>Correction Action: If a formal EEO policy needs to be adopted above and beyond those of DGS and CalHR, then SDRC will do so. Staff has at least weekly in-person meetings in addition to daily phone and email communications, where any concerns for reasonable accommodation or disability issues are raised and met. However, if written documentation of meetings is required, that will commence.</p>	9/30/20

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)
<b>FINDING NO. 2 – Equal Employment Opportunity Officer Is Not at the Managerial Level</b>	<p>At the time the audit was conducted, SDRC’s Administrative Services Manager was a Staff Services Analyst, but was recently promoted to an Associate Governmental Program Analyst. It is important to note the SDRC currently has only 3 staff: Executive Officer, Environmental Scientist and Associate Governmental Program Analyst.</p> <p>Corrective Action: Associate Governmental Program Analyst will be designated as EEO unless SPB determines otherwise.</p>	<p>9/30/2020</p>
<b>FINDING NO. 3 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors</b>	<p>Biennial online training has been provided and taken by all SDRC staff. When audit began, the Executive Officer had not completed. The Executive Officer completed this training at the end of 2019.</p> <p>Corrective Action: Attached is the most recent certificate of completion by the Executive Officer</p>	<p>Completed and attached.</p>
<b>FINDING NO. 4 – Leave Activity and Correction Certification Forms Were Not Completed for All Leave Records Reviewed</b>	<p>Department of General Services- Office of Human Resources (DGS-OHR) performs all timekeeping and payroll activity for SDRC. SDRC provides timesheets (STD. 634) to DGS-OHR for review and accuracy for keying entry into state’s timekeeping database. SDRC does not have access to state’s database to enter leave information and/or review accuracy of leave balances. SDRC must contact DGS-OHR to retrieve any and all information. SDRC receives no monthly/quarterly reports from DGS-OHR notifying of employees’ leave balance. To date, it is unknown how DGS-OHR verify timesheets and or leave balances.</p> <p>Corrective Action: If SPB determines SDRC shall track leave hours internally, it will do so via a spreadsheet format.</p>	<p>9/30/2020</p>
<b>FINDING NO. 5 – Departmental Leave Reduction Policy Was Not Developed</b>	<p>Department of General Services - Office of Human Resources performs all time keeping and payroll services on behalf of SDRC. Thus, accurate and timely input is a DGS responsibility. The Conservancy was not notified by DGS-Office of Human Resources about any excess hours and need for leave reduction. During the audit when this issue was identified, the staff member with excess leave hours created and submitted leave reduction plan approved via email by Reeta Macho, Personnel Supervisor I, Office of Human Resources/Personnel Transactions Unit DGS on May 20, 2020.</p> <p>Corrective Action: Staff member is currently implementing plan and reducing leave hours.</p>	<p>Completed and attached.</p>
<b>FINDING NO. 6 – Department Does Not Maintain a Current Written Nepotism Policy</b>	<p>An Anti-nepotism policy exists, but has not been approved by the Governing Board Members. However, as SDRC has had extremely limited hiring opportunities, and even then, must rely on Department of General Services - Office of Human Resources, and any and all hiring must be based on merit and fitness. Any issue of potential nepotism is exceedingly remote and would be antithesis to state and SDRC policy.</p> <p>Corrective Action: SDRC staff will submit written anti-nepotism policy to be considered/ approved by the Conservancy’s Governing Board Members at the next regularly scheduled meeting.</p>	<p>Recommended policy will be considered at the San Diego River Conservancy’s next board meeting on September 10, 2020.</p> <p>Policy attached.</p>

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)
<p><b>FINDING NO. 8 – Performance Appraisals Were Not Provided to All Employees</b></p>	<p>SDRC is a 3-person agency. Any probationary periods have long since expired. All staff members work together as a team and meet together at least 2 days per week, and performance issues raised on a 1 to 1 basis and corrective actions are then determined. Written performance appraisals would be superfluous and given that the Executive Officer provides immediate feedback and support as issues arise. Discussion of work performance is therefore ongoing, collegial and positive.</p> <p>Corrective Action: However, if written performance reviews are required, SDRC will comply.</p>	<p>On an annual basis, based on hiring date.</p>