



COMPLIANCE REVIEW REPORT

MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMISSION

Compliance Review Unit
State Personnel Board
October 19, 2023

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INTRODUCTION

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

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

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

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

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

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

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

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of the Mental Health Services Oversight and Accountability Commission (MHSOAC) 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	Probationary Evaluations Were Not Provided for All Appointments Reviewed
Appointments	Technical	Promotion-in-Place Was Not Properly Documented
Appointments	Technical	Department Did Not Provide Benefit Information in Accordance with Civil Service Law
Equal Employment Opportunity	Very Serious	A Disability Advisory Committee Has Not Been Established
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts ¹
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ²
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

¹ Repeat Finding. The December 10, 2020, MHSOAC compliance review report identified six missing union notifications for the six PSC's executed.

² Repeat Finding. The December 10, 2020, MHSOAC compliance review report identified four of six existing supervisors did not receive sexual harassment prevention training every two years.

Area	Severity	Finding
Compensation and Pay	In Compliance	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Very Serious	Department's Nepotism Policy Does Not Contain All Required Components
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 ³

BACKGROUND

The MHSOAC, established in 2004, provides oversight and accountability for portions of the Mental Health Services Act (MHSA). The MHSOAC provides oversight, review, training, technical assistance, accountability, and evaluation of specified mental health projects and programs supported with MHSA funds. This includes review and approval of county mental health innovation programs and expenditure plans. It also includes assessing whether services that are provided pursuant to the MHSA are cost-effective and in accordance with recommended best practices.

The MHSOAC may advise the Governor and the Legislature regarding actions the state may take to improve care and services for individuals living with mental illness. The MHSOAC executes projects designed to inform mental health policy by integrating research findings and experiential knowledge. The MHSOAC partners with universities, institutes, and public agencies to develop, field-test and implement changes and policy

³ Repeat Finding. The December 10, 2020, MHSOAC compliance review report identified did not provide performance appraisals to the four employees reviewed.

solutions. The MHSOAC's partnerships include the Full-Service Partnership Pilot, the Early Psychosis Learning Health Care Network, the Youth Innovation Project, the Innovation Incubator Project, and the Suicide Crisis Center Project.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the MHSOAC's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes⁴. The primary objective of the review was to determine if the MHSOAC's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

A cross-section of the MHSOAC's 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 MHSOAC provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed the MHSOAC's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the MHSOAC's 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 MHSOAC provided, which included Notice of Personnel Action forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The MHSOAC did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the MHSOAC did not make any additional appointments during the compliance review period.

The MHSOAC's appointments were also selected for review to ensure the MHSOAC applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the MHSOAC 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

⁴ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

reviewed specific documentation for the following personnel functions related to compensation and pay e.g., monthly pay differentials and alternate range movements. During the compliance review period, the MHSOAC did not issue or authorize hiring above minimum requests, red circle rate requests, arduous pay, bilingual pay, or out-of-class assignments.

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

The MHSOAC's PSCs were also reviewed.⁵ It was beyond the scope of the compliance review to make conclusions as to whether the MHSOAC's justifications for the contracts were legally sufficient. The review was limited to whether the MHSOAC's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU reviewed the MHSOAC's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRU selected a small cross-section of the MHSOAC's units in order to ensure they maintained accurate and timely leave accounting records. Further, the CRU reviewed a selection of MHSOAC positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

During the compliance review period, the MHSOAC did not have any employees with non-qualifying pay period transactions. The MHSOAC also did not authorize Administrative Time Off.

⁵If 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.

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

The MHSOAC declined to have an exit conference to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the MHSOAC's written response on September 28, 2023, which is attached to this final compliance review report.

FINDINGS AND RECOMMENDATIONS

Examinations

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

During the period under review, May 1, 2022, through April 30, 2023, the MHSOAC conducted two examinations. The CRU reviewed the two examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA B, Chief of Research	CEA	Qualification Appraisal Panel (QAP) ⁶	12/31/2022	1
CEA C, Chief Counsel	CEA	QAP	3/7/2022	1

IN COMPLIANCE	FINDING NO. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CRU reviewed two open examinations which the MHSOAC administered in order to create eligible lists from which to make appointments. The MHSOAC published and distributed examination bulletins containing the required information for all examinations. Applications received by the MHSOAC 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 MHSOAC 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

⁶ The Qualification Appraisal Panel interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

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, May 1, 2022, through April 30, 2023, the MHSOAC conducted seven permanent withhold actions. The CRU reviewed six of those permanents withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Information officer I (Specialist)	1PB3101	6/16/2022	6/16/2023	Failed to Meet Minimum Qualifications
Health Program Specialist I	OPBHC	6/22/2022	6/22/2023	Failed to Meet Minimum Qualifications
Health Program Specialist I	OPBHC	11/2/2022	11/2/2023	Failed to Meet Minimum Qualifications
Health Program Specialist I	OPBHC	12/7/2022	12/7/2023	Failed to Meet Minimum Qualifications
Health Program Specialist I	OPBHC	10/13/2022	10/13/2023	Failed to Meet Minimum Qualifications
Research Scientist Supervisor I	8PB0705	2/21/2023	2/21/2024	Failed to Meet Minimum Qualifications

IN COMPLIANCE	FINDING NO. 2 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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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, May 1, 2022, through April 30, 2023, the MHSOAC made 20 appointments. The CRU reviewed eight of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
CEA C	Certification List	Permanent	Full Time	1
Health Program Specialist I	Certification List	Limited Term	Full Time	1
Health Program Specialist I	Certification List	Permanent	Full Time	1
Research Scientist Manager	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification list	Permanent	Full Time	1
Staff Services Manager II	Certification List	Permanent	Full Time	1
Health Program Specialist I	Transfer	Permanent	Full Time	1

SEVERITY: SERIOUS	FINDING NO. 3 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED
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Summary: The MHSOAC did not provide 6 probationary reports of performance for 2 of the 8 appointments reviewed by the CRU, as reflected in the table below.

Classification	Appointment Type	No. of Appointments	Total No. of Missing Reports
Associate Governmental Program Analyst	Certification List	1	3
Research Scientist Manager	Certification List	1	3

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 MHSOAC states that due to the large workload and addition of new programs under the department's oversight, completing all probation reports was challenging for some managers.

Corrective Action: Within 90 days of the date of this report, the MHSOAC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19172. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

SEVERITY: TECHNICAL	FINDING NO. 4 PROMOTION IN PLACE WAS NOT PROPERLY DOCUMENTED
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Summary: The MHSOAC made two appointments utilizing the promotion in place (PIP) process in which the criteria specified in California Code of Regulations, title 2, section 242 was not met. Specifically, the department did not document that the selected employees

demonstrated satisfactorily or higher job performance in their positions, nor did they document that the employees had shown the ability and willingness to succeed at the higher-level classifications. In addition, the department did not document the reasons why the selected employees were chosen for the PIP. No other employees in the unit were eligible for a PIP.

Criteria: As mandated by California Code of Regulations, title 2, section 242, subdivision (a), a permanent employee may receive a promotion in place where all the following apply:

(1) The employee has demonstrated satisfactory or higher job performance in their current position and shown the ability and willingness to succeed at the higher-level classification.

(2) The position currently occupied by the employee is reallocated to the “to” class without a change in unit or location.

(3) The employee competed in and passed an examination for the “to” class and is currently placed on the employment list for that examination in one of the top three ranks; and

(4) The appointing power documents the reasons why the selected employee was chosen for the promotion in place.

Severity: Technical. Without documentation, the CRU could not verify if the appointment was properly conducted.

Cause: The MHSOAC states that they were unaware of the information required to be included in the justification package for promotions in place.

Action: Within 90 days of the date of this report, the MHSOAC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the PIP documentation requirements of California Code of Regulations, title 2, section 242. 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
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Summary: The MHSOAC did not memorialize that the applicant received an explanation of benefits, prior to appointment, in a formal offer of employment 5 times out of the 8 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 the information regarding benefits relating to their potential employment prior to deciding whether to accept or decline the appointment.

Cause: The MHSOAC states that they were unaware that providing benefit information was required for promotion in place employees.

Corrective Action: Within 90 days of the date of this report, the MHSOAC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the explanation of benefits requirements of Government Code section 19057.2. Copies of relevant documentation (including a template letter) demonstrating that the corrective action has been implemented must be included with the corrective action response.

Equal Employment Opportunity

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; and cooperate with the CalHR, in

accordance with Civil Code section 1798.24, subdivisions (o) and (p), by providing access to all required files, documents and data necessary to carry out these mandates. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department’s EEO program. (Gov. Code, § 19795, subd. (a).)

Pursuant to Government Code section 19795, subdivision (a), in a state agency with less than 500 employees, like MHSOAC, the EEO Officer may be the Personnel Officer.

Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

SEVERITY: VERY SERIOUS	FINDING NO. 6 A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ESTABLISHED
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Summary: The MHSOAC does not have an active DAC.

Criteria: Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

Severity: Very Serious. The agency head does not have direct information on issues of concern to employees or other persons with disabilities and input to correct any underrepresentation. The lack of a DAC may limit an agency’s ability to recruit and retain a qualified workforce, impact productivity, and subject the agency to liability.

Cause: The MHSOAC states that they failed to promptly replace their DAC member who served on the California Highway Patrol's DAC when they left for a promotion.

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

Personal Services Contracts

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

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

During the period under review, May 1, 2022, through April 30, 2023, the MHSOAC had 35 PSC's that were in effect. The CRU reviewed 21 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Aldea Children and Family Services	Coordinated Specialty Care Assessment	\$6,000	Yes	No
Community Initiatives	Breaking Barriers Symposium	\$99,500	Yes	No
Flat Iron Technologies, LLC. DBA Flank	Security Compliance	\$98,625	Yes	Yes
Forensic Mental Health Association	Words to Deeds Leadership Group	\$50,000	Yes	No
Greater Washington Education Telecommunications Association	Documentary	\$500,000	Yes	Yes
Kaiser Foundation Research Institute	Early Psychosis Data	\$159,999	Yes	No
Kimberly Kaye Repp	Training and Technical Assistance on the Suicide Fatality Review Process	\$214,000	Yes	Yes
One Mind at Work	Coordinated Specialty Care Assessment	\$3,000	Yes	No
Push Marketing, Inc. DBA Misfit	Creative Support Services	\$116,000	Yes	No
Push Marketing, Inc. DBA Misfit	Creative Support Services	\$131,500	Yes	Yes
Push Marketing, Inc. DBA Misfit	Print Reports	\$12,063	Yes	Yes
Rachel Lowey	Coordinated Specialty Care Assessment	\$9,000	Yes	Yes
Recovery Innovations Inc.	Technical Assistance to Counties	\$150,000	Yes	No
Social Finance	Finance Consulting	\$96,000	Yes	Yes
Stan P Collins Consulting, Inc.	Suicide Prevention Awareness	\$250,000	Yes	No
Tim Tiote	Grant Compliance Support	\$250,000	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Tim Tiote	Grant Compliance Support	\$448,000	Yes	No
Tim Tiote	Grant Compliance Support	\$349,000	Yes	Yes
Tim Tiote	Grant Compliance Support	\$547,000	Yes	Yes
University of the Pacific	Behavioral Health Fellowship	\$5,000,000	Yes	Yes
Your Social Marketer, Inc	Suicide Prevention Technical Assistance	\$913,000	Yes	Yes

SEVERITY: SERIOUS	FINDING NO. 7 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The MHSOAC did not notify unions prior to entering into 10 of the 21 PSCs reviewed. This is the second consecutive time this has been a finding for the MHSOAC.

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

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

Cause: The MHSOAC states that a lack of “proper” training, heavy workload, and fast turnaround times lead to lower quality work standards displayed by staff.

Corrective Action: Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSC’s reviewed

during this compliance review involved several services and functions which various rank-and-file civil service classifications perform. Within 90 days of the date of this report, the MHSOAC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations section 547.60.2. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Mandated Training

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

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

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

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

The 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 MHSOAC’s mandated training program that was in effect during the compliance review period, May 1, 2021, through April 30, 2023.

SEVERITY: VERY SERIOUS	FINDING No. 8 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The MHSOAC did not provide ethics training to 18 of 39 existing filers. In addition, the MHSOAC did not provide ethics training to 4 of 10 new filers within 6 months of their appointment.

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 MHSOAC states that due to heavy workload the Training Officer failed to track mandatory training.

Corrective Action: Within 90 days of this report, the MHSOAC 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. 9 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The MHSOAC did not provide sexual harassment prevention training to three of nine existing supervisors every two years. This is the second consecutive time this has been a finding for the MHSOAC.

The MHSOAC did not provide sexual harassment prevention training to 12 of 43 existing non-supervisors every 2 years.

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

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

Cause: The MHSOAC states that due to heavy workload the Training Officer failed to track mandatory training.

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

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate⁷ upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

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

During the period under review, May 1, 2022, through April 30, 2023, the MHSOAC made 20 appointments. The CRU reviewed four of those appointments to determine if the MHSOAC applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Health Program Specialist I	Certification List	Permanent	Full Time	\$6,388
Staff Services Analyst	Certification List	Permanent	Full Time	\$4,726
Staff Services Analyst	Certification List	Permanent	Full Time	\$5,383
Health Program Specialist I	Transfer	Permanent	Full Time	\$7,587

IN COMPLIANCE	FINDING NO.10 SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the salary determinations that were reviewed. The MHSOAC appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

⁷ "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

Alternate Range Movement Salary Determination (within same classification)

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

During the period under review, May 2, 2022, through May 1, 2023, the MHSOAC made three alternate range movements within a classification. The CRU reviewed all these three alternate range movements to determine if the MHSOAC 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)
Staff Services Analyst	A	C	Full Time	\$4,588
Staff Services Analyst	A	C	Part Time	\$4,588
Staff Services Analyst	C	N	Part Time	\$4,726

IN COMPLIANCE	FINDING NO.11 ALTERNATIVE RANGE MOVEMENTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU determined that the alternate range movements the MHSOAC made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

Pay Differentials

A pay differential is special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or all incumbents in select classes. A pay differential may be appropriate in those instances when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same

class. Typically, pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills, or training; performance-based pay; incentive-based pay; or recruitment and retention. (Classification and Pay Manual Section 230.)

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

During the period under review, May 2, 2022, through May 1, 2023, the MHSOAC authorized five pay differentials.⁸ The CRU reviewed all these five pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Research Scientist III	434	3%
Research Scientist III	434	3%
Research Scientist III	434	2%
Research Scientist III	434	2%
Research Scientist Manager	434	3%

IN COMPLIANCE	FINDING No.12 PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the pay differentials that the MHSOAC 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.

⁸ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

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 days⁹ worked and paid absences¹⁰, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

For student assistants, graduate student assistants, youth aides, and seasonal classifications a maximum work-time limit of 1,500 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 MHSOAC had five positive paid employees whose hours were tracked. The CRU reviewed the five positive paid appointments to ensure

⁹ For example, two hours or ten hours count as one day.

¹⁰ For example, vacation, sick leave, compensating time off, etc.

compliance with applicable laws, regulations, policies, and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Associate Personnel Analyst	Retired Annuitant	7/1/2021-6/30/2022	959 Hours
Attorney III	Retired Annuitant	7/1/2021-6/30/2022	1,992 Hours
Health Program Specialist I	Retired Annuitant	7/1/2021-6/30/2022	393.5 Hours
Information Technology Manager I	Retired Annuitant	7/1/2021-6/30/2022	898 Hours
Staff Mental Health Specialist	Retired Annuitant	7/1/2021-6/30/2022	500.75 Hours

IN COMPLIANCE	FINDING NO.13 POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. The MHSOAC provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Leave Auditing and Timekeeping

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

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

During the period under review, November 1, 2022, through January 31, 2023, the MHSOAC reported three units comprised of 51 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	No. of Employees	No. of Timesheets Reviewed	No. of Missing Timesheets
November 2022	570	3	3	0
November 2022	571	2	2	0
December 2022	570	3	3	0
December 2022	571	2	2	0
January 2023	570	3	3	0
January 2023	571	3	3	0

IN COMPLIANCE	FINDING NO 14 LEAVE AUDITING AND TIMEKEEPING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU reviewed employee leave records from three different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The MHSOAC kept complete and accurate time and attendance records for each employee and officer employed within the department and utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

Policy and Processes

Nepotism

It is the policy of the State of California to hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules, and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. (Cal. Code Regs., tit. 2, § 87.) (*Ibid.*) All appointing powers shall adopt an anti-nepotism policy that includes the following components: (1) a statement that the appointing power is committed to merit-based hiring and that nepotism is antithetical to a merit-based civil service system; (2) a definition of “nepotism” as an employee’s use of influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship; (3) a definition of “personal relationship” as persons related by blood, adoption, current or former marriage, domestic partnership or cohabitation; (4) a statement that prohibits participation in the selection of

an applicant for employment by anyone who has a personal relationship with the applicant, as defined in section 83.6; (5) a statement that prohibits the direct or first-line supervision of an employee with whom the supervisor has a personal relationship, as defined in section 83.6; (6) a process for addressing issues of direct supervision when personal relationships between employees exist. (*Ibid.*)

SEVERITY: VERY SERIOUS	FINDING NO.15 DEPARTMENT’S NEPOTISM POLICY DOES NOT CONTAIN ALL REQUIRED COMPONENTS
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Summary: The MHSOAC’s nepotism policy does not contain all required components. Specifically, the MHSOAC’s nepotism policy does not include:

- (1) A definition of "personal relationship" as persons related by blood, adoption, current or former marriage, domestic partnership, or cohabitation.
- (2) A statement that prohibits participation in the selection of an applicant for employment by anyone who has a personal relationship with the applicant, as defined in section 83.6.
- (3) A statement that prohibits the direct or first-line supervision of an employee with whom the supervisor has a personal relationship, as defined in section 83.6.

Criteria: It is the policy of the State of California to hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules, and regulations. (Human Resources Manual Section 1204). All department nepotism policies shall include six specific components which emphasize that nepotism is antithetical to merit-based civil service and include definitions and prohibitions integral to upholding the merit system. (Cal. Code Regs., tit. 2, § 87.)

Severity: Very Serious. Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. Departments must take proactive steps to ensure that the hiring, transferring, and promoting of all employees is done on the basis of merit and fitness in accordance with civil service statutes. Maintaining a current written nepotism policy that addresses all requirements outlined in civil service statute, rules and regulations,

and its dissemination to all staff, is the cornerstone for achieving these outcomes.

Cause: The MHSOAC states they mistakenly omitted some of the required criteria in the nepotism policy.

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

Workers' Compensation

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

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

IN COMPLIANCE	FINDING NO.16 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU verified that the MHSOAC provides notice to their employees to inform them of their rights and responsibilities under California’s Workers’ Compensation Law. The MHSOAC did not receive any workers’ compensation claims during the review period.

Performance Appraisals

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

The CRU selected 12 permanent MHSOAC 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.17 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES.
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Summary: The MHSOAC did not provide annual performance appraisals to any of the 12 employees reviewed after the completion of the employee’s probationary period This is the second consecutive time this has been a finding for the MHSOAC.

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 MHSOAC states due to the large workload and the recent addition of new programs under the department’s oversight, completing the performance appraisals was challenging for managers.

Corrective Action: Within 90 days of the date of this report, the MHSOAC 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

To be provided by the MHSOAC.

SPB REPLY

To be provided by the CRU.



STATE OF CALIFORNIA
GAVIN NEWSOM, Governor

MARA MADRIGAL-WEISS
Chair

MAYRA E. ALVAREZ
Vice Chair

TOBY EWING
Executive Director

September 25, 2023

To Whom It May Concern,

Below is the Mental Health Services Oversight and Accountability Commission's (MHSOAC) response to the State Personnel Board's (SPB) Compliance Review Report received on September 15, 2023.

Response to Finding 3 - Probation Evaluations Were Not Provided for All Appointments Reviewed

Explanation: The department's HR office does send out monthly reminders to the department's managers. Unfortunately, due to the large workload and the addition of new programs under the department's oversight, completing these Probation Reports has been challenging for the managers.

Corrective Action: The department intends to ensure that Probation Reports are completed for all staff going forward.

Response to Finding 4 - Promotion-in Place Was Not Properly Documented

Explanation: In both cases, the department failed to document that the employees had demonstrated satisfactory or higher job performance in their current positions and had shown the ability and willingness to succeed at the higher-level classification. However, performance reviews do indicate this information. Our department was unaware that this information was required to be included in the justification package.

Corrective Action: In the future, the department will document this information in the justifications, including all required criteria outlined in the PIP regulations.

Response to Finding 5 - Department Did Not Provide Benefit Information In Accordance With Civil Service Law

Explanation: The department was unaware that providing benefit information was required for PIPs.

Corrective Action: Going forward, staff will receive training, and all appointments will receive benefit information, irrespective of the appointment type.

Response to Finding 6 - A Disability Advisory Committee Has Not Been Established

Explanation: The department participates in the California Highway Patrol Disability Advisory Committee. Unfortunately, the DAC member representative from our department left for a promotion, and due to that vacancy and the other vacancies in HR, we failed to replace the DAC member promptly.

Corrective Action: To prevent this from recurring, we plan to have at least two DAC members representing the department at the California Highway Patrol DAC meetings.

Response to Finding 7 - Unions were not notified of Personal Services Contracts

Explanation: Of the 10 PSC identified for this report, these PSC are permissible under GC19130(b) (3), where the contractor performances were all dependent upon a highly specialized or technical nature of necessary expert knowledge, experience, and ability **not available through the civil service system**. In addition, these PSC are highly viewed by the public perspective as critical needs to improve governmental mental health program services (mental health crisis) that require timely access and immediate attention that are politically sensitive.

However, as such, these PSC did lack union notification within our contract processes. The MHSOAC has identified that the amount of contract assignments and turn-around completion times received from program staff to hastily complete contract request packages have resulted in lower quality standards of work during rush assignments.

Corrective Action: The MHSOAC continues to properly assess our internal “proper” training in multiple area(s) for both administrative and program units, which for a small governmental commission deals with attrition, labor shortages and expertise within mental health programs. Based on last year’s findings, the MHSOAC had already started to identify the contract and procurement training needs and has draft plan developments to identify specific training modules for MHSOAC staff. Most recently, prior to this report, the MHSOAC has completed one training module thus far, and plan on more training modules to gain improvement with acquisitions fundamentals, rules, and regulations that are essential to services contracts.

Response to Finding 8 - Ethics Training Was Not Provided For All Filers

Explanation: Regrettably, our Training Officer failed to track mandatory training due to her heavy workload.

Corrective Action: During the audit, it was discovered that our Training Officer failed to properly track the department's mandatory training. Consequently, we reassigned this responsibility from the Training Officer to HR, and it is now managed by a different analyst.

Response to Finding 9 - Sexual Harassment Prevention Training was not provided for all Supervisors

Explanation: Similar to Finding 8, our Training Officer failed to track mandatory training due to her heavy workload.

Corrective Action: Following the audit, we determined it was best to reassign the responsibility of tracking sexual harassment prevention training to HR, and it is now managed by a different analyst.

Response to Finding 15 - Department's Nepotism Policy Does Not Contain All Required Components

Explanation: Unfortunately, our department omitted some of the required criteria in the Nepotism policy.

Corrective Action: We will amend the current Nepotism policy to include all the required components and seek approval. HR will then distribute the updated policy to all staff within the department.

Response to Finding 17 - Performance Appraisals Were Not Provided to All Employees

Explanation: The department's HR office does send out monthly reminders to the department's managers. Unfortunately, due to the large workload and the recent addition of new programs under the department's oversight, completing these Performance Appraisals has been challenging for the managers.

Corrective Action: The department intends to ensure that Performance Appraisals are completed for all staff going forward.

Sincerely,

Kimberly Watkins
Personnel Officer