



COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Compliance Review Unit
State Personnel Board
November 1, 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." 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, 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 Department of Public Health (CDPH) 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	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed ¹
Appointments	In Compliance	Unlawful Appointment Investigation Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Equal Employment Opportunity	In Compliance	Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
Personal Services Contracts	In Compliance	Personal Services Contracts Complied with Procedural Requirements
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs ²
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ³

¹ Repeat finding. The CDPH's November 20, 2017, compliance review report identified 3 missing probation reports in 2 of the 74 appointments reviewed. The CDPH's April 14, 2015, compliance review report determined that the CDPH did not prepare, complete, and/or retain required probationary appraisals of performance for 143 of the 342 appointments reviewed by the CRU.

² Repeat finding. The CDPH's November 20, 2017, compliance review report determined that the CDPH did not provide basic supervisory training to 46 of 185 new supervisors within 12 months of appointment.

³ Repeat finding. The CDPH's November 20, 2017, compliance review report identified that 18 of 288 new supervisors did not receive sexual harassment prevention training within 6 months of appointment, and 19 of 488 existing supervisors did not receive sexual harassment prevention training every 2 years.

Area	Severity	Finding
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ⁴
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 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
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Out of Class Pay 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 CalHR Policies and Guidelines
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
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

⁴ Repeat finding. The CDPH's November 20, 2017, compliance review report identified that 419 of 1,304 existing filers did not receive ethics training timely, and 175 of 739 new filers did not receive ethics training within 6 months of appointment.

Area	Severity	Finding
Policy	Serious	Performance Appraisals Were Not Provided to All Employees

BACKGROUND

The CDPH works to protect the public's health in the Golden State and helps shape positive health outcomes for individuals, families, and communities. The department's programs and services, implemented in collaboration with local health departments and state, federal and private partners, touch the lives of everyone Californian and visitor to the state 24 hours a day, 7 days a week. The CDPH's public health professionals, researchers, scientists, doctors, nurses, and other staff members have a shared passion to protect and improve the health of all Californians.

The essential functions of the department are critical to the health and wellbeing of people and communities. The CDPH's fundamental responsibilities are comprehensive in scope and include infectious disease control and prevention, food safety, environmental health, laboratory services, patient safety, emergency preparedness, chronic disease prevention and promoting health, family health, health equity, and vital records and statistics.

The CDPH's key activities and services include protecting people in California from the threat of preventable infectious diseases like the coronavirus, Zika virus, HIV/AIDS, tuberculosis and viral hepatitis, and providing reliable and accurate public health laboratory services and information about health threats. Other critical services include providing nutritional support to low-income women, infants and children, and screening newborns and pregnant women for genetic diseases. The CDPH also works to ensure the safety of food and bottled water, helps reduce smoking and its impacts and works to prevent chronic diseases and conditions such as diabetes, cardiovascular disease, cancer, asthma, and obesity. The department also protects patient safety in hospitals and skilled nursing facilities, maintains birth and death certificates and prepares for, and responds to public health emergencies.

The CDPH works continuously to reduce health and mental health disparities among vulnerable and underserved communities to achieve health equity throughout California.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CDPH's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave,

and policy and processes⁵. The primary objective of the review was to determine if the CDPH'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 CDPH'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 CDPH provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed the CDPH's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the CDPH'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 CDPH 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 CRU also reviewed the CDPH's policies and procedures concerning unlawful appointments to ensure departmental practices conform to state civil service laws and Board regulations.

The CDPH did not make any additional appointments during the compliance review period.

The CDPH's appointments were also selected for review to ensure the CDPH applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CDPH 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: hire above minimum (HAM) requests.

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

During the compliance review period, the CDPH did not authorize any red circle rate requests or issue any arduous pay, bilingual pay, monthly pay differentials, alternate range movements or out-of-class assignments.

The review of the CDPH'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.

The CDPH's PSC's were also reviewed.⁶ It was beyond the scope of the compliance review to make conclusions as to whether the CDPH's justifications for the contracts were legally sufficient. The review was limited to whether the CDPH's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CDPH'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 CDPH'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 CDPH's units to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the CDPH's 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 CDPH employees who used Administrative Time Off (ATO) to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of CDPH positive paid employees whose hours are tracked during the compliance review period to ensure that they adhered to procedural requirements.

⁶If 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 CDPH's policies and processes concerning nepotism, workers' compensation, and performance appraisals. The review was limited to whether the CDPH's policies and processes adhered to procedural requirements.

On CDPH declined an exit conference to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CDPH's written response on August 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, December 2, 2021, through May 31, 2022, the CDPH conducted 47 examinations. The CRU reviewed 21 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Assistant Deputy Director	CEA	Supplemental Application (SA) ⁷	2/17/2022	5
Branch Chief, Tobacco Control Branch	CEA	SA	12/12/2021	9
Chief, Field Operations, North Division	CEA	SA	3/30/2022	4
Chief, Food and Drug Section	Open	SA	5/20/2022	19
Health Facilities Evaluator II (Supervisor)	Open	SA	1/7/2022	4
Health Facilities Evaluator Manager I	Open	SA	1/7/2022	2
Health Facilities Evaluator Manager II	Open	SA	1/7/2022	8
Animal Technician III	Open	Education and Experience (E&E) ⁸	5/11/2022	1
Assistant Health Physicist	Open	E&E	1/19/2022	9
Associate Health Physicist	Open	E&E	4/19/2022	5
Health Education Consultant III (Specialist)	Open	E&E	3/15/2022	3
Health Education Consultant II	Open	Training and Experience (T&E) ⁹	3/15/2022	2
Public Health Medical Officer II	Open	T&E	2/18/2022	3
Public Health Medical Officer III	Open	T&E	4/22/2022	5
Public Health Nutrition Consultant II	Open	T&E	4/19/2022	1
Public Health Nutrition Consultant III (Specialist)	Open	T&E	1/19/2022	5
Public Health Microbiologist (Specialist)	Open	T&E	5/10/2022	1

⁷ 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 in order to remain in the examination. SA's are also known as "rated" applications.

⁸ In an Education and Experience examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses, or certifications, and/or years of relevant work experience.

⁹ 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.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Supervising Health Physicist	Open	T&E	3/11/2022	3
Examiner I	Open	Written ¹⁰	12/17/2021	1
Examiner II	Open	Written	12/17/2021	1
Junior Health Physicist	Open	Written	1/14/2022	11

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

¹⁰ 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.

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, December 2, 2021, through May 31, 2022, the CDPH conducted 40 permanent withhold actions. The CRU reviewed 20 of these permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Associate Governmental Program Analyst (AGPA)	9PB04	11/18/2021	1/12/2022	Failed to Meet Minimum Qualifications (MQs)
AGPA	9PB04	1/13/2022	4/11/2022	Failed to Meet MQs
AGPA	9PB04	4/12/2022	6/14/2022	Failed to Meet MQs
Health Program Specialist II	0PBHJ	10/31/2021	1/14/2022	Failed to Meet MQs
Health Program Specialist II	0PBHJ	9/15/2021	1/14/2022	Failed to Meet MQs
Information Officer I Specialist	1PB3101	3/23/2022	5/20/2022	Failed to Meet MQs
Information Officer II	1PB3103	9/30/2021	12/9/2021	Failed to Meet MQs
Program Technician (PT) II	0PBCS	1/6/2022	3/15/2022	Failed to Meet MQs
PT II	0PBCS	1/5/2022	3/16/2022	Failed to Meet MQs
Research Data Specialist I	8PB39	3/7/2022	6/6/2022	Failed to Meet MQs
Research Data Specialist I	8PB39	3/10/2022	6/6/2022	Failed to Meet MQs
Research Scientist I (Epidemiology/ Biostatistics)	8PB0202	6/2/2021	3/15/2022	Failed to Meet MQs
Research Scientist I (Epidemiology/ Biostatistics)	8PB0202	6/29/2021	4/12/2022	Failed to Meet MQs
Research Scientist II	8PB0301	9/9/2021	1/20/2022	Failed to Meet MQs

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Research Scientist II (Epidemiology/ Biostatistics)	8PB0302	9/2/2021	5/26/2022	Failed to Meet MQs
Research Scientist II (Social/Behavioral)	8PB0305	4/4/2022	5/3/2022	Failed to Meet MQs
Staff Services Analyst (SSA) (General)	7PB34	11/29/2021	4/11/2022	Failed to Meet MQs
Staff Services Manager I (SSM I)	9PB19	9/16/2021	3/17/2022	Failed to Meet MQs
SSM I	9PB19	6/11/2021	3/17/2022	Failed to Meet MQs
SSM II (Supervisor)	9PB16	10/31/2021	12/10/2021	Failed to Meet MQs

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, April 1, 2021, through September 30, 2021, the CDPH made 523 appointments. The CRU reviewed 74 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
CEA C – Deputy Director, Information Technology (IT) Services Division	Certification List	CEA	Full Time	1
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	1
AGPA	Certification List	Permanent	Full Time	3
Associate Management Auditor	Certification List	Permanent	Full Time	1
Associate Personnel Analyst	Certification List	Permanent	Full Time	1
Attorney	Certification List	Permanent	Full Time	1
Attorney III	Certification List	Limited Term	Full Time	1
Attorney IV	Certification List	Permanent	Full Time	1
Building Maintenance Worker	Certification List	Permanent	Full Time	1
Chief of Plant Operation III	Certification List	Permanent	Full Time	1
Custodian I	Certification List	Permanent	Full Time	1
Environmental Program Manager I (Supervisory)	Certification List	Permanent	Full Time	1
Environmental Scientist	Certification List	Permanent	Full Time	1
Examiner II Laboratory Field Services	Certification List	Permanent	Full Time	1
Health Facilities Evaluator II (Supervisor)	Certification List	Permanent	Full Time	1
Health Facilities Evaluator Manager I	Certification List	Permanent	Full Time	1
Health Facilities Evaluator Nurse (HFEN)	Certification List	Permanent	Full Time	2
Health Program Manager I	Certification List	Permanent	Full Time	1
Health Program Specialist I	Certification List	Permanent	Full Time	1
IT Associate	Certification List	Permanent	Full Time	1
IT Specialist I	Certification List	Permanent	Full Time	1
IT Specialist II	Certification List	Permanent	Full Time	1
IT Specialist III	Certification List	Permanent	Full Time	1
IT Supervisor II	Certification List	Permanent	Full Time	1
IT Technician	Certification List	Permanent	Full Time	1
Investigator	Certification List	Permanent	Full Time	2
Junior Health Physicist	Certification List	Permanent	Full Time	1.
Materials and Stores Supervisor	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Medical Consultant I, Department of Health Services	Certification List	Permanent	Full Time	1
Nurse Consultant III (Specialist).	Certification List	Permanent	Full Time	1
Nurse Consultant III (Supervisor)	Certification List	Permanent	Full Time	1
Office Technician (OT) (Typing)	Certification List	Permanent	Full Time	1
Personnel Specialist	Certification List	Permanent	Full Time	1
Pharmaceutical Consultant II, Department of Health Services (Specialist)	Certification List	Permanent	Full Time	1
PT	Certification List	Permanent	Full Time	1
PT II	Certification List	Permanent	Full Time	1
Public Health Microbiologist Specialist	Certification List	Permanent	Full Time	1
Research Data Analyst II	Certification List	Permanent	Full Time	1
Research Data Specialist I	Certification List	Permanent	Full Time	1
Research Data Specialist I	Certification List	Permanent	Full Time	1
Research Scientist I (Chemical Sciences)	Certification List	Permanent	Full Time	1
Research Scientist I (Epidemiology/Biostatistics)	Certification List	Permanent	Full Time	1
Special Investigator	Certification List	Permanent	Full Time	1
SSA (General)	Certification List	Permanent	Full Time	2
SSM I	Certification List	Limited Term	Full Time	1
Stationary Engineer	Certification List	Permanent	Full Time	1
Supervising PT II	Certification List	Permanent	Full Time	1
LEAP – OT (Typing)	Certification List	Limited Term	Full Time	1
LEAP – PT II	Certification List	Limited Term	Full Time	1
LEAP – SSA	Certification List	Limited Term	Full Time	1
Associate Personnel Analyst	Mandatory Reinstatement	Permanent	Full Time	1
HFEN	Mandatory Reinstatement	Permanent	Full Time	1
Labor Relations Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Personnel Specialist	Mandatory Reinstatement	Permanent	Full Time	1
Accounting Administrator I (Supervisor)	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
AGPA	Transfer	Limited Term	Full Time	1
AGPA	Transfer	Permanent	Full Time	1
Associate Industrial Hygienist	Transfer	Permanent	Full Time	1
Attorney III	Transfer	Permanent	Full Time	1
Custodian I	Transfer	Permanent	Full Time	1
Environmental Program Manager II	Transfer	Permanent	Full Time	1
Environmental Scientist	Transfer	Permanent	Full Time	1
Health Program Specialist II	Transfer	Permanent	Full Time	1
IT Specialist I	Transfer	Permanent	Full Time	1
Office Assistant (OA) (General)	Transfer	Permanent	Full Time	1
PT	Transfer	Permanent	Full Time	1
PT II	Transfer	Permanent	Full Time	1
Public Health Medical Officer III	Transfer	Permanent	Full Time	1
SSA (General)	Transfer	Permanent	Full Time	1

SEVERITY: TECHNICAL	FINDING NO. 3 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME
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Summary: Of the 74 appointments reviewed, the CDPH did not retain 22 NOPAs.

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 CDPH states that the Human Resources Division was not following up on the return of signed NOPAs.

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

SEVERITY: SERIOUS	FINDING NO. 4 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED
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Summary: The CDPH did not provide 3 probationary reports of performance for 2 of the 74 appointments reviewed by the CRU, as reflected in the table below. This is the third consecutive time this has been a finding for the CDPH.

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Health Program Specialist II	Transfer	1	1
PT	Transfer	1	2

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

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

Cause: The CDPH states that its' supervisors and managers served to support the statewide COVID-19 response effort, which changed their roles in the organization and limited their availability to complete probation reports and performance evaluations.

Corrective Action: The CDPH asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CDPH must submit to the SPB documentation which demonstrates 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.

Unlawful Appointment Investigations

Departments that entered into an Unlawful Appointment Investigation Delegation Agreement between their executive management and the CalHR have the authority to manage their own unlawful appointment investigations. The Delegation Agreement defines the reporting requirements, responsibilities, obligations, and expectations of the department in this process. The delegation agreement mandates that departments maintain up-to-date records on each unlawful appointment investigation including, at a minimum: the specific facts surrounding the appointment in question, a description of the circumstances which may have resulted in the unlawful appointment, copies of relevant appointment documents, and any documentation which may demonstrate that the agency and employee acted in good faith when the appointment was offered and accepted. Departments must also maintain a tracking system to monitor its unlawful appointments.

During the period under review, December 2, 2021, through May 31, 2022, the CDPH conducted one unlawful appointment investigation. The CRU reviewed that unlawful appointment investigation, which is listed below:

Classification	Date Investigation Initiated	Date Investigation Concluded
AGPA	11/24/2021	2/24/2022

IN COMPLIANCE	FINDING NO. 5 UNLAWFUL APPOINTMENT INVESTIGATION COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CDPH’s unlawful appointment investigation was found to comply with the rules set forth in the signed Delegation Agreement with the CalHR.

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. 6 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES
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After reviewing the policies, procedures, and programs necessary for compliance with the EEO program’s role and responsibilities according to statutory and regulatory guidelines, the CRU determined that the CDPH’s EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination

claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Executive Director of the CDPH. The CDPH 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, December 2, 2021, through May 31, 2022, the CDPH had 93 PSC’s that were in effect. The CRU reviewed 35 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
American Nonsmokers' Rights Foundation	Policy Evaluation Tracking System	\$3,155,769	Yes	Yes
Analytica Consulting, LLC	COVID19 Dashboard Transition and Support	\$2,690,550	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Beckman Coulter Life Sciences	Centrifuge Maintenance	\$21,825	Yes	Yes
Berry's Family Cleaning Services, Inc	Cleaning services	\$9,922	Yes	Yes
Boys & Girls Clubs Fresno Co.	Decoy Recruitment for Tobacco Enforcement	\$3,484,956	Yes	Yes
California Dental Association Foundation	Covid 19, Response: Vaccination Events	\$1,000,000	Yes	Yes
California Primary Care Association	Emergency Preparedness services	\$750,000	Yes	Yes
Confidential Document Control LLC	Shredding services	\$40,000	Yes	Yes
County of San Diego	X-ray machine inspections, materials, and licenses	\$3,274,639	Yes	Yes
Eisel Consulting	Strategic Planning services	\$24,790	Yes	Yes
Ellen Baker	Photography Services	\$40,000	Yes	Yes
Facente Consulting, LLC	Consulting services	\$405,990	Yes	Yes
Facente Consulting, LLC	Health Equity Summit	\$147,892	Yes	Yes
First Data Government Solutions, LP	Electronic Payment Acceptance services	\$404,267	Yes	Yes
Gainwell Technologies LLC	Project Maintenance and Operations	\$12,000,000	Yes	Yes
Henri Cierpich, Consultant	Fatality Assessment and Control Evaluation	\$9,999	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Kaweah Delta Healthcare District	Weatherization for Vulnerable Communities	\$9,999	Yes	Yes
Kiefer Consulting, INC.	Management and Migration Services	\$950,000	Yes	Yes
Kimberly Gregory, MD, MPH	Case Reviews	\$9,000	Yes	Yes
Kofax, INC.	Kofax Capture Training	\$30,500	Yes	Yes
Los Angeles Unified School District	Bilingual Examination Services	\$9,999	Yes	Yes
Long Beach Memorial Medical Center	Serum Bank	\$3,945,930	Yes	Yes
Marc Cohen	Child Passenger Safety Training	\$8,000	Yes	Yes
Mayo Collaborative Services, LLC	Confirmatory Services for Metabolic Disorders	\$273,164	Yes	Yes
Maxim Pipette Service, INC	Maintenance	\$52,892	Yes	Yes
Occupational Services, Inc.	Sample testing and meter calibration	\$9,856	Yes	Yes
Pacific Integrated Handling	Preventive maintenance service	\$359,823	Yes	Yes
Occupational Services, Inc.	Equipment calibration and repair	\$9,999	Yes	Yes
Rescue Agency Public Benefit, LLC	Youth Media Campaign	\$12,000,000	Yes	Yes
SumRall Solutions, LLC	Maintenance Care	\$26,710	Yes	Yes
Takeda Pharmaceuticals America INC	FDA-required testing of orphan drug	\$379,784	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Velo Trap	BikeShare Maintenance	\$4,999.99	Yes	Yes
Viking Shred LLC	Confidential Document Shredding	\$3,960	Yes	Yes
Your Social Marketer, Inc	Pharmaceutical services	\$244,812	Yes	Yes
34 Strong, Inc.	Teambuilding and Coaching	\$5,997,641	Yes	Yes

IN COMPLIANCE	FINDING NO. 7 PERSONAL SERVICES CONTRACTS COMPLIED WITH PROCEDURAL REQUIREMENTS
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The total dollar amount of all the PSC’s reviewed was \$51,787,668. It was beyond the scope of the review to make conclusions as to whether the CDPH’s justifications for the contract were legally sufficient. For all PSC’s reviewed, the CDPH provided specific and detailed factual information in the written justifications as to how each of the contracts met at least one condition set forth in Government Code section 19130, subdivision (b). Additionally, the CDPH complied with proper notification to all organizations that represent state employees who perform or could perform the type or work contracted as required by California Code of Regulations section 547.60.2. Accordingly, the CDPH PSC’s complied with civil service laws and board rules.

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.*)

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 CDPH’s mandated training program that was in effect during the compliance review period, June 1, 2020, through May 31, 2022.

SEVERITY: VERY SERIOUS	FINDING NO. 8 SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS
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Summary: The CDPH did not provide basic supervisory training to 28 of 66 new supervisors within 12 months of appointment. In addition, the CDPH did not provide manager training to 2 of 8 new managers within 12 months of appointment; and did not provide CEA training to 3 of 6 new CEAs within 12 months of appointment. This is the second consecutive time this has been a finding for the CDPH.

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. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biennially. (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 CDPH states that due to the COVID-19 emergency response and activations for multiple California public health emergencies, not all supervisors, managers, and CEAs were able to complete the required training within 12 months of appointment. In addition, training delivery was delayed due to COVID-19 and the CalHR was not providing the Manager Development Program and Executive Development Program during part of the COVID-19 emergency.

Corrective Action: The CDPH asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CDPH must submit to the SPB documentation which demonstrates the corrections the department will implement demonstrate conformity with Government Code section 19995.4.

SEVERITY: VERY SERIOUS	FINDING NO. 9 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The CDPH did not provide sexual harassment prevention training to 130 of 174 new supervisors within 6 months of their appointment. The CDPH did not provide sexual harassment prevention training to 435 of 610 existing supervisors every 2 years. In addition, the CDPH did not provide sexual harassment prevention training to 1,382 of 2,485 existing non-supervisors every 2 years. This is the second consecutive time this has been a finding for the CDPH.

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 CDPH states that due to the COVID-19 emergency response and activations for multiple California public health emergencies, not all employees were able to complete the required sexual harassment training on time.

Corrective Action: The CDPH asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CDPH must submit to the SPB documentation which demonstrates the corrections the department will implement demonstrate conformity with Government Code section 12950.1.

SEVERITY: VERY SERIOUS	FINDING NO. 10	ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The CDPH did not provide ethics training to 26 of 1,385 existing filers. In addition, the CDPH did not provide ethics training to 70 of

344 new filers within 6 months of their appointment. This is the second consecutive time this has been a finding for the CDPH.

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 CDPH states that all Conflict-of-Interest (COI) filers are reminded of the ethics training requirements. Due to the COVID-19 emergency response and activations for multiple California public health emergencies, not all COI filers were able to complete the required training on time.

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

Compensation 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 rate¹¹ 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.

¹¹ "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

During the period under review, April 1, 2021, through September 30, 2021, the CDPH made 523 appointments. The CRU reviewed 40 of those appointments to determine if the CDPH applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
CEA C – Deputy Director, Information Technology Services Division	CEA	CEA	Full Time	\$12,341
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	\$6,491
AGPA	Certification List	Permanent	Full Time	\$5,149
Associate Personnel Analyst	Certification List	Permanent	Full Time	\$5,270
Attorney III	Certification List	Limited	Full Time	\$10,661
Attorney IV	Certification List	Permanent	Full Time	\$10,453
Custodian I	Certification List	Permanent	Full Time	\$2,855
Examiner II Laboratory Field Services	Certification List	Permanent	Full Time	\$8,316
HFEN	Certification List	Permanent	Full Time	\$7,936
Health Program Manager I	Certification List	Permanent	Full Time	\$6,124
IT Associate	Certification List	Permanent	Full Time	\$5,064
IT Specialist I	Certification List	Permanent	Full Time	\$5,562
IT Specialist III	Certification List	Permanent	Full Time	\$10,834
IT Technician	Certification List	Permanent	Full Time	\$4,213
Investigator	Certification List	Permanent	Full Time	\$6,572
Junior Health Physicist	Certification List	Permanent	Full Time	\$5,125
LEAP – OT (Typing)	Certification List	Limited	Full Time	\$3,723
Medical Consultant I, Department of Health Services	Certification List	Permanent	Full Time	\$11,796
Nurse Consultant III (Supervisor)	Certification List	Permanent	Full Time	\$9,715
OT (Typing)	Certification List	Permanent	Full Time	\$3,144
PT II	Certification List	Permanent	Full Time	\$3,424
Research Data Analyst II	Certification List	Permanent	Full Time	\$5,406
Research Data Specialist I	Certification List	Permanent	Full Time	\$6208

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Research Data Specialist II	Certification List	Permanent	Full Time	\$7,772
SSA (General)	Certification List	Permanent	Full Time	\$4,281
SSA (General)	Certification List	Permanent	Full Time	\$4,281
Stationary Engineer	Certification List	Permanent	Full Time	\$6,048
Supervising PT II	Certification List	Permanent	Full Time	\$3,632
Associate Personnel Analyst	Mandatory Reinstatement	Permanent	Full Time	\$5,680
HFEN	Mandatory Reinstatement	Permanent	Full Time	\$7,345
Accounting Administrator I (Supervisor)	Transfer	Permanent	Full Time	\$7,806
AGPA	Transfer	Limited	Full Time	\$5,406
Associate Industrial Hygienist	Transfer	Permanent	Full Time	\$8,947
Attorney III	Transfer	Permanent	Full Time	\$12,140
Custodian I	Transfer	Permanent	Full Time	\$3,574
Environmental Scientist	Transfer	Permanent	Full Time	\$7,364
IT Specialist I	Transfer	Permanent	Full Time	\$5,562
OA(General)	Transfer	Permanent	Full Time	\$3,421
PT	Transfer	Permanent	Full Time	\$3,841
SSA (General)	Transfer	Permanent	Full Time	\$5,441

IN COMPLIANCE	FINDING NO. 11 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 CDPH 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.

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, April 1, 2021, through September 30, 2021, the CDPH employees made 31 alternate range movements within a classification. The CRU reviewed 15 of those alternate range movements to determine if the CDPH 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)
Attorney	C	D	Full Time	\$7,818
Attorney	B	C	Full Time	\$6,946
Environmental Scientist	A	B	Full Time	\$5,037
Environmental Scientist	A	B	Full Time	\$4,680
IT Associate	B	C	Full Time	\$5,646
IT Specialist I	A	B	Full Time	\$7,607
IT Specialist I	B	C	Full Time	\$7,987
Management Services Technician	A	B	Full Time	\$3,888
Personnel Specialist	B	C	Full Time	\$4,094
Personnel Specialist	B	C	Full Time	\$4,094
Public Health Medical Officer III – Epidemiology	C	D	Full Time	\$16,175
SSA (General)	A	B	Full Time	\$4,339
SSA (General)	B	C	Full Time	\$4,476
SSA (General)	A	B	Full Time	\$4,015
SSA (General)	B	C	Full Time	\$4,476

SEVERITY: VERY SERIOUS	FINDING NO. 12 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRU found 2 errors in the CDPH’s 15 determinations of employee compensation:

Classification	Description of Finding(s)	Criteria
IT Associate	Employee was placed into Range C without meeting the alternate range criteria. Employee was overcompensated.	ARC 483
IT Specialist I	Employee was placed into Range C without meeting the alternate range criteria. Employee was overcompensated.	ARC 484

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

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

Severity: Very Serious. In two circumstances, the CDPH 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 CDPH states that the range change errors were a result of inexperienced staff and incorrect interpretation of alternate range criteria and applicable experience.

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

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 are in 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.¹² (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

¹² 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.

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 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, April 1, 2021, through September 30, 2021, the CDPH authorized 116 HAM requests. The CRU reviewed 33 of those authorized HAM requests to determine if the CDPH 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)	No. of HAM Appts.
AGPA	Certification List	New to the State	\$5,383 – \$6,739	\$6,739	1
Attorney	Certification List	New to the State	\$7,818 – \$10,028	\$10,028	1
Attorney	Certification List	New to the State	\$7,818 – \$10,028	\$9,050	1
Attorney	Certification List	Current State Employee	\$8,242 – \$10,572	\$9,474	1
Attorney III	Certification List	New to the State	\$9,463 – \$12,140	\$12,083	1
Attorney IV	Certification List	New to the State	\$10,453 – \$13,421	\$13,421	1
Environmental Program Manager I (Supervisory)	Certification List	New to the State	\$11,315 – \$14,066	\$13,265	1
Examiner I Laboratory Field Services	Certification List	New to the State	\$5,392 – \$7,359	\$7,359	1
Health Facilities Evaluator II (Supervisor)	Certification List	Current State Employee	\$5,850 – \$7,273	\$7,273	2

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)	No. of HAM Appts.
HFEN	Certification List	New to the State	\$6,043 – \$7,936	\$7,936	7
HFEN	Certification List	New to the State	\$6,318 – \$8,297	\$7,680	1
HFEN	Certification List	New to the State	\$6,318 – \$8,297	\$8,297	2
HFEN	Certification List	New to the State	\$6,318 – \$8,297	\$8,297	1
IT Specialist I	Certification List	New to the State	\$6,715 – \$8,999	\$8,999	1
Medical Consultant I, Department of Health Services	Certification List	New to the State	\$11,796 – \$16,184	\$16,184	1
Pharmaceutical Consultant II, Department of Health Services (Specialist)	Certification List	New to the State	\$6,546 – \$9,468	\$9,468	1
Public Health Medical Officer III	Certification List	New to the State	\$11,228 – \$15,405	\$15,400	1
Public Health Microbiologist II – Virology	Certification List	New to the State	\$5,884 – \$7,917	\$6,900	1
Research Scientist I (Chemical Sciences)	Certification List	New to the State	\$6,050 – \$7,519	\$6,353	1
Research Scientist I (Microbiological Sciences)	Certification List	New to the State	\$6,050 – \$7,519	\$6,353	1
Research Scientist II (Microbiological Sciences)	Certification List	New to the State	\$6,645 – \$8,259	\$8,259	1
Research Scientist III (Food and Drug Sciences)	Certification List	New to the State	\$7,811 – \$9,777	\$9,042	1

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)	No. of HAM Appts.
Research Scientist IV (Food and Drug Sciences)	Certification List	New to the State	\$8,980 – \$11,242	\$10,915	1
Research Scientist Supervisor I (Epidemiology/ Biostatistics)	Certification List	New to the State	\$8,144 – \$10,149	\$9,775	1
SSM II (Supervisory)	Certification List	New to the State	\$6,722 – \$8,352	\$7,834	1

IN COMPLIANCE	FINDING NO. 13	HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found that the HAM requests the CDPH 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, April 1, 2021, through September 30, 2021, the CDPH issued bilingual pay to 63 employees. The CRU reviewed 25 of these 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	4
Communicable Disease Manager I	S01	Full Time	1
Consulting Communicable Disease Representative	R01	Full Time	1
Environmental Scientist	R10	Full Time	2
Health Education Consultant III (Specialist)	R19	Full Time	1
Health Program Manager I	S01	Full Time	1
Health Program Manager II	S01	Full Time	1
Health Program Specialist I	R01	Full Time	2
Health Program Specialist II	R01	Full Time	1
Information Officer I (Specialist)	R01	Full Time	2
Management Services Technician	R01	Full Time	1
OT (Typing)	R04	Full Time	1
PT	R04	Full Time	1
PT II	R04	Full Time	1
Public Health Nutrition Consultant III (Specialist)	R19	Full Time	1
Research Scientist II (Social/Behavioral Sciences)	R10	Full Time	1
SSA (General)	R01	Full Time	1
SSM I	S01	Full Time	1
Supervising PT II	S04	Full Time	1

SEVERITY: VERY SERIOUS	FINDING NO. 14 INCORRECT AUTHORIZATION OF BILINGUAL PAY
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Summary: The CRU found 5 errors in the CDPH's 25 authorizations of bilingual pay:

Classification	Description of Finding(s)	Criteria	No. of Findings
AGPA	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14	2
Consulting Communicable Disease Representative	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14	1

Classification	Description of Finding(s)	Criteria	No. of Findings
Management Services Technician	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14	1
SSM I	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14	1

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 CDPH states it did not have procedures in place to include processing bilingual pay differential changes when an employee moves from one position to another.

Corrective Action: The CDPH asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CDPH must submit to the SPB documentation which demonstrates the corrections the department will implement to ensure conformity with 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, 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, April 1, 2021, through September 30, 2021, the CDPH authorized 490 pay differentials.¹³ The CRU reviewed 42 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount	No. Reviewed
Research Scientist III (Chemical Sciences)	Advanced Education Differential	\$195.54	1
Research Scientist III (Social/Behavioral Sciences)	Advanced Education Differential	\$195.54	1
Research Scientist Supervisor I (Epidemiology/Biostatistics)	Advanced Education Differential	\$175.30	1
Research Scientist Supervisor II (Epidemiology/Biostatistics)	Advanced Education Differential	\$387.06	1
Research Scientist Supervisor II (Social/Behavioral Sciences)	Advanced Education Differential	\$344.07	1
Research Scientist III (Veterinary Sciences)	Advanced Education Differential	\$293.31	1
IT Associate	Bay Area Recruitment and Retention Pay Differential	\$390.15	1
IT Manager I	Bay Area Recruitment and Retention	\$561.55	1
IT Specialist I	Bay Area Recruitment and Retention	\$336.95	1
IT Specialist I	Bay Area Recruitment and Retention Pay Differential	\$470.40	1

¹³ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount	No. Reviewed
IT Specialist II	Bay Area Recruitment and Retention	\$418.85	1
Stationary Engineer	Certified Backflow Tester Differential	\$100	1
Food and Drug Program Specialist	Education Differential Pay	\$125	1
Special Investigator	Education Differential Pay	\$125	1
Supervising Food and Drug Investigator	Education Differential Pay	\$125	2
AGPA	Geographic Recruitment and Retention	\$250	1
HFEN	Geographic Recruitment and Retention	\$250	3
Medical Record Consultant	Geographic Recruitment and Retention Differential	\$250	1
PT II	Geographic Recruitment and Retention	\$250	1
Seasonal Clerk	Geographic Recruitment and Retention Differential	\$250	1
Chief, Food and Drug Section	Longevity Pay Differential	\$939.54	1
Chief, Food and Drug Section	Longevity Pay Differential	\$1207.98	1
Chief, Food and Drug Unit	Longevity Pay Differential	\$244.26	1
Pharmaceutical Consultant II, Department of Health Services (Specialist)	Pharmaceutical Consultant Pay	\$2,000	3
Stationary Engineer	Plant Experience Recruitment and Retention	\$607.41	1
Stationary Engineer	Recruitment and Retention Differential Pay	\$288	1
Stationary Engineer	Recruitment and Retention Differential Pay	\$337.45	2

Classification	Pay Differential	Monthly Amount	No. Reviewed
Stationary Engineer	Recruitment and Retention Differential Pay	\$295.55	1
Stationary Engineer	Recruitment and Retention Differential Pay	\$318.85	1
Warehouse Worker	Recruitment and Retention Differential Pay	\$178.60	1
Health Facilities Evaluator Manager I	Registered Nurse Certification	\$750	2
Health Facilities Evaluator Manager II	Registered Nurse Certification	\$750	1
Health Facilities Evaluator II (Supervisor)	Registered Nurse Certification	\$750	3

IN COMPLIANCE	FINDING NO. 15 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 CDPH 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 excluded 14 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).)

¹⁴ “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.

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, April 1, 2021, through September 30, 2021, the CDPH issued OOC pay to 33 employees. The CRU reviewed 20 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
AGPA	R01	SSM I	6/9/2021 – 7/23/2021
Attorney	R02	Attorney III	9/20/2021 – 1/17/2022
Attorney III	R02	Attorney IV	3/15/2021 – 6/11/2021
CEA A	M01	CEA A	8/1/2021 – 1/3/2022
Examiner III Laboratory Field Services	S10	Chief, Laboratory Field Services Branch	8/16/2021 – 11/9/2021
Health Facilities Evaluator Manager I	S01	Health Facilities Evaluator Manager II	2/17/2021 – 6/17/2021
HFEN	R17	Public Health Nurse I	5/17/2021
HFEN	R17	Public Health Nurse I	4/1/2021 – 4/24/2021
HFEN	R17	Public Health Nurse I	4/1/2021 – 4/23/2021
HFEN	R17	Public Health Nurse I	6/6/2021 – 6/16/2021
HFEN	R1	Public Health Nurse I	4/1/2021 – 4/15/2021 5/6/2021 – 5/13/2021
Health Program Manager I	S01	Health Program Manager II	9/7/2021 – 12/2/2021
Health Program Specialist I	R01	Health Program Specialist II	6/1/2021 – 7/30/2021
OT (Typing)	R04	SSA (General)	3/29/2021 – 7/27/2021
PT	R04	Supervising PT I	8/9/2021 – 12/3/2021

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
PT II	R04	Supervising PT II	8/9/2021 – 11/30/2021
SSM I	S01	SSM II	7/1/2021 – 8/31/2021
SSM I	S01	SSM II	5/1/2021 – 6/30/2021
SSM I	S01	SSM II	6/11/2021 – 12/30/2021
Supervising PT I	S04	Supervising PT II	4/21/2021 – 6/30/2021

IN COMPLIANCE	FINDING NO. 16	OUT OF CLASS PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the OOC pay assignments that the CDPH authorized during the compliance review period. OOC pay was issued appropriately to employees 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.

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 days¹⁵ worked and paid absences¹⁶, 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

¹⁵ For example, two hours or ten hours count as one day.

¹⁶ For example, vacation, sick leave, compensating time off, etc.

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 CDPH had 121 positive paid employees whose hours were tracked. The CRU reviewed 21 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Hours Worked
AGPA	Intermittent	7/1/2021 – 6/30/2022	960.5
AGPA	Intermittent	7/1/2021 – 6/30/2022	960
Associate Health Physicist	Intermittent	7/1/2021 – 6/30/2022	958.5
Chief Engineer I	Intermittent	7/1/2021 – 6/30/2022	942
Custodian Supervisor II	Intermittent	7/1/2021 – 6/30/2022	754
Health Education Consultant III (Specialist)	Intermittent	7/1/2021 – 6/30/2022	960
HFEN	Intermittent	7/1/2021 – 6/30/2022	524
HFEN	Intermittent	7/1/2021 – 6/30/2022	883.75
HFEN	Intermittent	7/1/2021 – 6/30/2022	540
Health Program Specialist II	Intermittent	7/1/2021 – 6/30/2022	365.5
Public Health Nutrition Consultant III (Specialist)	Intermittent	7/1/2021 – 6/30/2022	1,000

Classification	Tenure	Time Frame	Hours Worked
Public Health Medical Officer III – Epidemiology	Intermittent	7/1/2021 – 6/30/2022	1,099
Public Health Medical Officer III	Intermittent	7/1/2021 – 6/30/2022	1,441
Seasonal Clerk	Intermittent	8/1/2021 – 7/30/2022	1,454
Seasonal Clerk	Intermittent	8/19/2021 – 8/18/2022	1,201
Special Consultant	Intermittent	7/1/2021 – 6/30/2022	515
Special Consultant	Intermittent	7/1/2021 – 6/30/2022	1,472
Senior Laboratory Assistant	Intermittent	7/1/2021 – 6/30/2022	1,488
SSM I	Intermittent	7/1/2021 – 6/30/2022	680
Student Assistant	Intermittent	8/1/2021 – 8/31/2022	1,185
Student Assistant	Intermittent	6/24/2021 – 6/23/2022	1,499

IN COMPLIANCE	FINDING NO. 17 POSITIVE PAID EMPLOYEES’ TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND 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 CDPH provided sufficient justification and adhered to applicable laws, regulations and CalHR 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, March 2, 2021, through March 1, 2022, the CDPH authorized 386 ATO transactions. The CRU reviewed 35 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	No. of Hours on ATO
Associate Construction Analyst	8/26/2021 – 9/3/2021	33
AGPA	1/20/2021 – 1/21/2021	11
AGPA	12/28/2021 – 12/28/2021	1.5
AGPA	1/4/2022 – 2/28/2022	46.75
Associate Personnel Analyst	2/22/2022 – 2/23/2022	14
Attorney	1/3/2022 – 1/5/2022	24
Business Service Officer I (Supervisor)	4/12/2021 – 4/13/2021	6
Custodian I	2/7/2022 – 2/10/2022	32
Custodian I	3/25/2022	8
Deputy Director	12/13/2021 – 1/9/2022	120
Electrician II	1/5/2022 – 1/6/2022	20
Electrician II	8/12/2021 – 8/13/2021	20
Environmental Scientist	1/3/2022 – 1/10/2022	48
Environmental Scientist	11/3/2021	2
Health Facilities Evaluator II (Supervisor)	1/12/2022 – 1/14/2022	18
HFEN	3/3/2022 – 3/4/2022	17
HFEN	8/19/2021 – 9/1/2021	80
IT Associate	1/31/2022 – 2/4/2022	40
IT Associate	4/2/2021 – 4/6/2021	13
Investigator	2/15/2022 – 2/25/2022	80
Labor Relations Analyst	1/5/2022 – 1/7/2022	16
Management Services Technician	9/14/2021 – 9/14/2021	8
OA (General)	10/25/2021 – 10/25/2021	8
OA (General)	1/6/2021 – 1/21/2021	30
OA (Typing)	1/10/2022 – 1/28/2022	80
OT(General)	7/19/2021 – 7/30/2021	80
Public Health Microbiologist Specialist	12/10/2021 – 12/10/2021	2
Personnel Specialist	5/28/2021	5
PT II	2/1/2022 – 2/3/2022	17.25
PT II	5/6/2021 – 5/14/2021	56
Public Health Laboratory Technician I Microbiology	5/19/2021 – 6/2/2021	80
Research Scientist III (Epidemiology/ Biostatistics)	7/26/2021 – 7/30/2021	40
Research Data Analyst II	1/10/2022 – 1/11/2022	15
SSM I	2/17/2022 – 2/18/2022	16
Warehouse Worker	1/6/2022 – 1/12/2022	40

IN COMPLIANCE	FINDING No. 18 ADMINISTRATIVE TIME OFF AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the ATO transactions reviewed during the compliance review period. The CDPH 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, December 2, 2021, through March 1, 2022, the CDPH reported 127 units comprised of 4,374 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
December-21	010	20	20	0
December-21	035	46	46	0
December-21	320	14	14	0
January-22	224	17	17	0
January-22	340	43	43	0
January-22	830	9	9	0
January-22	840	1	1	0
February-22	490	2	2	0
February-22	501	8	8	0
February-22	631	8	8	0
February-22	805	22	22	0

Timesheet Leave Period	Unit Reviewed	No. of Employees	No. of Timesheets Reviewed	No. of Missing Timesheets
February-22	101	3	3	0
February-22	156	2	2	0
February-22	201	5	5	0

IN COMPLIANCE	FINDING NO. 19 LEAVE AUDITING AND TIMEKEEPING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND 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 the CalHR's policy and guidelines. Based on our review, the CRU found no deficiencies. The CDPH 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.

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.¹⁷ (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.)

¹⁷ 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.

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 employees¹⁸ 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, September 1, 2021, through March 1, 2022, the CDPH had 20 employees with qualifying and non-qualifying pay period transactions. The CRU reviewed 23 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	No. Reviewed
Non-Qualifying Pay Period	Full Time	10
Qualifying Pay Period	Full Time	13

IN COMPLIANCE	FINDING NO. 20	SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU determined that the CDPH 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

¹⁸ 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.

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

IN COMPLIANCE	FINDING NO. 21 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU verified that the policy was disseminated to all staff and emphasized the CDPH’s commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CDPH’s 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 CDPH did not employ volunteers during the compliance review period.

IN COMPLIANCE	FINDING NO. 22 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU verified that the CDPH 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 CDPH 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 100 permanent CDPH 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. 23 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The CDPH did not provide annual performance appraisals to 24 of 100 employees reviewed after the completion of the employee's probationary period.

Criteria: Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2,

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

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

Cause: The CDPH states that supervisors and managers served to support the statewide COVID-19 response effort, which changed their roles in the organization and limited their availability to complete probation reports and performance evaluations.

Corrective Action: The CDPH asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CDPH must submit to the SPB documentation which demonstrates 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.

DEPARTMENTAL RESPONSE

The CDPH's departmental response is attached as Attachment 1.

SPB REPLY

Based upon the CDPH's written response, the CDPH 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.



TOMÁS J. ARAGÓN, M.D., Dr.P.H.
Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

October 11, 2023

Suzanne M. Ambrose
Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95819

Dear Ms. Ambrose,

This letter is in response to the draft State Personnel Board (SPB) Compliance Review Report submitted to the California Department of Public Health (CDPH). The CDPH has reviewed the report and prepared a cause and action plan for each finding.

The CDPH regards the audit process with a high degree of respect and has and will continue to institute corrective actions to bring CDPH into compliance.

Finding No. 3 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time

Cause: The CDPH Human Resources Division (HRD) was not following up on return of signed Notice of Personnel Action (NOPA) forms.

Response: With the discontinuation of paper NOPAs by the State Controller's Office (SCO) effective April 3, 2023, and electronic NOPA availability via Mobius View, HRD is well positioned to electronically send and receive NOPAs to eliminate loss of NOPAs via mail handling.

Finding No. 4 – Probationary Evaluations Were Not Provided for All Appointments Reviewed

Cause: CDPH supervisors and managers served to support the state-wide COVID-19 response effort, which changed their roles in the organization and limited their availability to complete probation reports and performance evaluations.

Response: In March 2022, the CDPH implemented use of DocuSign for probation reports and performance evaluations. The system sends email alerts to the supervisor with the due date for the report/evaluation and sends weekly reminders until the

report/evaluation is completed. The system allows for electronic completion and tracking to improve visibility and compliance.

Finding No. 8 – Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs

Cause: All supervisors, managers, and CEAs are reminded of the leadership training requirements. Due to the COVID-19 emergency response and activations for multiple California public health emergencies, not all supervisors, managers, and CEAs were able to complete the required training within 12 months of appointment. In addition, due to COVID-19, CDPH HRD had to convert the Supervisor Development Program (SDP) to an online format from in person, delaying training delivery. The California Department of Human Resources (CalHR) was also not providing the Manager Development Program (MDP) and Executive Development Program (EDP) during part of the COVID-19 emergency.

Response: The CDPH, Office of Professional Development and Engagement (OPDE), obtains a monthly report of all new appointments to supervisory, managerial and CEA positions. The report is used to send an email to new appointees regarding the training requirement and due date. In addition, CDPH has a memorandum of understanding with the CalHR to conduct the SDP for new supervisors and can schedule sessions, as needed, to meet training requirements. CalHR has also increased the offerings of the MDP and EDP.

Finding No. 9 – Sexual Harassment Prevention Training Was Not Provided for All Employees

Cause: All employees are reminded of their sexual harassment prevention training requirements. Due to the COVID-19 emergency response and activations for multiple California public health emergencies, not all employees were able to complete the required training on time.

Response: The CDPH provides on-line training that is available to all employees and has a system in place to monitor completion of the training. CDPH's learning management system notifies employees, via email, multiple times when training is due, and an additional notification email is sent if the training is not completed by the due date. The Civil Rights Unit also completes quarterly reviews to identify any employee's delinquent in training and works with the HRD to issue corrective action for those employees that do not complete the training. CDPH will continue to work with internal partners to improve timely completion of the training.

Finding No. 10 – Ethics Training Was Not Provided for All Filers

Cause: All Conflict of Interest (COI) filers are reminded of the ethics training requirements. Due to the COVID-19 emergency response and activations for multiple

California public health emergencies, not all COI filers were able to complete the required training on time.

Response: The CDPH monitors completion of the training through a learning management system. The system notifies employees, via email, multiple times when training is due, and an additional notification email is sent if the training is not completed by the due date. The HRD also completes quarterly reviews to identify any employee's delinquent in training and issues corrective action for those employees that do not complete the training.

Finding No. 12 – Alternate Range Movement Did Not Comply with Civil Service Laws, Board Rules, and CalHR Policies Guidelines

Cause: The range change errors were a result of inexperienced staff and incorrect interpretation of alternate range criteria and applicable experience.

Response: The HRD is correcting the range change errors. In addition, HRD created a training unit within the Classification and Certification Section to onboard, train and support the classification team. The training unit develops and provides training sessions, develops job aids, and provides one-on-one consultation and training to new and existing team members.

Finding No. 14 – Incorrect Authorization of Bilingual Pay

Cause: CDPH did not have procedures in place to include processing bilingual pay differential changes when an employee moves from one position to another.

Response: When the bilingual pay errors were identified, the HRD removed the bilingual pay differential for employees without a certified position and certified a position meeting the criteria (including an updated duty statement). The HRD is developing an internal desk manual to outline roles and responsibilities for bilingual pay auditing and monitoring.

Finding No. 23 – Performance Appraisals Were Not Provided for All Employees

Cause: CDPH supervisors and managers served to support the state-wide COVID-19 response effort, which changed their roles in the organization and limited their availability to complete probation reports and performance evaluations.

Response: In March 2022, the CDPH implemented use of DocuSign for probation reports and performance evaluations. The system sends email alerts to the supervisor with the due date for the report/evaluation and sends weekly reminders until the report/evaluation is completed. The system allows for electronic completion and tracking to improve visibility and compliance.

Conclusion

The CDPH appreciates the opportunity to address the findings in this report and provide proposed changes for increased compliance. We anticipate current and proposed changes will positively impact future outcomes.

If you have any questions or would like to discuss further, please contact me at (916) 425-8660 or Kristanna.Rivera@cdph.ca.gov.

Sincerely,

Kristanna Rivera, Deputy Director
Human Resources Division

cc: Brandon Nunes, Chief Deputy Director of Operations
Robert Hughes, Deputy Director, Office of Compliance