



COMPLIANCE REVIEW REPORT

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Compliance Review Unit
State Personnel Board
August 11, 2023

TABLE OF CONTENTS

INTRODUCTION	1
EXECUTIVE SUMMARY	2
BACKGROUND	4
SCOPE AND METHODOLOGY	4
FINDINGS AND RECOMMENDATIONS	7
EXAMINATIONS.....	7
APPOINTMENTS.....	10
EQUAL EMPLOYMENT OPPORTUNITY	17
PERSONAL SERVICES CONTRACTS	18
MANDATED TRAINING	22
COMPENSATION AND PAY	26
LEAVE.....	39
POLICY AND PROCESSES.....	46
DEPARTMENTAL RESPONSE.....	49
SPB REPLY	49

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." The SPB and the 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 the 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, the 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 California Governor's Office of Emergency Services (Cal OES) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Serious	Emergency Appointments Exceeded Time Limitation
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely ¹
Appointments	Technical	Department Did Not Provide Benefit Information in Accordance with Civil Service Law
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time ²
Equal Employment Opportunity	In Compliance	Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts ³

¹ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified 12 probationary reports were not prepared, completed and/or retained. Additionally, the October 19, 2015, compliance review report identified Cal OES did not prepare, complete, and/or retain required probationary reports of performance for 24 of 63 appointments.

² Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified 12 NOPAs were not retained.

³ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified Cal OES did not notify unions prior to executing nine PSC's.

Area	Severity	Finding
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ⁴
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs ⁵
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ⁶
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Hire Above Minimum Requests Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Incorrect Authorization of Bilingual Pay ⁷
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay ⁸
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

⁴ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified ethics training was not provided to 111 of 216 new filers and 27 of 214 existing filers.

⁵ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified basic supervisory training was not provided to 18 of 39 new supervisors.

⁶ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified sexual harassment prevention training was not provided to 21 of 31 new supervisors and 7 of 9 existing supervisors.

⁷ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified three employees retained bilingual pay from their prior appointment at a different department.

⁸ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified errors were found in 10 of 12 out-of-class pay issued by Cal OES.

Area	Severity	Finding
Leave	Very Serious	Incorrectly Posted Leave Usage and/or Leave Credit
Leave	In Compliance	Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees ⁹

BACKGROUND

The Cal OES is responsible for coordinating the overall state agency response to natural, technological, or human-caused disasters and emergencies; assuring the state's readiness to respond to and recover from all hazards; and assisting our partners with emergency preparedness, protection, response, recovery, and mitigation activities.

Cal OES experienced a major expansion of operations and related growth challenges in the last few years due to unprecedented wildfires and COVID-19 response. As of July 1, 2022, the department has approximately 1,719 employees, equal to a 37.4% increase over 2019. Cal OES currently has a total of six directorates: Response Operations; Recovery Operations; Planning, Preparedness and Prevention; Logistics Management; Homeland Security; and Finance and Administration, as well as the Office of the Director.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the Cal OES' examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes¹⁰. The primary objective of the review was to determine if the Cal OES' personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, the CalHR's policies and

⁹ Repeat finding. The September 12, 2019, Cal OES Compliance Review Report identified Cal OES did not provide performance appraisals to 28 of 90 employees.

¹⁰ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

A cross-section of the Cal OES' examinations was selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRU examined the documentation that the Cal OES provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed the Cal OES' permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

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

The Cal OES' appointments were also selected for review to ensure the Cal OES applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the Cal OES provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay e.g., hire above minimum (HAM) requests, bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the Cal OES did not issue or authorize red circle rate requests or arduous pay.

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

The Cal OES' PSC's were also reviewed.¹¹ It was beyond the scope of the compliance review to make conclusions as to whether the Cal OES' justifications for the contracts were legally sufficient. The review was limited to whether the Cal OES' practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU reviewed the Cal OES' monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRU selected a small cross-section of the Cal OES' units to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the Cal OES' employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRU reviewed a selection of the Cal OES employees who used Administrative Time Off (ATO) to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of Cal OES positive paid employees whose hours are tracked during the compliance review period to ensure that they adhered to procedural requirements.

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

On May 15, 2023, an exit conference was held with the Cal OES to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the Cal OES' written response on June 9, 2023, which is attached to this final compliance review report.

¹¹If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.

FINDINGS AND RECOMMENDATIONS

Examinations

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

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES conducted 34 examinations. The CRU reviewed 15 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Assistant Director of Crisis Communications & Media Relations	CEA	Statement of Qualifications (SOQ) ¹²	7/16/21	29
CEA A, Assistant Director, Human Resources Section	CEA	SOQ	8/12/21	18

¹² In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Coordinator (Fire & Rescue Services)	Departmental Open	Supplemental Application (SA) ¹³	8/4/21	4
Coordinator (Law Enforcement)	Departmental Open	SA	11/22/21	2
Coordinator Communications	Departmental Open	Training and Experience (T&E) ¹⁴	12/27/21	6
Disaster Assistance Program Specialist I	Departmental Open	Written ¹⁵	7/27/21	2
Disaster Assistance Program Specialist II	Departmental Open	Written	7/27/21	1
Electrical Engineering Technician I	Departmental Open	T&E	9/27/21	1
Emergency Management Coordinator/Instructor I	Departmental Open	T&E	12/3/21	5
Emergency Management Coordinator/Instructor II	Departmental Open	T&E	11/3/21	13
Emergency Management Coordinator/Instructor II	Departmental Open	T&E	7/27/21	12
Emergency Notification Controller	Departmental Open	T&E	12/13/21	1
Senior Coordinator Communications	Departmental Open	T&E	10/26/21	5
Senior Coordinator (Law Enforcement)	Departmental Open	SA	10/5/21	1
Staff Services Analyst (SSA) Transfer Exam	Departmental Promotion	Written	8/10/21	10

¹³ In a Supplemental Application examination, applicants are not required to present themselves in person at a predetermined time and place. SA's are in addition to the regular application and must be completed to remain in the examination. SA's are also known as "rated" applications.

¹⁴ The Training and Experience examination is administered either online or in writing and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

¹⁵ A written examination is a testing procedure in which candidates' job-related knowledge and skills are assessed through the use of a variety of item formats. Written examinations are either objectively scored or subjectively scored.

IN COMPLIANCE	FINDING NO. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
---------------	--

The CRU reviewed 1 departmental promotional and 14 open examinations which the Cal OES administered to create eligible lists from which to make appointments. The Cal OES published and distributed examination bulletins containing the required information for all examinations. Applications received by the Cal OES were accepted prior to the final filing date. Applicants were notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. The CRU found no deficiencies in the examinations that the Cal OES conducted during the compliance review period.

Permanent Withhold Actions

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

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES conducted two permanent withhold actions. The CRU reviewed those two permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Associate Governmental Program Analyst (AGPA)	9PB04	7/19/21	8/6/21	Failed to meet minimum qualifications (MQs)
AGPA	9PB04	7/9/21	7/21/21	Failed to meet MQs

IN COMPLIANCE	FINDING NO. 2 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
----------------------	--

The CRU found no deficiencies in the permanent withhold actions undertaken by the department during the compliance review period.

Appointments

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for 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, July 1, 2021, through March 1, 2022, the Cal OES made 294 appointments. The CRU reviewed 68 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	1
Assistant Chief Counsel	Certification List	Permanent	Full Time	1
Associate Accounting Analyst	Certification List	Limited Term	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts
AGPA	Certification List	Permanent	Full Time	3
Coordinator – Fire and Rescue Services	Certification List	Permanent	Full Time	1
Coordinator – Law Enforcement	Certification List	Permanent	Full Time	1
Disaster Assistance Programs Specialist II	Certification List	Limited Term	Full Time	1
Electrical Engineer	Certification List	Permanent	Full Time	1
Emergency Management Coordinator/Instructor II	Certification List	Permanent	Full Time	1
Emergency Services Coordinator	Certification List	Limited Term	Full Time	1
Emergency Services Coordinator	Certification List	Permanent	Full Time	1
Engineer, Civil	Certification List	Permanent	Full Time	1
Engineering Geologist	Certification List	Permanent	Full Time	1
Information Officer I (Specialist)	Certification List	Permanent	Full Time	1
Information Officer II	Certification List	Permanent	Full Time	1
Information Technology (IT) Associate	Certification List	Limited Term	Full Time	1
IT Manager I	Certification List	Permanent	Full Time	1
IT Specialist II	Certification List	Permanent	Full Time	1
IT Specialist III	Certification List	Permanent	Full Time	2
Labor Relations Manager I	Certification List	Permanent	Full Time	1
Materials And Stores Specialist	Certification List	Permanent	Full Time	1
Office Technician (OT) (Typing)	Certification List	Limited Term	Full Time	1
OT (Typing)	Certification List	Permanent	Full Time	1
Personnel Specialist	Certification List	Permanent	Full Time	1
Program Manager I	Certification List	Permanent	Full Time	1
Program Manager II	Certification List	Permanent	Full Time	1
Program Manager III	Certification List	Permanent	Full Time	1
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Senior Coordinator (Communications)	Certification List	Permanent	Full Time	1
Senior Emergency Services Coordinator	Certification List	Limited Term	Full Time	1
Senior Emergency Services Coordinator	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Senior Telecommunications Technician	Certification List	Permanent	Full Time	1
SSA (General)	Certification List	Limited Term	Full Time	1
SSA (General)	Certification List	Permanent	Full Time	1
Staff Services Manager (SSM) I	Certification List	Limited Term	Full Time	1
SSM I	Certification List	Permanent	Full Time	1
SSM II (Supervisory)	Certification List	Permanent	Full Time	1
SSM III	Certification List	Permanent	Full Time	1
Telecommunications Maintenance Supervisor I	Certification List	Permanent	Full Time	1
Telecommunications Systems Manager I (Supervisor)	Certification List	Permanent	Full Time	1
Telecommunications Technician	Certification List	Permanent	Full Time	1
Telecommunications Technician Trainee	Certification List	Limited Term	Full Time	1
Warehouse Worker	Certification List	Permanent	Full Time	1
AGPA	Emergency	Temporary	Intermittent	4
Senior Emergency Services Coordinator	Emergency	Temporary	Intermittent	1
AGPA	Reinstatement	Limited Term	Full Time	1
AGPA	Reinstatement	Permanent	Full Time	1
Senior Structural Engineer	Reinstatement	Permanent	Full Time	1
SSM I	Reinstatement	Permanent	Full Time	1
AGPA	Training and Development	Permanent	Full Time	1
Senior Emergency Services Coordinator	Training and Development	Permanent	Full Time	1
Accounting Technician	Transfer	Permanent	Full Time	1
AGPA	Transfer	Permanent	Full Time	1
Emergency Services Coordinator	Transfer	Permanent	Full Time	1
IT Manager II	Transfer	Permanent	Full Time	1
Personnel Specialist	Transfer	Limited Term	Full Time	1
Senior Telecommunications Engineer	Transfer	Permanent	Full Time	1
Senior Telecommunications Technician	Transfer	Permanent	Full Time	1
SSA (General)	Transfer	Limited Term	Full Time	1
SSA (General)	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Telecommunications Technician	Transfer	Permanent	Full Time	2

SEVERITY: SERIOUS	FINDING NO. 3 EMERGENCY APPOINTMENTS EXCEEDED TIME LIMITATION
------------------------------	--

Summary: The OES allowed 2 of the 5 emergency appointments reviewed to exceed the maximum constitutional limit of 9 months worked in a 12-consecutive month period¹⁶.

Specifically, the following employees in emergency appointments exceeded the constitutional time limitation:

Classification	Tenure	Dates Worked	Amount Worked Over Limit
AGPA	Temporary	8/9/21 – 5/10/22	1 month
AGPA	Temporary	8/16/21 – 5/26/22	1 month

Criteria: Emergency appointments are appointments that are short in duration, i.e., no more than 60 days within a consecutive 12-month period (Gov. Code § 19888.1, Cal. Code Regs., § 303); do not require appointments to be from an employment list (Gov. Code § 19888.1); and do not require the incumbent to meet the minimum qualifications.

Severity: Serious. The department did not restrict the number of months emergency employees worked to the maximum constitutional limit of 9 months worked in a 12-consecutive month period for all temporary employees.

Cause: The Cal OES states that the constitutional time limitation was exceeded due to human error.

¹⁶ As a result of the COVID-19 pandemic, Governor Newsom signed Executive Order N-25-20, which suspended emergency appointment time limitations past the 60-day work limitation outlined in Government Code section 19888.1, and California Code of Regulations, title 2, sections 300-303. However, the Executive Order did not suspend the 9-month out of 12 consecutive month work limitation for temporary appointments outlined in the California Constitution, article VII, section 5. The California Constitutional limit applies for all emergency appointments.

Corrective Action: The Cal OES asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the Cal OES must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with its delegated authority under Government Code section 19888.1 and California Code of Regulations, title 2, section 303.

SEVERITY: SERIOUS	FINDING NO. 4 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY
------------------------------	---

Summary: The Cal OES did not provide 15 probationary reports of performance for 6 of the 68 appointments reviewed by the CRU. In addition, the Cal OES did not provide two probationary reports of performance in a timely manner for 2 of the 68 appointments reviewed. This is the third consecutive time this has been a finding for the Cal OES.

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Information Officer I (Specialist)	Certification List	1	3
Materials And Stores Specialist	Certification List	1	3
Senior Accounting Officer (Specialist)	Certification List	1	2
Senior Telecommunications Technician	Certification List	1	3
Telecommunications Technician II	Certification List	1	2
AGPA	Reinstatement	1	2

Classification	Appointment Type	Number of Appointments	Total Number of Late Probation Reports
Senior Accounting Officer (Specialist)	Certification List	1	1
AGPA	Permissive Reinstatement	1	1

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 Cal OES states that although supervisors and managers were notified of the requirement and due dates to complete probationary evaluations for employees, not all supervisors and managers completed or provided timely probationary evaluations to the Cal OES Humans Resources office.

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

SEVERITY: TECHNICAL	FINDING NO. 5 DEPARTMENT DID NOT PROVIDE BENEFIT INFORMATION IN ACCORDANCE WITH CIVIL SERVICE LAW
--------------------------------	--

Summary: The Cal OES did not provide an explanation of benefits prior to acceptance of appointment in 1 out of the 68 appointments reviewed by the CRU.

Additionally, the Cal OES did not memorialize that the applicant received an explanation of benefits, prior to appointment, in a formal offer of employment 7 times out of the 68 appointments reviewed by the CRU.

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

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

Cause: The Cal OES states that an explanation of benefits was not provided to the applicant due to human error.

Corrective Action: The Cal OES asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CAL OES must submit to the SPB written documentation which demonstrates the corrections the department has implemented to ensure conformity with the explanation of benefits requirements of Government Code section 19057.2.

SEVERITY: TECHNICAL	FINDING No. 6 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME
--------------------------------	--

Summary: Of the 68 appointments reviewed, the Cal OES did not retain 24 NOPAs. This is the second consecutive time this has been a finding for the Cal OES.

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 Cal OES states that not all employees’ appointment documentation was filed timely into the employee’s personnel files due to complications of transitioning to an emergency teleworking environment in 2020 and relocating the Cal OES HR Office.

Corrective Action: The Cal OES asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the Cal OES must submit to the SPB written documentation which demonstrates the corrections the department has implemented to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26.

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).)

IN COMPLIANCE	FINDING No. 7 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES
----------------------	--

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 Cal OES' 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 Director of the Cal OES. The Cal OES also provided evidence of its efforts to promote EEO in its hiring and employment practices and to increase its hiring of persons with a disability.

Personal Services Contracts

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

incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

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

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES had 46 PSC's that were in effect. The CRU reviewed 28 of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Access Systems, Inc.	Security Maintenance and Repair	2/24/22 – 12/11/24	\$250,000	Yes	No
Achievement House, Inc.	Janitorial Services	8/18/21 – 6/30/24	\$7,077	Yes	Yes
Badlands Off-Road Adventures, Inc.	Off-Road/4-Wheel Drive Safety Training	1/20/22 – 1/19/25	\$200,000	Yes	Yes
Comsearch	Microwave Frequency Coordination	10/13/21 – 9/30/24	\$388,350	Yes	No
Constant And Associates, Inc.	Mass Fatality Training	12/22/21 – 6/30/22	\$713,520	Yes	Yes
Creative Engagement Solutions LLC	State Hazard Mitigation Plan Outreach	9/13/21 – 2/23/23	\$200,000	Yes	No
CyraCom International, Inc.	911 Translation	2/1/22 – 1/31/25	\$8,000,000	Yes	No
Easter Seals Superior California	Landscaping	11/4/21 – 11/30/24	\$15,124	Yes	No
Elevation Coates, Inc.	Uniform Laundering	10/14/21 – 8/31/23	\$15,000	Yes	Yes
Ernst & Young LLP	COVID-19 Reimbursement Audit & Cost Recovery	7/30/21 – 9/30/22	\$4,000,000	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Filsinger Energy Partners, Inc.	Operational Observer Services	10/1/21 – 6/30/22	\$3,600,000	Yes	Yes
Greenfield Transport	Transport Hauling Services	11/29/21 – 6/30/23	\$150,000	Yes	No
Industrial Emergency Council	Hazardous Materials Training	11/29/21 – 6/30/24	\$372,750	Yes	Yes
Maria P. Duazo	Hazardous Materials & Weapons of Mass Destruction Training	1/1/22 – 6/30/23	\$18,250	Yes	No
My Blue Home Services	Janitorial Services	12/3/21 – 11/30/24	\$43,603	Yes	Yes
National Garage Door Company	Door and Gate Maintenance and Repair	2/6/22 – 12/30/24	\$90,000	Yes	Yes
Nokia of America	Microwave Network Installation and Upgrade	10/29/21 – 6/30/24	\$12,440,000	Yes	Yes
Occupational Services, Inc.	Dosimeter Calibration	2/14/22 – 1/31/23	\$10,000	Yes	No
Placer Inspection Lab & Manufacturing	Electronic Assembly Services	12/15/21 – 11/4/24	\$150,000	Yes	Yes
Power Solutions	Generator Emergency Repair and Maintenance	12/15/21 – 6/30/24	\$99,000	Yes	No
Safety-Kleen Systems, Inc.	Hazardous Waste Removal Fleet	8/13/21 – 6/30/22	\$8,553	Yes	No
SANS Institute	Open Source Intelligence Training	7/19/21 – 7/14/22	\$79,580	Yes	Yes
Solutions Simplified	Open Source Intelligence Training	12/15/21 – 12/12/22	\$154,350	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Studio Tiga, Inc.	Mobile Application Update and Maintenance	1/10/22 – 1/2/25	\$42,500	Yes	Yes
Summit Exercises and Training, LLC	Hazardous Materials and Weapons of Mass Destruction Training	1/10/22 – 6/30/22	\$29,606	Yes	No
First Response Group, LLC	Hazardous Materials Radiological /Nuclear Training	1/10/22 – 6/30/24	\$82,500	Yes	Yes
Western Exterminator Company	Pest Control Services	9/2/21 – 6/30/22	\$1,956	Yes	Yes
Yuba City Fire Department	Regional Hazardous Materials Response Training	10/1/21 – 6/30/24	\$100,000	Yes	Yes

SEVERITY: SERIOUS	FINDING NO. 8 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
------------------------------	--

Summary: The Cal OES did not notify unions prior to entering into 11 of the 28 PSC’s reviewed. This is the second consecutive time this has been a finding for the Cal OES.

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

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

Cause: The Cal OES states that unions were not notified for 11 of the 28 PSC's due to human error.

Corrective Action: The Cal OES asserts it has taken steps to ensure compliance in this area. Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSC's reviewed during this compliance review involved several services and functions which various rank-and-file civil service classifications perform. Within 90 days of the date of this report, the Cal OES must submit to the SPB a written corrective action response which addresses the corrections the department has implemented to ensure conformity with the requirements of California Code of Regulations section 547.60.2. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Mandated Training

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

Upon the initial appointment of any employee designated in a supervisory position, the employee shall be provided a minimum of 80 hours of training, as prescribed by the CalHR. (Gov. Code, § 19995.4, subd. (b).) The training addresses such topics as the role of the supervisor, techniques of supervision, performance standards, and sexual harassment and abusive conduct prevention. (Gov. Code, §§ 12950.1, subds. (a), and (b), & 19995.4, subd. (b).) Additionally, the training must be successfully completed within the term of the employee's probationary period or within six months of the initial appointment, unless it is demonstrated that to do so creates additional costs or that the

training cannot be completed during this time period due to limited availability of supervisory training courses. (Gov. Code, § 19995.4, subd. (c).)

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

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

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

The CRU reviewed the Cal OES' mandated training program that was in effect during the compliance review period, April 1, 2020, through March 1, 2022.

SEVERITY: VERY SERIOUS	FINDING No. 9 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
-----------------------------------	--

Summary: The Cal OES did not provide ethics training to 3 of 617 existing filers. In addition, the Cal OES did not provide ethics training to 10 of 127 new filers within six months of their appointment. This is the second consecutive time this has been a finding for the Cal OES.

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 Cal OES states that all filers are notified and reminded of the mandated ethics training, however, not all filers completed and submitted their ethics training certificates in a timely manner.

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

SEVERITY: VERY SERIOUS	FINDING NO. 10 SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS
-----------------------------------	---

Summary: The Cal OES did not provide basic supervisory training to 11 of 48 new supervisors within 12 months of appointment; did not provide manager training to 2 of 7 new managers within 12 twelve months of appointment; and did not provide CEA training to 1 of 5 new CEAs within 12 months of appointment. This is the second consecutive time this has been a finding for the Cal OES.

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

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

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

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

Cause: The Cal OES states that all supervisors, managers, and CEAs were not able to complete the required supervisory training within 12 months of appointment due to emergency response and activations to multiple California disaster events.

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

SEVERITY: VERY SERIOUS	FINDING NO. 11 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
-----------------------------------	--

Summary: The Cal OES did not provide sexual harassment prevention training to 10 of 78 new supervisors within 6 months of appointment; 2 of 206 existing supervisors every 2 years; and 3 of 916 non-supervisors every 2 years. This is the second consecutive time this has been a finding for the Cal OES.

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

Severity: Very Serious. The department does not ensure that all new and existing employees are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.

Cause: The Cal OES states that some employees did not complete their mandated sexual harassment prevention training. Additionally, human error caused a few supervisors to be incorrectly listed as non-supervisors, resulting in not being assigned the supervisory training within six months of hire or promotion.

Corrective Action: Within 90 days of the date of this report, the Cal OES must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that all employees are provided sexual harassment prevention training in accordance with Government Code section 12950.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by the CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate¹⁷ upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

Typically, agencies appoint employees to the minimum rate of the salary range for the class. Special provisions for appointments above the minimum exist to meet special

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

recruitment needs and to accommodate employees who transfer into a class from another civil service class and are already receiving salaries above the minimum.

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES made 294 appointments. The CRU reviewed 31 of those appointments to determine if the Cal OES applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	\$7,402
AGPA	Certification List	Permanent	Full Time	\$5,652
Coordinator (Fire and Rescue Services)	Certification List	Permanent	Full Time	\$8,326
Coordinator - Law Enforcement	Certification List	Permanent	Full Time	\$8,326
Disaster Assistance Programs Specialist II	Certification List	Limited Term	Full Time	\$5,289
Electrical Engineer	Certification List	Permanent	Full Time	\$5,849
Engineer, Civil	Certification List	Permanent	Full Time	\$6,698
Information Officer I (Specialist)	Certification List	Permanent	Full Time	\$5,383
Information Officer II	Certification List	Permanent	Full Time	\$6,695
Labor Relations Manager I	Certification List	Permanent	Full Time	\$8,352
Materials and Stores Specialist	Certification List	Permanent	Full Time	\$3,572
Personnel Specialist	Certification List	Permanent	Full Time	\$3,939
Program Manager I	Certification List	Permanent	Full Time	\$7,800
Program Manager III	Certification List	Permanent	Full Time	\$9,945
Senior Emergency Services Coordinator	Certification List	Limited Term	Full Time	\$6,732
SSA (General)	Certification List	Limited Term	Full Time	\$4,476
SSM I	Certification List	Limited Term	Full Time	\$7,216
SSM II (Supervisory)	Certification List	Permanent	Full Time	\$7,028
SSM III	Certification List	Permanent	Full Time	\$8,545
Telecommunications Maintenance Supervisor I	Certification List	Permanent	Full Time	\$9,056

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Warehouse Worker	Certification List	Permanent	Full Time	\$3,572
Senior Structural Engineer	Reinstatement	Permanent	Full Time	\$13,503
SSM I	Reinstatement	Permanent	Full Time	\$7,954
AGPA	Training and Development	Permanent	Full Time	\$6,739
Senior Emergency Services Coordinator	Training and Development	Permanent	Full Time	\$6,765
Accounting Technician	Transfer	Permanent	Full Time	\$3,966
IT Manager II	Transfer	Permanent	Full Time	\$12,057
Personnel Specialist	Transfer	Limited Term	Full Time	\$4,721
Senior Telecommunications Engineer	Transfer	Permanent	Full Time	\$12,106
Senior Telecommunications Technician	Transfer	Permanent	Full Time	\$8,625
SSA (General)	Transfer	Limited Term	Full Time	\$4,476

IN COMPLIANCE	FINDING NO. 12 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 Cal OES 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 the CalHR's policies and guidelines.

Alternate Range Movement Salary Determination (within same classification)

If an employee qualifies under established criteria and moves from one alternate range to another alternate range of a class, the employee shall receive an increase or a decrease equivalent to the total of the range differential between the maximum salary rates of the alternate ranges. (Cal. Code Regs., tit. 2, § 599.681.) However, in many instances, the CalHR provides salary rules departments must use when employees move between alternate ranges. These rules are described in the alternate range criteria.

(CalHR's Pay Scales). When no salary rule or method is cited in the alternate range criteria, departments must default to Rule 599.681.

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES employees made 18 alternate range movements within a classification. The CRU reviewed 13 of those alternate range movements to determine if the Cal OES applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)	No. of Appts
Communications Operator	A	B	Full Time	\$4,526	1
Disaster Assistance Programs Specialist I	A	B	Full Time	\$5,301	1
Disaster Assistance Programs Specialist I	A	B	Full Time	\$4,669	2
Emergency Services Coordinator	A	B	Full Time	\$6,319	2
IT Specialist I	A	B	Full Time	\$8,183	1
Personnel Specialist	C	D	Full Time	\$4,720	1
SSA (General)	A	B	Full Time	\$3,733	1
SSA (General)	A	B	Full Time	\$3,991	1
SSA (General)	A	C	Full Time	\$4,476	1
SSA (General)	B	C	Full Time	\$4,476	1
Staff Services Management Auditor	A	B	Full Time	\$4,191	1

SEVERITY: VERY SERIOUS	FINDING NO. 13 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
-----------------------------------	--

Summary: Of the 13 alternate range movements reviewed, the CRU found 2 errors in the Cal OES' determination of employee compensation.

Classification	Description of Findings	Criteria
SSA (General)	Incorrect merit salary adjustment (MSA) calculation, resulting in overcompensation.	Cal. Code Regs, tit. 2, § 599.683
Staff Services Management Auditor	Employee was one month short in meeting the criteria for range B, resulting in overcompensation.	Alternate Range Criteria 36

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

Any employee who is not paid at the maximum step of the salary range shall receive an MSA equivalent to one step in the salary range on the first of the next monthly pay period following completion of 12 months of qualifying service after movement between classes which resulted in a salary increase of one or more steps. (Cal. Code Regs., tit. 2, § 599.683.)

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

Severity: Very Serious. In two circumstances, the Cal OES failed to comply with the requirements outlined in the state civil service pay plan. Incorrectly applying compensation laws and rules not in accordance with the CalHR's policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay amounts.

Cause: The Cal OES states that human error caused staff to incorrectly apply alternate range criteria and civil service laws regarding the determination of employee compensation.

Corrective Action: The Cal OES asserts it has taken steps to ensure compliance in this area. The Cal OES must establish an audit system to correct current compensation transactions as well as future transactions. Within 90 days of the date of this report, the Cal OES must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure employees are compensated correctly.

Hiring Above Minimum Requests

The CalHR may authorize payment at any step above the minimum limit to classes or positions to meet recruiting problems, or to obtain a person who has extraordinary qualifications. (Gov. Code, § 19836.) For all employees new to state service, departments

are delegated to approve HAMs for extraordinary qualifications. (Human Resources Manual Section 1707.) Appointing authorities may request HAMs for current state employees with extraordinary qualifications. (*Ibid.*) Delegated HAM authority does not apply to current state employees. (*Ibid.*)

Extraordinary qualifications may provide expertise in a particular area of a department's program. (*Ibid.*) This expertise should be well beyond the minimum qualifications of the class. (*Ibid.*) Unique talent, ability or skill as demonstrated by previous job experience may also constitute extraordinary qualifications. (*Ibid.*) The scope and depth of such experience should be more significant than its length. (*Ibid.*) The degree to which a candidate exceeds minimum qualifications should be a guiding factor, rather than a determining one. (*Ibid.*) The qualifications and hiring rates of state employees already in the same class should be carefully considered, since questions of salary equity may arise if new higher entry rates differ from previous ones. (*Ibid.*) Recruitment difficulty is a factor to the extent that a specific extraordinary skill should be difficult to recruit, even though some applicants are qualified in the general skills of the class. (*Ibid.*)

If the provisions of this section conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.¹⁸ (Gov. Code, § 19836, subd. (b).)

Appointing authorities may request and approve HAMs for former legislative employees who are appointed to a civil service class and received eligibility for appointment pursuant to Government Code section 18990. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be in accordance with the salary rules specified in the California Code of Regulations. (*Ibid.*) A salary determination is completed comparing the maximum salary rate of the former legislative class and the maximum salary rate of the civil service class to determine applicable salary and anniversary regulation. (*Ibid.*) Typically, the legislative employees are compensated at a higher rate of pay; therefore, they will be allowed to retain the rate they last received, not to exceed the maximum of the civil service class. (*Ibid.*)

Appointing authorities may request/approve HAMs for former exempt employees appointed to a civil service class. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be competitive with the employee's salary in the exempt appointment. (*Ibid.*) For example, an employee appointed to a civil service

¹⁸ Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

class which is preceded by an exempt appointment may be appointed at a salary rate comparable to the exempt appointment up to the maximum of the salary range for the civil service class. (*Ibid.*)

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES authorized seven HAM requests. The CRU reviewed six of those authorized HAM requests to determine if the Cal OES correctly applied Government Code section 19836 and appropriately verified, approved and documented candidates' extraordinary qualifications, which are listed below:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Telecommunications Systems Manager I (Supervisor)	Certification List	New to the State	\$6,396 – \$8,406	\$7,500
Emergency Services Coordinator	Certification List	New to the State	\$5,843 – \$7,263	\$6,500
IT Specialist II	Certification List	New to the State	\$7,700 – \$10,318	\$8,750
Program Manager I	Certification List	New to the State	\$7,512 – \$9,347	\$8,500
IT Specialist III	Certification List	New to the State	\$8,488 – \$11,375	\$9,417
Program Manager I	Certification List	New to the State	\$7,512 – \$9,347	\$8,996

IN COMPLIANCE	FINDING NO. 14 HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
----------------------	--

The CRU found that the HAM requests the Cal OES made during the compliance review period, satisfied civil service laws, Board rules and the CalHR's policies and guidelines.

Bilingual Pay

A certified bilingual position is a position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time worked. According to the Pay Differential 14, the 10 percent time standard is calculated based on the time spent conversing, interpreting, or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.

Typically, the department must review the position duty statement to confirm the percentage of time performing bilingual skills and verify the monthly pay differential is granted to a certified bilingual employee in a designated bilingual position. The position, not the employee, receives the bilingual designation and the department must verify that the incumbent successfully participated in an Oral Fluency Examination prior to issuing the additional pay.

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES issued bilingual pay to four employees. The CRU reviewed those four bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts
AGPA	R01	Full Time	1
Emergency Services Coordinator	R07	Full Time	1
Information Officer II	S01	Full Time	1
Staff Services Management Auditor	R01	Full Time	1

SEVERITY: VERY SERIOUS	FINDING NO. 15 INCORRECT AUTHORIZATION OF BILINGUAL PAY
-----------------------------------	--

Summary: The CRU found one error in the Cal OES' authorizations of bilingual pay. This is the second consecutive time this has been a finding for the Cal OES.

Classification	Description of Finding	Criteria
Staff Services Management Auditor	Bilingual pay from the employee's prior position at a different department was not removed when the employee was appointed at Cal OES in a position that did not use bilingual skills.	Pay Differential 14

Criteria: An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

Severity: Very Serious. Failure to comply with the state civil service pay plan by incorrectly applying compensation rules in accordance with the

CalHR's policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay.

Cause: The Cal OES states that it did not have updated policies and procedures in place for processing bilingual differential pay when an employee transfers from another state agency.

Corrective Action: The Cal OES asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the Cal OES must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with Government Code section 7296, and/or Pay Differential 14.

Pay Differentials

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

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, to justify the additional pay, document the following: the effective date of the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES authorized 261 pay differentials.¹⁹ The CRU reviewed 50 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. which are listed below:

¹⁹ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount	No. of Appts
Assistant Telecommunications Engineer	73	2%	1
Assistant Telecommunications Engineer	261	\$200	3
AGPA	441	\$250	3
Associate Telecommunications Engineer	261	\$300	11
Associate Telecommunications Engineer	433	5.5%	3
Coordinator (Fire And Rescue Services)	73	5%	1
Coordinator – Law Enforcement	73	1%	1
Coordinator – Law Enforcement	244	\$125	2
Coordinator – Law Enforcement	244	\$100	2
Disaster Assistance Programs Specialist II	441	\$250	1
Electrical Engineer	261	\$300	1
IT Specialist I	13	5%	1
Program Manager I	445	5%	4
Senior Coordinator (Fire and Rescue Services)	244	\$75	1
Senior Coordinator (Fire and Rescue Services)	244	\$125	1
Senior Coordinator – Law Enforcement	244	\$100	1
Senior Telecommunications Engineer	73	2%	1
Senior Telecommunications Engineer	433	5.5%	1
Senior Telecommunications Technician	409	5%	1
Senior Telecommunications Technician	448	5%	2
SSM I	445	5%	1
SSM II (Supervisory)	445	5%	2
Supervising Telecommunications Engineer	433	5.5%	1
Telecommunications Maintenance Supervisor I	448	5%	1
Telecommunications Technician	409	5%	2
Telecommunications Technician	448	5%	1

IN COMPLIANCE	FINDING NO. 16 PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
----------------------	--

The CRU found no deficiencies in the pay differentials that the Cal OES authorized during the compliance review period. Pay differentials were issued correctly in recognition of

unusual competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

Out-of-Class Assignments and Pay

For excluded²⁰ and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

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

During the period under review, July 1, 2021, through March 1, 2022, the Cal OES issued OOC pay to 10 employees. The CRU reviewed nine of those OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and the CalHR’s policies and guidelines, which are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
AGPA	R01	SSM I	5/3/21 – 7/30/21
AGPA	R01	SSM I	12/20/21 – 4/25/22
Associate Personnel Analyst	R01	SSM I	9/1/21 – 11/5/21
Associate Personnel Analyst	R01	SSM I	5/4/21 – 8/31/21

²⁰ “Excluded employee” means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
OT (Typing)	R04	SSA (General)	6/1/21 – 9/28/21
Program Manager I	S07	Program Manager II	10/25/21 – 12/23/21
Senior Emergency Services Coordinator	R07	Program Manager I	6/29/21 – 10/26/21
SSM I	S01	SSM II (Supervisory)	10/25/21 – 12/23/21
SSM II (Supervisory)	E48	Executive Director, Seismic Safety Commission	12/31/21 – 12/30/22

SEVERITY: VERY SERIOUS	FINDING No. 17 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
-----------------------------------	---

Summary: The CRU found errors in five of nine of the Cal OES' authorizations of OOC pay. This is the second consecutive time this has been a finding for the Cal OES.

Classification	Out-of-Class Classification	Description of Findings	Criteria
AGPA	SSM I	CalHR's approval was not obtained before the employee performed OOC duties for a position not authorized in the department's budget. Additionally, OOC pay was not recalculated after the July 1, 2021, general salary increase, resulting in underpayment.	Bargaining Unit 1 Agreement, Classification and Pay Guide, Section 375, and Pay Differential 91
Associate Personnel Analyst	SSM I	Employee was not paid for OOC duties performed during October 2021 and November 2021 pay periods, resulting in underpayment.	Pay Differential 91
OT (Typing)	SSA (General)	OOO pay was not recalculated after the July 1, 2021, general salary increase, resulting in underpayment.	Pay Differential 91
Senior Emergency Services Coordinator	Program Manager I		Pay Differential 92

Classification	Out-of-Class Classification	Description of Findings	Criteria
SSM II (Supervisory)	Executive Director, Seismic Safety Commission	Employee was not paid for OOC duties performed during January 2022 and February 2022 pay periods, resulting in underpayment.	Pay Differential 101

Criteria:

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

OOO assignment are inappropriate in the following situations unless approved in advance by the CalHR: to exempt positions or levels; to supervisory, CEA, and other excluded positions or levels requiring classification preapproval by the CalHR; to positions or levels not authorized in the department's budget; and where the employee's class specification provides for the proposed duties or work assignment. (Classification and Pay Guide Section 375.)

Employees may be compensated for performing duties of a higher classification provided that: the assignment is made in advance in writing and the employee is given a copy of the assignment; and the duties performed by the employee are not described in a training and development assignment or by the specification for the class to which the excluded employee is appointed and, are fully consistent with the types of jobs described in the specification for the higher classification; and the employee does not perform such duties for more than 120 days in a fiscal year. (Cal. Code Regs., tit. 2, § 599.810, subd. (b)(1)(3)(4).)

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal.

Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, § 599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month period only if the appointing power files a written statement with the CalHR certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

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

Cause: The Cal OES states that compensation laws and rules in accordance with CalHR policies and guidelines were incorrectly applied due to human error.

Corrective Action: The Cal OES asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the Cal OES must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with California Code of Regulations, title 2, section 599.810 and Pay Differential 91, 92, and 101.

Leave

Positive Paid Employees

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

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days²¹ worked and paid absences²², are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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 Cal OES had 41 positive paid employees whose hours were tracked. The CRU reviewed 28 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
AGPA	Retired Annuitant (RA)	7/1/20 – 6/30/21	2,643.5 hours
AGPA	RA	7/1/20 – 6/30/21	992.5 hours
AGPA	RA	7/1/20 – 6/30/21	914 hours
AGPA	RA	7/1/20 – 6/30/21	1,322.25 hours

²¹ For example, two hours or ten hours count as one day.

²² For example, vacation, sick leave, compensating time off, etc.

Classification	Tenure	Time Frame	Time Worked
Associate Telecommunications Engineer	RA	7/1/20 – 6/30/21	957.5 hours
Associate Telecommunications Engineer	RA	7/1/20 – 6/30/21	345 hours
Associate Telecommunications Engineer	RA	7/1/20 – 6/30/21	514 hours
Chief	RA	7/1/20 – 6/30/21	1,168 hours
Coordinator (Fire and Rescue Services)	RA	7/1/20 – 6/30/21	406 hours
Emergency Management Coordinator/Instructor II	RA	7/1/20 – 6/30/21	960 hours
Emergency Services Coordinator	RA	7/1/20 – 6/30/21	2,073.75 hours
Emergency Services Coordinator	RA	7/1/20 – 6/30/21	1,004.5 hours
Information Officer I (Specialist)	RA	7/1/20 – 6/30/21	957.5 hours
IT Specialist I	RA	7/1/20 – 6/30/21	960 hours
OT(Typing)	RA	7/1/20 – 6/30/21	1,319.75 hours
Senior Accounting Officer (Specialist)	RA	7/1/20 – 6/30/21	836.5 hours
Senior Coordinator (Fire and Rescue Services)	RA	7/1/20 – 6/30/21	806 hours
Senior Coordinator (Fire and Rescue Services)	RA	7/1/20 – 6/30/21	325 hours
Senior Personnel Specialist	RA	7/1/20 – 6/30/21	1,035 hours
Senior Telecommunications Technician	RA	7/1/20 – 6/30/21	927.5 hours
SSA (General)	RA	7/1/20 – 6/30/21	1,920 hours
SSA (General)	RA	7/1/20 – 6/30/21	2,319 hours
SSM I	RA	7/1/20 – 6/30/21	595.25 hours
SSM I	RA	7/1/20 – 6/30/21	575.75 hours
SSM II (Managerial)	RA	7/1/20 – 6/30/21	465 hours
SSM II (Supervisory)	RA	7/1/20 – 6/30/21	628.5 hours
SSM II (Supervisory)	RA	7/1/20 – 6/30/21	959 hours
SSM III	RA	7/1/20 – 6/30/21	1,625 hours

IN COMPLIANCE	FINDING NO. 18	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. The Cal OES provided sufficient justification and adhered to applicable laws, regulations and the CalHR's policy and guidelines for positive paid employees.

Administrative Time Off

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

During the period under review, January 1, 2021, through December 31, 2021, the Cal OES authorized 43 ATO transactions. The CRU reviewed 25 of those ATO transactions to ensure compliance with applicable laws, regulations, and the CalHR's policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
AGPA	8/26/21	2 hours
AGPA	8/17/21 – 8/25/21	39 hours
AGPA	12/27/21 – 12/30/21	10 hours
AGPA	8/17/21 – 8/27/21	26.5 hours
AGPA	12/22/21	1.75 hours
AGPA	10/28/21	2 hours
AGPA	9/28/21 – 11/27/21	352 hours
AGPA	12/22/21	1 hour
AGPA	10/7/21	1 hour
Emergency Services Coordinator	10/18/21 – 1/15/22	456 hours
Heavy Equipment Mechanic	10/15/21	4 hours
OT (Typing)	3/10/21 – 5/18/21	398 hours
OT (Typing)	10/20/21 – 10/26/21	40 hours
Program Manager I	5/14/21	4.5 hours
Program Manager I	6/17/21	8 hours
Program Manager II	4/22/21 – 5/24/21	177.5 hours
Program Manager III	4/22/21 – 5/12/21	48 hours
Senior Emergency Services Coordinator	1/19/21 – 1/22/21	32 hours
Senior Telecommunications Technician	8/17/21 – 8/19/21	30 hours
SSM I	10/11/21 – 10/20/21	64 hours
SSM I	12/27/21 – 12/30/21	24 hours
SSM II (Supervisory)	8/17/21 – 8/23/21	40 hours
Telecommunications Technician	2/16/21 – 2/22/21	40 hours

Classification	Time Frame	Amount of Time on ATO
Telecommunications Technician	2/16/21 – 2/22/21	40 hours
Telecommunications Technician	12/7/21 – 12/15/21	60 hours

IN COMPLIANCE	FINDING NO. 19 ADMINISTRATIVE TIME OFF AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
----------------------	--

The CRU found no deficiencies in the ATO transactions reviewed during the compliance review period. The Cal OES provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and the CalHR’s policy and guidelines.

Leave Auditing and Timekeeping

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

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

During the period under review, October 1, 2021, through December 31, 2021, the Cal OES reported 140 units comprised of 1,316 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
October 2021	162	21	20	1
October 2021	360	23	23	0
October 2021	862	20	20	0

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
November 2021	296	25	25	0
November 2021	440	24	24	0
November 2021	873	24	24	0
December 2021	725	23	23	0
December 2021	862	20	20	0
December 2021	872	21	20	1

SEVERITY: VERY SERIOUS	FINDING NO. 20 INCORRECTLY POSTED LEAVE USAGE AND/OR LEAVE CREDIT
-----------------------------------	--

Summary: The Cal OES did not correctly enter 1 of 199 timesheets into the Leave Accounting System (LAS) during the October 2021 pay period. As a result, one employee retained their prior leave balance despite having used leave credits.

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

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

Cause: The Cal OES states that it did not find the one leave discrepancy during its reconciliation process due to human error.

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

State Service

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

Generally, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service.²³ (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

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

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees²⁴ shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

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

During the period under review, July 1, 2021, through March 1, 2021, the Cal OES had 10 employees with qualifying and non-qualifying pay period transactions. The CRU

²³ Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, and 19997.4 and California Code of Regulations, title 2, sections 599.609, 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.776.1, 599.787, 599.791, 599.840 and 599.843 provide further clarification for calculating state time.

²⁴ As identified in Government Code sections 19858.3, subdivisions (a), (b), or (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subdivision (c), or California Code of Regulations, title 2, section 599.752, subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

reviewed 16 transactions to ensure compliance with applicable laws, regulations and the CalHR’s policy and guidelines, which are listed below:

Type of Transaction	Time Base	Number Reviewed
Non-Qualifying Pay Period	Full Time	5
Qualifying Pay Period	Full Time	11

IN COMPLIANCE	FINDING NO. 21	SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
----------------------	-----------------------	---

The CRU determined that the Cal OES ensured employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRU found no deficiencies in this area.

Policy and Processes

Nepotism

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. (*Ibid.*) 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.*)

IN COMPLIANCE	FINDING NO. 22	NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
----------------------	-----------------------	--

The CRU verified that the policy was disseminated to all staff and emphasized the Cal OES’ commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the Cal OES’ nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

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

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

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

IN COMPLIANCE	FINDING NO. 23 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
----------------------	--

The CRU verified that the Cal OES provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law. Furthermore, the CRU verified that when the Cal OES received workers' compensation claims, they properly provided claim forms within one working day of notice or knowledge of injury.

Performance Appraisals

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

The CRU selected 93 permanent Cal OES employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

SEVERITY: SERIOUS	FINDING NO. 24 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
------------------------------------	---

Summary: The Cal OES did not provide annual performance appraisals to 68 of 93 employees reviewed after the completion of the employee's probationary period. This is the second consecutive time this has been a finding for the Cal OES.

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

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

Cause: The Cal OES states that although supervisors are notified of the requirement to complete performance appraisals for employees, not all supervisors provided performance appraisals and follow was not conducted to ensure compliance.

Corrective Action: Within 90 days of the date of this report, the Cal OES 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 Cal OES' departmental response is attached as Attachment 1.

SPB REPLY

Based upon the Cal OES written response, the Cal OES 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.

GAVIN NEWSOM
GOVERNOR

NANCY WARD
DIRECTOR



May 24, 2023

Suzanne M. Ambrose
Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95818

Dear Ms. Suzanne Ambrose:

The California Governor's Office of Emergency Services (Cal OES) received the California State Personnel Board's (SPB) Compliance Review Draft Report (Draft Report) via email on May 9, 2023. The SPB conducted a routine compliance review of the Cal OES's personnel practices in the areas of examinations, appointments, Equal Employment Opportunity (EEO), Personal Services Contracts (PSC), mandated training, compensation and pay, leave, and policy and processes. Cal OES appreciates the opportunity to provide a response to SPB's Draft Report.

Please note responses were not required for findings No. 1, 2, 7, 12, 14, 16, 18, 19, 21, 22, 23 as these findings were determined to be in compliance. The findings requiring corrective action are as follows:

Finding No. 3

Emergency Appointments Exceeded Time Limitation

Cause:

Cal OES exceeded the maximum constitutional limit of nine months worked in a consecutive 12-month period for 2 of the 5 emergency appointments reviewed by SPB. This was due to human error.

Cal OES Response:

Cal OES updated its guide for staff to utilize when hiring emergency appointments. Additionally, staff have been given a refresher training and are working closely to track and maintain working hours to ensure emergency appointment employees do not exceed the constitutional time limitation.



3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8506 TELEPHONE (916) 845-8511 FAX
www.CalOES.ca.gov

Suzanne M. Ambrose
May 24, 2023
Page 2 of 6

Finding No. 4 **Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely**

Cause: Cal OES notifies supervisors and managers of the requirement and due dates to complete probationary evaluations for employees, however, not all supervisors and managers completed or provided timely probationary evaluations to Cal OES Human Resources (HR).

Cal OES Response: Cal OES is developing a tracking system to track all probationary evaluations due for all new appointees. This system will assist in holding supervisors and managers accountable through executive leadership monitoring. Additionally, Cal OES is updating the department's policy for supervisors and managers to complete and submit probationary reports in a timely manner.

Finding No. 5 **Department Did Not Provide Benefit Information in Accordance with Civil Service Law**

Cause: One applicant did not receive an explanation of benefits prior to accepting the appointment offer. This was due to human error.

Cal OES Response: Cal OES continues to provide a good faith effort to include the explanation of benefits to all applicants prior to accepting appointments. Additionally, staff has been trained to ensure benefit information is included prior to appointment. Furthermore, Cal OES updated its policies and procedures to now include the retaining confirmation from the applicant reflecting the explanation of benefits received.

Finding No. 6 **Appointment Documentation Was Not Kept for the Appropriate Amount of Time**

Cause: Due to the complications of transitioning to an emergency teleworking environment in 2020 and relocating the Cal OES HR office to a different building, not all employees'

Suzanne M. Ambrose
May 24, 2023
Page 3 of 6

appointment documentation was filed timely into the employee's personnel files.

Cal OES Response: Cal OES developed a new policy and procedure to accurately file and retain proper appointment documents in a telework environment.

Finding No. 8 Unions Were Not Notified of Personal Services Contracts

Cause: Cal OES did not notify unions prior to entering into 11 of the 28 personal services contracts (PSC) reviewed by the SPB. This was due to human error.

Cal OES Response: Cal OES is updating its process for determining whether union notification is required or not. Additionally, Cal OES is updating its standard operating procedure checklist to include the saving of union notification emails into the contract folder.

Finding No. 9 Ethics Training Was Not Completed by All Filers

Cause: All filers are notified and reminded of the mandated ethics training by Cal OES, however, not all filers completed and submitted their ethics training certificate in a timely manner.

Cal OES Response: Since 2019, Cal OES procured and started using a software program, NetFile, to track both Form 700 filings and ethics training completions. Additionally, Cal OES notifies new hires of the ethics training requirement and provides, at minimum, bi-annual reminders of the requirement.

These process improvements led to a 7.4% increase in compliance for existing filers and a 43.5% increase in compliance for new filers.

During the last two-year requirement period ending December 31, 2022, Cal OES provided program managers with a list of their staff that had yet to complete the training requirement, starting a month out from the deadline.

Suzanne M. Ambrose
May 24, 2023
Page 4 of 6

The Cal OES Office of Legal Affairs will continue with these improved processes and recommend disciplinary action for staff that fail to comply.

Finding No. 10

Supervisory Training Was Not Completed by All Supervisors, Managers, and CEAs

Cause:

All supervisors, managers, and CEAs are reminded of their supervisory training, however, not all supervisors, managers, and CEAs were able to complete the required supervisory training within 12 months of appointment due to emergency response and activations to multiple California disaster events.

Cal OES Response:

Cal OES will continue to communicate the importance of completing this mandated training to ensure supervisors, managers, and CEAs complete the required training within 12 months of appointment with the support of executive leadership to reinforce compliance.

Finding No. 11

Sexual Harassment Prevention Training Was Not Completed by All Employees

Cause:

Cal OES conducted follow up and sent reminders to its employees, however, some did not complete their mandated sexual harassment prevention training. Additionally, human error caused a few supervisors to be incorrectly listed as non-supervisors, therefore resulting in not being assigned the supervisory training within six months of hire/promotion.

Cal OES Response:

Cal OES had 98.7% training compliance at the time of SPB's review and reached 100% compliance soon after.

Cal OES is updating its process to follow up earlier on assignments for newly hired/promoted supervisors to catch human errors sooner and to ensure this group of employees are completing their training within six months of appointment.

Cal OES will continue to provide the mandated sexual harassment prevention training to its employees and

Suzanne M. Ambrose
May 24, 2023
Page 5 of 6

conduct its rigorous follow up process to keep ensuring 100% compliance.

Finding No. 13

Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

Cause:

Cal OES staff did not correctly apply the alternate range movement and civil service laws regarding the determination of employee compensation. This was due to human error.

Cal OES Response:

Cal OES provided refresher training to its staff on alternate range movements and any applicable civil service laws, board rules, and/or CalHR policies and guidelines. Additionally, staff are required to receive their supervisor's approval on compensation prior to completing hires.

Finding No. 15

Incorrect Authorization of Bilingual Pay

Cause:

Cal OES did not have updated policies and procedures in place that included processing bilingual differential pay when an employee transfers from another state agency.

Cal OES Response:

Cal OES is updating its policies and procedures to ensure staff are checking for any non-eligible differentials when an employee is transferring from another state agency. Additionally, the bilingual differential pay was removed, and accounts receivables were established.

Finding No. 17

Incorrect Authorization of Out-of-Class (OOC) Pay

Cause:

Cal OES did not correctly apply compensation laws and rules in accordance with the CalHR's policies and guidelines to several employees. This was due to human error.

Cal OES Response:

Cal OES is updating its process to provide staff with tools and guidelines to help determine if Out-of-Class pay is correctly authorized. Additionally, staff will be trained on the updated process upon its completion. Currently, all Out-of-Class packages must be reviewed and approved by the Personnel Officer.

Suzanne M. Ambrose
May 24, 2023
Page 6 of 6

Finding No. 20

Incorrectly Posted Leave Usage and/or Leave Credit

Cause:

Cal OES did not find the one leave discrepancy during its reconciliation process. This was due to human error.

Cal OES Response:

Cal OES will continue to use the CalHR two-step reconciliation process and correct any discrepancies immediately to ensure leave input is accurate and processed timely for all employees.

Finding No. 24

Performance Appraisals Were Not Provided to All Employees

Cause:

Cal OES notifies supervisors of the requirement to complete performance appraisals for employees, however, not all supervisors provided performance appraisals and follow up was not conducted to ensure compliance.

Cal OES Response:

Cal OES will develop a tracking system and update the departmental policy to ensure annual performance appraisals are completed and submitted timely. This will also make it easier to hold supervisors and managers accountable with the support of executive leadership.

Cal OES appreciates the review provided by SPB. If you have additional questions or concerns, please contact Ralph Zavala, Cal OES Internal Audits Office Chief, at (916) 845-8437.

Sincerely,

DocuSigned by:

616A40BA7BFC43C...

ERIC SWANSON
Deputy Director of Finance and Administration

cc: Ralph Zavala, Chief, Internal Audits Office