



# **COMPLIANCE REVIEW REPORT**

## **WILDLIFE CONSERVATION BOARD**

Compliance Review Unit  
State Personnel Board  
November 16, 2020

# TABLE OF CONTENTS

Introduction .....	1
Executive Summary .....	2
Background .....	3
Scope and Methodology.....	4
Findings and Recommendations .....	6
Appointments .....	6
Equal Employment Opportunity .....	12
Mandated Training .....	13
Compensation.....	14
Leave .....	15
Departmental Response.....	25
SPB Reply .....	25

## **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 Wildlife Conservation Board (WCB) personnel practices in the areas of appointments, EEO, mandated training, compensation, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Finding
Appointments	Inappropriate Appointment by Way of Certification List
Appointments	Unlawful Appointments
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed <sup>1</sup>
Appointments	Appointment Documentation Was Not Kept for the Appropriate Amount of Time <sup>2</sup>
Equal Employment Opportunity	Equal Employment Opportunity Program Complied With All Civil Service Laws and Board Rules
Mandated Training	Ethics Training Was Not Provided for All Filers <sup>3</sup>
Compensation	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	Positive Paid Employees Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Department Did Not Retain Employee Time and Attendance Records
Leave	No Evidence Provided that Department Has Implemented a Monthly Internal Audit Process to Verify All Leave Input Is Keyed Accurately and Timely

<sup>1</sup> Repeat finding. May 29, 2018, the WCB’s Compliance Review report identified missing probation reports in 6 of 11 appointment files reviewed.

<sup>2</sup> Repeat finding. May 29, 2018, report identified that WCB failed to retain personnel records such as Notices of Personnel Actions (NOPAs) and employment applications.

<sup>3</sup> Repeat finding. May 29, 2018, report identified four existing filers did not receive ethics training, and two new filers did not receive ethics training within six months of appointment.

Area	Finding
Leave	Leave Reduction Plans Complied with Civil Services Laws, Board Rules, and CalHR Policies and Guidelines
Policy	Department Does Not Maintain a Current Written Nepotism Policy
Policy	Workers' Compensation Policy Was Not Provided to New Employees by the End of First Day Period
Policy	Performance Appraisals Were Not Provided to All Employees <sup>4</sup>

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 WCB was created by legislation in 1947 to administer a capital outlay program for wildlife conservation and related public recreation. Originally created within the California Department of Natural Resources, and later placed with the California Department of Fish and Wildlife (CDFW), the WCB is a separate and independent Board with authority and funding to carry out an acquisition and development program for wildlife conservation (California Fish and Game Code section 1300, et seq.). The WCB's seven-member Board consists of the President of the Fish and Game Commission, the Director of the CDFW, the Director of the Department of Finance, and four public members, two appointed by the legislature and two appointed by the Governor. Legislation that created the WCB also established a Legislative Advisory Committee consisting of three members of the Senate and three members of the Assembly, who meet with the WCB, providing legislative oversight.

The primary responsibilities of WCB are to select, authorize, and allocate funds for the purchase of land and waters suitable for recreation purposes and the preservation, protection and restoration of wildlife habitat. The WCB protects, restores and enhances California's spectacular natural resources for wildlife and for the public's use and enjoyment in partnership with conservation groups, government agencies and the people of California.

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<sup>4</sup> Repeat finding. May 29, 2018, report identified that WCB failed to provide 1 employee's performance appraisal report.

The CDFW performs human resources operations for the WCB.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the WCB's appointments, EEO program, mandated training, compensation, leave, and policy and processes<sup>5</sup>. The primary objective of the review was to determine if the WCB'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 WCB did not conduct any examinations or permanent withhold actions during the compliance review period.

A cross-section of the WCB's appointments were selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the WCB 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 WCB did not conduct any unlawful appointment investigations or make any additional appointments during the compliance review period.

The WCB's appointments were also selected for review to ensure the WCB applied salary regulations accurately and correctly processed employees' compensation. The CRU examined the documentation that the WCB provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application.

During the compliance review period, the WCB did not issue or authorize hiring above minimum (HAM) requests, red circle rate requests, arduous pay, bilingual pay, monthly pay differentials, alternate range movements or out-of-class assignments.

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

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

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

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

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

The CRU also identified the WCB's employees whose current annual leave, or vacation leave credits, exceeded established limits. The CRU reviewed a cross-section of these identified employees to ensure that employees who have significant "over-the-cap" leave balances have a leave reduction plan in place. Additionally, the CRU asked the WCB to provide a copy of their leave reduction policy.

The CRU reviewed the WCB's Leave Activity and Correction Certification forms to verify that the WCB 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 WCB's units in order to ensure they maintained accurate and timely leave accounting records. Further, the CRU reviewed a selection of WCB positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

During the compliance review period, the WCB did not have any employees with non-qualifying pay period transactions, or authorize Administrative Time Off (ATO).

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

On September 24, 2020, an exit conference was held with the WCB to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the WCB's written response on October 5, 2020, which is attached to this final compliance review report.

## FINDINGS AND RECOMMENDATIONS

### Appointments

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

During the period under review, May 1, 2019, through April 30, 2020, the WCB made nine appointments. The CRU reviewed six of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Transfer	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Transfer	Limited Term	Full Time	1
Senior Environmental Scientist (Supervisor)	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	1

### **FINDING NO. 1 – Inappropriate Appointment by Way of Certification List**

**Summary:** An appointment for an Office Assistant (Typing) position was made by the WCB wherein the candidate’s eligibility for appointment was



established through the Limited Examination and Appointment Program (LEAP) process. However, the WCB processed the appointment off the Office Assistant (Typing) non-LEAP employment list, despite the candidate having no eligibility on this list.

**Criteria:** California Code of Regulations, title 2, section 254, provides that, for a class in which the certification of eligibles is under Government Code sections 19057.1, 19057.2 and 19057.3, the appointing power shall fill a vacancy in a class by selection from the eligibles in the three highest ranks certified who are willing to accept employment under the conditions of employment specified.

**Severity:** Very Serious. The department failed to take the necessary steps to ensure that the candidate was appropriately hired off the certification list for which s/he had eligibility.

**Cause:** The WCB acknowledges that the appointment was not properly processed due to human error. Although the eligibility verification was properly processed on the correct LEAP eligibility record, the employee was inappropriately hired into the non-LEAP Office Assistant classification.

**Corrective Action:** Within 90 days of the date of this report, the WCB must submit to the SPB a written corrective action plan that addresses this finding and any corrective action taken. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response, if applicable.

## **FINDING NO. 2 – Unlawful Appointments**

**Summary:** The WCB failed to ensure that all appointments are based on merit, and comply with the laws and rules governing equitable administration of the civil service merit system.

The WCB made one appointment in which a candidate without limited term eligibility was hired for a limited term position. Specifically, the candidate was inappropriately processed as a limited term Senior Environmental Scientist (Supervisory) appointment off of the permanent certification list. This appointment

was fraught with errors at every step of the hiring process, ultimately leading to an unlawful appointment.

In an attempt to fix their errors, the WCB created a second unlawful appointment wherein they transferred the same employee from the limited term position to a permanent Senior Environmental Scientist (Supervisory) position. The limited term appointment and time spent in the limited term position does not confer permanent status to the employee; further, at the time of transfer, the employee did not have permanent list eligibility for the classification.

These appointments will be allowed to stand pursuant to California Code of Regulations section 243.2, as there was no evidence that either the department or the employee engaged in other than good faith in either appointment; rather, the errors were the result of confusion by the WCB over the rules surrounding limited term appointments.

**Criteria:** Government Code section 19050.4 provides, in part, that a transfer may be accomplished without examination pursuant to rule.

Article VII, Section 1, subdivision (b), of the California Constitution requires that permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination. Therefore, a transfer may only be made if the employee has held a permanent appointment made as a result of a competitive examination in the same class or a class substantially the same as the class to which the person is transferring.

California Code of Regulations, title 2, section 281 provides that no time that an employee or LEAP candidate serves in a limited-term appointment may count toward acquiring permanent status in any position.

**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. The CRU finds that the appointment was made in good faith, was not the fault of the appointed employee, and did not merit being voided since it has been over one year since the unlawful appointment occurred.

**Cause:** The WCB acknowledges that the inappropriate appointment was due to human error. The limited term position was established incorrectly. The position should have been established as permanent full-time, and the employee should have been appointed on a limited term basis. Additionally, the job advertisement on ECOS was also entered incorrectly as it was advertised as permanent full-time. The employee applied for and was cleared from a permanent full-time certification list. In order to correct the error, the employee was placed in the temporary blanket while the position establishment was corrected.

**Corrective Action:** Within 90 days of the date of this report, the WCB must submit to the SPB a written corrective action plan that addresses this finding and any corrective action taken. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response, if applicable.

**FINDING NO. 3 – Probationary Evaluations Were Not Provided for all Appointments Reviewed**

**Summary:** The WCB did not provide four probationary reports of performance for four of the six appointments reviewed by the CRU, as reflected in

the table below. This is the second consecutive time this has been a finding for the WCB.

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Senior Environmental Scientist (Specialist)	Transfer	2	2
Senior Environmental Scientist (Supervisor)	Transfer	1	2
Staff Services Analyst (General)	Transfer	1	2

**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 WCB acknowledges that not all supervisors and managers consistently meet this requirement. The WCB makes a good faith effort to inform management of the requirements on probationary evaluations. Management is informed during supervisory training modules and are provided the due dates of probationary evaluations for their employees.

**Corrective Action:** Within 90 days of the date of this report, the WCB 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 19172. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

**FINDING NO. 4 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time**

**Summary:** The WCB failed to retain personnel records. Of the six appointments reviewed, the WCB did not retain two NOPAs. This is the second consecutive time this has been a finding for the WCB.

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

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

**Cause:** The WCB states that the NOPA documents were not retained due to staff not following established retention procedures.

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

### **Equal Employment Opportunity**

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

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).)

<b>FINDING NO. 5 – Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules</b>
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After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and regulatory guidelines, the CRU determined that the WCB's EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Executive Director of the WCB. The WCB also provided

evidence of its efforts to promote EEO in its hiring and employment practices and to increase its hiring of persons with a disability.

### **Mandated Training**

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

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

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

The CRU reviewed the WCB’s mandated training program that was in effect during the compliance review period, May 1, 2018, through April 30, 2020. The WCB’s sexual harassment prevention training was found to be in compliance, while the WCB’s ethics training was found to be out of compliance.

**FINDING NO. 6 – Ethics Training Was Not Provided for All Filers**

**Summary:** The WCB did not provide ethics training to 11 of 32 existing filers. In addition, the WCB did not provide ethics training to one of two new filers within six months of their appointment. This is the second consecutive time this has been a finding for the WCB.

**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 WCB acknowledges that not all WCB filers completed ethics training within the prescribed timeframe. An annual email is sent to WCB employees of the ethics training requirement. Additionally, the multiple reminders are sent to those who have not completed the training within the prescribed timeframe. The WCB states it is incumbent upon the employee and supervisor to comply with the mandated training.

**Corrective Action:** Within 90 days of this report, the WCB 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.

## **Compensation**

### **Salary Determination**

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate<sup>6</sup> upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

Typically, agencies appoint employees to the minimum rate of the salary range for the class. Special provisions for appointments above the minimum exist to meet special recruitment needs and to accommodate employees who transfer into a class from another civil service class and are already receiving salaries above the minimum.

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<sup>6</sup> "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).



During the period under review, May 1, 2019, through April 30, 2020, the WCB made nine appointments. The CRU reviewed four of those appointments to determine if the WCB 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	\$5,883
Office Technician (Typing)	Certification List	Permanent	Full Time	\$3,144
Senior Environmental Scientist (Specialist)	Certification List	Limited Term	Full Time	\$8,479
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full Time	\$8,075

**FINDING NO. 7 – Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

The CRU found no deficiencies in the salary determinations that were reviewed. The WCB appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

**Leave**

**Positive Paid Employees**

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

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial

days<sup>7</sup> worked and paid absences,<sup>8</sup> is counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

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

At the time of the review, the WCB had three positive paid employees whose hours were tracked. The CRU reviewed two of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Senior Environmental Scientist (Specialist)	Retired Annuitant	7/1/18 – 6/30/19	121.5 Hours

<sup>7</sup> For example, two hours or ten hours counts as one day.

<sup>8</sup> For example, vacation, sick leave, compensating time off, etc.

Classification	Tenure	Time Frame	Time Worked
Senior Environmental Scientist (Specialist)	Retired Annuitant	7/1/18 – 6/30/19	99 Hours

**FINDING NO. 8 – Positive Paid Employees Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

The CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. WCB provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Leave Auditing and Timekeeping

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

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

During the period under review, October 31, 2019, through January 30, 2020, the WCB reported 3 units comprised of 114 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
November 2019	567-001	38	0	38
December 2019	567-001	38	0	38

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
January 2020	567-001	38	0	38

**FINDING NO. 9 – Department Did Not Retain Employee Time and Attendance Records**

**Summary:** The WCB did not provide or was unable to locate any of 114 timesheets selected for review between the November 2019 pay period and January 2020 pay period.

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

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

**Cause:** The WCB/HRB disagrees with this finding and states that timesheets are submitted electronically and HRB is in possession of all employees’ timesheets for the requested months. However, the WCB acknowledges that these documents were not provided in the original compliance review request.

**SPB Response:** The WCB was given ample opportunity to provide the requested timesheets during the compliance review. The timesheets were requested during every phase of the review including the materials request phase and the missing documents phase prior to drafting the report. The CRU cannot corroborate that the timesheets exist or that they are stored electronically. The WCB’s response to the missing documents request stated that the timesheets were “not provided.”

**Corrective Action:** Within 90 days of the date of this report, the WCB must submit to the SPB all timesheets requested so that a review of the leave accounting system may be conducted.

**FINDING NO. 10 – No Evidence Provided That Department Has Implemented a Monthly Internal Audit Process to Verify All Leave Input Is Keyed Accurately and Timely**

**Summary:** The WCB failed to provide evidence that the department has implemented a monthly internal audit process to verify all timesheets were keyed accurately and timely.

**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.) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*)

**Severity:** Serious. In order for Department leave accounting reports to reflect accurate data, the review of the leave accounting records and corrections, if necessary, are to be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. This means corrections are to be made prior to the next monthly leave activity report being produced.

**Cause:** The WCB does not agree with this finding. The WCB states under CalHR's direction, timesheets are audited twice to ensure the correct leave is inputted. The WCB states that their backup personnel specialist completes the back audit and all timesheets submitted received a second audit.

**SPB Response:** The Human Resources Manual Section 2101 states that departments shall create an audit process to review and correct leave input errors on a monthly basis. Further, departments must identify and record all errors found during the comparison pay period using a Leave Activity and Correction Certification form. The WCD did not provide any timesheets, LAS reports, or Leave Activity and

Correction Certification forms to substantiate the audit process.

**Corrective Action:** Within 90 days of the date of this report, the WCB must submit to the SPB all documents requested so that a review of their monthly internal audit process may be conducted.

### Leave Reduction Efforts

Departments must create a leave reduction policy for their organization and monitor employees' leave to ensure compliance with the departmental leave policy; and ensure employees who have significant "over-the-cap" leave balances have a leave reduction plan in place. (Human Resources Manual Section 2124.)

Applicable Memorandums of Understanding and the California Code of Regulations prescribe the maximum amount of vacation or annual leave permitted. "If a represented employee is not permitted to use all of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion."<sup>9</sup> (Cal. Code Regs., tit. 2, § 599.737.) If it appears an excluded employee will have a vacation or annual leave balance that will be above the maximum amount<sup>10</sup> as of January 1 of each year, the appointing power shall require the supervisor to notify and meet with each employee so affected by the preceding July 1, to allow the employee to plan time off, consistent with operational needs, sufficient to reduce their balance to the amount permitted by the applicable regulation, prior to January 1. (Cal. Code Regs., tit. 2, § 599.742.1.)

It is the intent of the state to allow employees to utilize credited vacation or annual leave each year for relaxation and recreation, ensuring employees maintain the capacity to optimally perform their jobs. (Cal. Code Regs., tit. 2, § 599.742.1.) For excluded employees, the employee shall also be notified by July 1 that, if the employee fails to take off the required number of hours by January 1, the appointing power shall require the employee to take off the excess hours over the maximum permitted by the applicable regulation at the convenience of the agency during the following calendar year. (*Ibid.*) To both comply with existing civil service rules and adhere to contemporary human resources principles, state managers and supervisors must cultivate healthy work- life balance by granting reasonable employee vacation and annual leave requests when operationally feasible. (Human Resources Manual Section 2124.)

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<sup>9</sup> For represented employees, the established limit for annual or vacation leave accruals is 640 hours, however for Bargaining Unit 06 there is no established limit and for Bargaining Unit 05 the established limit is 816 hours.

<sup>10</sup> Excluded employees shall not accumulate more than 80 days.

**FINDING NO. 11 – Leave Reduction Plans Complied with Civil Services Laws, Board Rules, and CalHR Policies and Guidelines**

The CRU reviewed employee vacation and annual leave to ensure that those employees who have significant “over-the-cap” leave balances have a leave reduction plan in place and are actively reducing hours. In addition, the CRU reviewed the department’s leave reduction policy to verify its compliance with applicable rule and law, and to ensure its accessibility to employees. Based on our review, the CRU found no deficiencies in this area.

**Policy and Processes**

Nepotism

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. (*Ibid.*) 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. 12 – Department Does Not Maintain a Current Written Nepotism Policy**

**Summary:** The WCB does not maintain a current written nepotism policy designed to prevent favoritism or bias in 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 WCB states that the CDFW maintains a current Nepotism Policy. The WCB further states that although the policy does not specifically list the WCB by name, this board falls under the CDFW’s purview.

**SPB Response:** The WCB is a distinctly different agency than the CDFW. The CDFW’s Nepotism policy does not specifically mention that it applies to the WCB, nor could the CDFW produce documentation that the WCB’s employees have been specifically informed that the WCB uses the CDFW’s Nepotism policy.

**Corrective Action:** Within 90 days of the date of this report, the WCB must submit to the SPB a written corrective action response which includes an updated nepotism policy which contains requirements outlined in Human Resources Manual Section 1204, and documentation demonstrating that it has been distributed to all staff.

### Workers’ Compensation

Employers shall provide to every new employee, either at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers’ compensation law. (Cal. Code Regs., tit. 8, § 9880 subd. (a).) This notice shall include the right to predesignate their personal physician or medical group; a form that the employee may use as an optional method for notifying the employer of the name of employee’s “personal physician,” as defined by Labor Code section 4600. (Cal. Code Regs., tit. 8, § 9880, subd. (c)(7) & (8).) Additionally, within one working day of receiving notice or knowledge that the employee has suffered a work related injury or illness, employers shall provide a claim form and notice of potential eligibility for benefits to the injured employee. (Labor Code, § 5401 subd. (a).)



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

**FINDING NO. 13 – Workers' Compensation Policy Was Not Provided to New Employees by the End of First Pay Period**

**Summary:** The WCB did not provide specific notices to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law.

**Criteria:** Employers shall provide to every new employee 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 of Regs., tit. 8, § 9880.)

**Severity:** Very Serious. The department does not ensure that its employees are aware of policies and procedures concerning workers' compensation.

**Cause:** The WCB states that the notice informing employees of their rights and responsibilities under the California's Workers' Compensation law is posted in each CDFW facility, including the WCB. Additionally, the Pre-designation of Personal Physician form is provided to all employees upon hire and sent out on an annual basis. The Workers Compensation Claim Form Notice of Potential Eligibility (SCIF 3301) and the "I've Just been Injured on the Job" publication is provided to the employee within one day of injury.

**Corrective Action:** Within 90 days of the date of this report, the WCB 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 8, section 9880. Copies of relevant documentation demonstrating that the corrective action has

been implemented must be included with the corrective action response.

### 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 nine permanent WCB 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
Attorney III	7/1/19
Senior Environmental Scientist (Supervisory)	3/21/19
Senior Land Agent (Specialist)	1/15/2019
Senior Land Agent (Specialist)	9/21/2019
Senior Land Agent (Specialist)	5/17/2019
Senior Land Agent (Specialist)	6/11/2019
Senior Land Agent (Specialist)	10/1/2019
Staff Services Manager I	6/12/2019
Supervising Land Agent (Supervisory)	6/25/2019

### **FINDING NO. 14 – Performance Appraisals Were Not Provided to All Employees**

**Summary:** The WCB did not provide documentation demonstrating that annual performance appraisals were provided to any of the nine employees selected for review. This is the second consecutive time this has been a finding for the WCB.

**Criteria:** Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power,

shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

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

**Cause:** The WCB acknowledges that not all supervisors and managers consistently meet this requirement. The WCB states that it makes a good faith effort to inform management of the requirements on performance appraisals. Management is informed during supervisory training modules and an annual memorandum is sent to all managers and supervisors on their responsibilities in this area.

**Corrective Action:** Within 90 days of the date of this report, the WCB 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 WCB's response is attached as Attachment 1.

### **SPB REPLY**

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.

**State of California  
Department of Fish and Wildlife**

**M e m o r a n d u m**

**Date:** December 7, 2020

**To:** Suzanne Ambrose  
Compliance Review Division  
State Personnel Board

**RE: Compliance Review Responses to Findings and Recommendations (Revised)**

Dear Ms. Ambrose:

The California Department of Fish and Wildlife (CDFW), Human Resources Branch (HRB) has reviewed the draft Compliance Review Report for the Wildlife Conservation Board (WCB). The HRB performs all human resource functions on behalf of WCB. Generally, we find the report to be thorough and an accurate summary. We take our responsibilities seriously and are committed to correcting all deficiencies noted in the report.

**Finding No. 1**

**Inappropriate Appointment by way of Certification List**

The WCB/HRB acknowledges that this inappropriate appointment was due to human error. The limited term (LT) position was established incorrectly. The position should have been established as permanent full-time (P/FT) and the employee appointed on an LT basis. Additionally, the job advertisement on ECOS was also entered incorrectly as it was advertised as P/FT. The employee in the position applied and was cleared from a P/FT certification list. In order to correct the error, the employee was placed into the temporary blanket while the position establishment was corrected. Once the position was corrected, the employee was placed appropriately in the position.

**Finding No. 2**

**Unlawful Appointments**

The WCB/HRB acknowledges that this inappropriate appointment was due to human error. The limited term (LT) position was established incorrectly. The position should have been established as permanent full-time (P/FT) and the employee appointed on an LT basis. Additionally, the job advertisement on ECOS was also entered incorrectly as it was advertised as P/FT. The employee in the position applied and was cleared from a P/FT certification list. In order to correct the error, the employee was placed into the temporary blanket while the position establishment was corrected. Once the position was corrected, the employee was placed appropriately in the position.

Ms. Suzanne Ambrose  
Page Two  
December 7, 2020

### **Finding No. 3**

#### **Probationary Evaluations were not provided for all appointments reviewed**

The WCB acknowledges that not all supervisors and managers consistently meet this requirement. WCB/HRB makes a good faith effort to inform management of the requirements on probationary evaluations. Management is informed during supervisory training modules and are provided the due dates of probationary evaluations for their employees. The failure to comply has been an ongoing concern for CDFW which will be addressed in the corrective action response.

### **Finding No. 4**

#### **Appointment Documentation was not kept for the appropriate amount of time**

The WCB acknowledges that some employee records were not properly retained. The Notice of Personnel Action (NOPA) documents were not retained due to staff not following established retention procedures. The failure to comply has been an ongoing concern for CDFW which will be addressed in the corrective action response.

### **Finding No. 5**

**No issues found**

### **Finding No. 6**

#### **Ethics training was not provided for all filers**

The WCB acknowledges that not all WCB filers completed ethics training within the prescribed timeframe. An annual email is sent to CDFW/WCB employees of the Ethics training requirement. Additionally, the CDFW sends multiple reminders to those who have not completed the training within the prescribed timeframe. It is incumbent upon the employee and supervisor to comply with the mandated training. The failure to comply has been an ongoing concern for CDFW which will be addressed in the corrective action response.

### **Finding No. 7**

**No issues found**

### **Finding No. 8**

**No issues found**

Ms. Suzanne Ambrose  
Page Three  
December 7, 2020

**Finding No. 9**

**Department did not retain employee time and attendance records**

The WCB/HRB does not agree with the finding. Timesheets are submitted electronically and HRB is in possession of all employee's timesheets for the requested months. We apologize that these documents were not provided in the original request.

**Finding No. 10**

**No evidence provided that Department has implemented a monthly internal audit process to verify all leave input is keyed accurately and timely**

The WCB/HRB does not agree with this finding. Per CalHR's direction, timesheets are audited twice to ensure the correct leave is inputted. The backup personnel specialist completes the back audit. All other timesheets submitted received a second audit.

**Finding No. 11**

**No issues found.**

**Finding No. 12**

**Department does not maintain a current written Nepotism Policy**

The WCB/HRB does not agree with this finding. CDFW maintains a current Nepotism Policy. Although the policy does not specifically list WCB by name, this board falls under CDFW's purview. CDFW provides the Nepotism Policy to all WCB employees electronically and receives their acknowledgement.

**Finding No. 13**

**Worker's Compensation policy was not provided to new employees by the end of first day period**

The WCB/HRB does not agree with this finding. The notice informing employees of their rights and responsibilities under California's Workers' Compensation law is posted in each CDFW facility including WCB. This posting is mandated by CalOSHA. Additionally, the Pre-designation of Personal Physician form is provided to all employees upon hire and sent out on an annual basis. The Workers Compensation Claim Form Notice of Potential Eligibility (SCIF 3301) and the "I've Just been Injured on the Job" publication is provided to the employee within one day of injury.

**Finding No. 14**

**Performance Appraisals were not provided to all employees**

The WCB acknowledges that not all supervisors and managers consistently meet this requirement. WCB/HRB makes a good faith effort to inform management of the requirements on performance appraisals. Management is informed during supervisory training modules and an

Ms. Suzanne Ambrose  
Page Four  
December 7, 2020

annual memorandum is sent to all managers and supervisors on their responsibilities in this area. The failure to comply has been an ongoing concern for CDFW which will be addressed in the corrective action response.

The WCB would like to thank the SPB Compliance Review team and appreciate the opportunity to respond to the findings. WCB will continue to educate and train our staff on best hiring practices and requirements to ensure compliance with the State's civil service merit system.

If you have any questions or additional information, please contact me at (916) 653-4745.

Sincerely,

DocuSigned by:

*Samantha Procida*

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Samantha Procida, Chief  
Human Resources Branch



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Director's Office  
P.O. Box 944209  
Sacramento, CA 94244-2090  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM**, Governor  
**CHARLTON H. BONHAM**, Director



February 1, 2021

Suzanne M. Ambrose, Executive Officer  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

## **CORRECTIVE PLAN – WILDLIFE CONSERVATION BOARD**

Dear Ms. Ambrose:

The California Department of Fish and Wildlife (CDFW) and Wildlife Conservation Board (WCB) have implemented several corrective actions to address the State Personnel Board's findings presented in the November 2020 Compliance Review Report of the WCB. Please see below for each specific action.

### **Finding 1: Inappropriate Appointment by Way of Certification of List**

CDFW's Human Resources Branch (HRB) took corrective action to correct and appropriately reflect the LEAP appointee's employment history in the State Controller's Office System. To further address this finding, the HRB has developed a process (attached) to ensure all staff are educated on appropriate LEAP procedures and appointees are appropriately keyed.

### **Finding 2: Unlawful Appointments**

CDFW's HRB took corrective action to ensure the employee was placed into a correct position. To further address this finding, the HRB has educated staff in the appropriate procedures for processing limited-term appointments in an accurate manner.

### **Finding 3: Probationary Evaluations Were Not Provided for All Appointments Reviewed**

CDFW/WCB places great value on probationary reports and the importance of timely evaluations. CDFW's HRB notifies supervisors via email of upcoming probationary evaluation due dates. Should a manager or supervisor not complete the report timely and provide it to the HRB for placement into the Official Personnel File (OPF), notification will be made utilizing chain of command. Based on these notifications, managers and supervisors are expected to complete the probation reports, discuss with the employee, and submit signed copies to the HRB for retention. In response to this audit, CDFW/WCB will continue to reinforce employee evaluation expectations through standardized training statewide and accountability.



Ms. Suzanne M. Ambrose  
State Personnel Board – WCB Audit 2020  
February 1, 2021  
Page 2

**Finding 4: Appointment Documentation was Not Kept for the Appropriate Amount of Time**

CDFW's HRB has developed internal procedures (attached) to ensure staff are trained and that signed Notices of Personnel Action (NOPA) are received from employees and filed in the OPF. To further address this issue, CDFW/WCB will issue additional regular directives to staff regarding requirements for retention of hiring and appointment documentation to ensure compliance with control agency directives.

**Finding 6: Ethics Training Was Not Provided to All Filers within the Prescribed Timeframe**

CDFW's training office assigns Ethics training using their learning management system (LEARN) on a two-year cycle with instructions to mark the training complete on their transcript and upload the certificate when done. Throughout the cycle, the training is also assigned to new Form 700 designated filers as they join the department or are promoted to their respective classification. Since the Ethics training is provided by an external (Department of Justice) vendor we must rely solely on employees uploading their completion certificates after they complete the training. For the 2017 and 2019 cycles, the training office assigned the Ethics training to all Form 700 designated filers through LEARN and email reminders were sent out a week before the due date and then the training office followed up with past due reminders after the initial due date. The automated processes that have been put in place to ensure compliance identifies those who have not completed the training.

To further increase compliance, the CDFW/WCB will increase monitoring of designated filers for completion of ethics training and shorten the period prior to escalation to the filer's management.

**Finding 9: Department Did Not Retain Employee Time and Attendance Records**

The CDFW/WCB understands the importance of accurate time and attendance records for all employees. Timesheets are submitted electronically and the HRB is in possession of all employee's timesheets for the requested months. We apologize that these documents were not provided in the original request. (See attached)

**Finding 10: No Evidence Provided That Department Has Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely**

The second audit documentation for 12/19 & 1/20 are attached. We apologize that these documents were not provided in the original request. The second audit for 11/19 could not be located. To address this finding, the HRB will continue to work

Ms. Suzanne M. Ambrose  
State Personnel Board – WCB Audit 2020  
February 1, 2021  
Page 3

with Personnel Specialists on training and reconciliation efforts. Additionally, the payroll & benefits management team will certify that the audit was conducted and that any errors identified on the certification form have been corrected.

**Finding 12: Department Does Not Maintain a Current Written Nepotism Policy**

The CDFW/WCB agrees that nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. The CDFW has a current Nepotism policy and it was distributed to all employees including WCB. Attached is a copy of the email distribution list showing that the Nepotism Policy was sent to WCB employees. In response to this audit, CDFW will specify WCB in the Nepotism Policy.

**Finding 13: Workers' Compensation Policy Was Not Provided to New Employees by the End of the First Pay Period**

Currently, the WCB informs employees of their rights and responsibilities under the California's Workers' Compensation law by posting the Notice to Employees – Injuries Caused by Work (DWC 7) in each CDFW facility, including the WCB. This notice is posted on the Employee Wellness Services Intranet page under Workers Compensation for all CDFW and WCB employees to access online. Additionally, the Pre-designation of Personal Physician form is provided to all employees upon hire and sent out on an annual basis. The Workers Compensation Claim Form Notice of Potential Eligibility (SCIF 3301) and the "I've Just been Injured on the Job" publication is provided to the employee within one day of injury.

In response to this audit, the CDFW/WCB has added the notice to the New Hire Checklist (attached) as a reminder to provide notice to new hires. The New Hire Checklist is part of the on-boarding process and used by all hiring supervisors within CDFW/WCB.

**Finding 14: Performance Appraisals Not Provided to All Employees**

Twice a year, training for CDFW and WCB supervisors and managers is provided on completion of performance appraisal reports and an annual memorandum is sent regarding this requirement. In response to this audit, CDFW/WCB will continue to reinforce employee evaluation expectations through standardized training statewide and accountability.

Again, CDFW/WCB appreciates the opportunity to review and respond to the findings of SPB's compliance review. The assistance and guidance offered by SPB staff during the review is invaluable, and we will use that assistance and guidance to continue to work towards ensuring consistent application of the State's laws, rules, and regulations regarding personnel practices.

Ms. Suzanne M. Ambrose  
State Personnel Board – WCB Audit 2020  
February 1, 2021  
Page 4

If you have any questions or require additional information, please contact me at 916-653-4745.

Sincerely,

DocuSigned by:  
*Samantha Procida*  
42494263A5884F7...

Samantha Procida, Chief  
Human Resources Branch

Attachments:

1. LEAP Process
2. NOPA Procedures
3. Timesheets
4. Second Audit Documentation (12/19; 1/20)
5. WCB Email Distribution List (Nepotism Policy)
6. New Hire Checklist