



# **COMPLIANCE REVIEW REPORT**

## **DEPARTMENT OF SOCIAL SERVICES**

Compliance Review Unit  
State Personnel Board  
December 18, 2024

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## **INTRODUCTION**

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

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

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

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

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

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

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

### EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of the California Department of Social Services (CDSS) 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	Very Serious	Unlawful Appointments
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely <sup>1</sup>
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	Ethics Training Was Not Provided for All Filers <sup>2</sup>

<sup>1</sup> Repeat finding. The November 16, 2023, CDSS compliance review report identified 72 missing probationary reports in 27 of the 40 appointment files reviewed, and 10 probationary reports were not provided in a timely manner. The November 16, 2021, CDSS compliance review report identified 4 missing probationary reports in 4 of the 61 appointment files reviewed, and 12 probationary reports were not provided in a timely manner. The August 12, 2019, CDSS compliance review report identified 42 missing probationary reports in 36 of the 97 appointment files reviewed. The September 23, 2015, CDSS compliance review report identified 29 missing probationary reports in 20 of the 104 appointment files reviewed.

<sup>2</sup> Repeat finding. The November 16, 2023, CDSS compliance review report identified 5 of 120 existing filers did not receive ethics training, and 7 of 79 new filers did not receive ethics training within 6 months of appointment. The November 16, 2021, CDSS compliance review report identified 39 of 200 existing filers did not receive ethics training, and 31 of 200 new filers did not receive ethics training within 6 months of appointment. The August 12, 2019, CDSS compliance review report identified 84 of 832 existing filers did not receive ethics training, and 3 of 100 new filers did not receive ethics training within 6 months of appointment.

Area	Severity	Finding
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
Mandated Training	Substantial Compliance	Sexual Harassment Prevention Training Was Not Provided for All Employees <sup>3</sup>
Compensation and Pay	Substantial Compliance	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment
Compensation and Pay	Substantial Compliance	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Substantial Compliance	Incorrect Authorization of Bilingual Pay
Compensation and Pay	Substantial Compliance	Incorrect Authorization of Pay Differentials
Compensation and Pay	Substantial Compliance	Incorrect Authorization of Out-of-Class Pay
Leave	Substantial Compliance	Positive Paid Temporary Employees' Work Exceeded Time Limitations
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Substantial Compliance	Incorrect Application of State Service and Leave Transaction
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

<sup>3</sup> Repeat finding. The November 16, 2023, CDSS compliance review report identified 66 of 1,077 existing supervisors did not receive sexual harassment prevention training every 2 years, and 4 of 241 new supervisors did not receive the training within 6 months of appointment. The November 16, 2021, CDSS compliance review report identified 3 of 773 existing supervisors did not receive sexual harassment prevention training every 2 years, and 83 of 153 new supervisors did not receive the training within 6 months of appointment. The August 12, 2019, CDSS compliance review report identified 137 of 401 existing supervisors did not receive sexual harassment prevention training every 2 years, and 93 of 224 new supervisors did not receive the training within 6 months of appointment.

Area	Severity	Finding
Policy	Serious	Performance Appraisals Were Not Provided to All Employees <sup>4</sup>

### **BACKGROUND**

The CDSS serves, aids, and protects vulnerable children and adults in ways that strengthen and preserve families, encourages personal responsibility, and fosters independence. The CDSS supports programs which serve more than eight million people across the state. This work accomplished every day, provides stability, opportunity and promotes wellness in communities throughout California.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the CDSS’ examinations, appointments, EEO program, PSC’s, mandated training, compensation and pay, leave, and policy and processes<sup>5</sup>. The primary objective of the review was to determine if the CDSS’ 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 CDSS’ 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 CDSS provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed the CDSS’ permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the CDSS’ 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 CDSS provided, which included Notice of Personnel Action forms, Request for Personnel Actions, vacancy postings, certification

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<sup>4</sup> Repeat finding. The November 16, 2021, CDSS compliance review report identified 54 of 64 employees reviewed as not receiving performance appraisals. The November 16, 2021, CDSS compliance review report identified 82 of 84 employees reviewed as not receiving performance appraisals. The August 12, 2019, CDSS compliance review report identified 68 of 75 employees reviewed as not receiving performance appraisals.

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

lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The CDSS did not conduct any unlawful appointment investigations during the compliance review period.

The CDSS' appointments were also selected for review to ensure the CDSS applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CDSS 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: bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the CDSS did not issue or authorize red circle rate requests or arduous pay.

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

The CDSS' 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 CDSS' 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 CDSS' units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-

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<sup>6</sup>If 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.

section of the CDSS' 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 CDSS employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of CDSS positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

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

The CRU received and carefully reviewed the CDSS' written response on December 6, 2024, 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, January 1, 2024, through June 30, 2024, the CDSS conducted 90 examinations. The CRU reviewed 20 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Central Operations Branch Chief	CEA	Statement of Qualifications (SOQ) <sup>7</sup>	2/20/2024	10
CEA A, Enterprise Data Management Branch Chief	CEA	SOQ	2/23/2024	9
CEA A, Home Care Services Branch Chief	CEA	SOQ	2/13/2024	11
CEA A, Program Quality and Improvement Unit Chief	CEA	SOQ	4/8/2024	6
CEA A, Project Oversight Chief	CEA	SOQ	3/18/2024	17
Adoptions Specialist	Departmental Open	Training and Experience (T&E) <sup>8</sup>	4/30/2024	10
Adoptions Supervisor I	Departmental Open	T&E	4/30/2024	1
Adoptions Supervisor II	Departmental Open	T&E	4/30/2024	2
Child Development Consultant	Departmental Open	T&E	4/30/2024	4
Disability Evaluation Analyst	Departmental Open	T&E	4/1/2024	30
General Auditor III	Departmental Open	T&E	5/31/2024	8
Licensing Program Manager III	Departmental Open	T&E	5/31/2024	5
Medical Consultant I, DSS	Departmental Open	T&E	5/31/2024	6
Nutrition Education Consultant	Departmental Open	T&E	2/29/2024	3
Supervising Investigator Assistant	Departmental Open	T&E	1/31/2024	6

<sup>7</sup> In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

<sup>8</sup> 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
Welfare Fraud Prevention Coordinator	Departmental Open	T&E	6/30/2024	3
Disability Evaluation Analyst III	Departmental Promotional	T&E	5/31/2024	44
Disability Evaluation Services Administrator I	Departmental Promotional	T&E	2/29/2024	7
Office Services Supervisor I (General)	Departmental Promotional	T&E	4/30/2024	2
Office Services Supervisor I (Typing)	Departmental Promotional	T&E	4/30/2024	1

<b>IN COMPLIANCE</b>	<b>FINDING No. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRU reviewed 4 departmental promotional and 16 open examinations which the CDSS administered in order to create eligible lists from which to make appointments. The CDSS published and distributed examination bulletins containing the required information for all examinations. Applications received by the CDSS 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 CDSS conducted during the compliance review period.

### Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligibles from lists based on specified criteria. (Gov. Code, § 18935.) Permanent appointments and promotions within the state civil service system shall be merit-based, ascertained by a competitive examination process. (Cal. Const., art. VII, § 1, subd. (b).) If a candidate for appointment is found not to satisfy the minimum qualifications, the appointing power shall provide written notice to the candidate, specifying which qualification(s) are not satisfied and the reason(s) why. The candidate shall have an opportunity to establish that s/he meets the qualifications. (Cal. Code Regs., tit. 2, § 249.4, subd. (b).) If the candidate fails to respond or fails to establish that s/he meets the minimum qualification(s), the candidate's name shall be removed from the eligibility list. (Cal. Code Regs., tit. 2, § 249.4, subd. (b)(1), (2)), (HR Manual, section 1105.) The appointing authority shall promptly notify the candidate in writing and shall notify the candidate of his or her appeal rights. (*Ibid.*) A

permanent withhold does not necessarily permanently restrict a candidate from retaking the examination for the same classification in the future; however, the appointing authority may place a withhold on the candidate’s subsequent eligibility record if the candidate still does not meet the minimum qualifications or continues to be unsuitable. (HR Manual, Section 1105). State agency human resources offices are required to maintain specific withhold documentation for a period of five years. (*Ibid.*)

During the period under review, January 1, 2024, through June 30, 2024, the CDSS conducted 128 permanent withhold actions. The CRU reviewed 32 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
Accountant Trainee	9PB31	10/23/2023	10/23/2024	Failed to Meet Minimum Qualifications
Accountant Trainee	9PB31	11/14/2023	11/14/2024	Failed to Meet Minimum Qualifications
Accountant Trainee	9PB31	1/16/2024	1/16/2025	Failed to Meet Minimum Qualifications
Accounting Administrator II	6PB05	2/2/2024	2/2/2025	Failed to Meet Minimum Qualifications
Accounting Officer Specialist	0PBAG	9/21/2023	9/21/2024	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	9/11/2023	9/11/2024	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	10/8/2023	10/8/2024	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	10/4/2023	10/4/2024	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9BP04	5/30/2023	5/30/2024	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9BP04	10/23/2023	10/23/2024	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9BP04	7/29/2023	7/29/2024	Failed to Meet Minimum Qualifications

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Associate Governmental Program Analyst	9BP04	2/1/2024	2/1/2025	Failed to Meet Minimum Qualifications
Child Development Consultant	4BP62	6/6/2024	6/6/2025	Failed to Meet Minimum Qualifications
Emergency Services Coordinator, Office of Emergency Services	7PB30	11/6/2023	11/6/2024	Failed to Meet Minimum Qualifications
Health Program Specialist I	0PBHC	9/29/2023	9/29/2024	Failed to Meet Minimum Qualifications
Health Program Specialist I	0PBHC	4/11/2024	4/11/2025	Failed to Meet Minimum Qualifications
Health Program Specialist I	0PBHC	4/13/2024	4/13/2025	Failed to Meet Minimum Qualifications
Licensing Program Analyst	4PB34	1/12/2024	1/12/2025	Failed to Meet Minimum Qualifications
Licensing Program Analyst	4PB34	10/28/2023	10/28/2024	Failed to Meet Minimum Qualifications
Licensing Program Analyst	4PB34	2/18/2024	2/18/2025	Failed to Meet Minimum Qualifications
Licensing Program Analyst	4PB34	3/28/2024	3/28/2025	Failed to Meet Minimum Qualifications
Licensing Program Analyst	4PB34	2/29/2024	2/29/25	Failed to Meet Minimum Qualifications
Licensing Program Manager I	3PBAJ	2/14/2024	2/14/2025	Failed to Meet Minimum Qualifications
Medical Consultant I (Psych)	3BPAV	11/27/2023	11/27/2024	Failed to Meet Minimum Qualifications
Nutrition Education Administrator	4BP32	4/8/2024	4/8/2025	Failed to Meet Minimum Qualifications
Office Technician (Typing)	4PB2402	11/8/2023	11/8/2025	Failed to Meet Minimum Qualifications
Program Manager I	6PB46	12/31/2023	12/31/2024	Failed to Meet Minimum Qualifications
Research Data Analyst II	8PB38	9/19/2023	9/19/2024	Failed to Meet Minimum Qualifications
Research Data Specialist I	8PB39	1/22/2024	1/22/2025	Failed to Meet Minimum Qualifications
Research Data Specialist I	8PB39	3/18/2024	3/18/2025	Failed to Meet Minimum Qualifications
Research Data Specialist II	8PB40	1/10/2024	1/10/2025	Failed to Meet Minimum Qualifications

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Senior Accounting Officer Specialist	0PBAK	2/5/2024	2/5/2025	Failed to Meet Minimum Qualifications

<b>IN COMPLIANCE</b>	<b>FINDING NO. 2 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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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, July 1, 2023, through December 31, 2023, the CDSS made 899 appointments. The CRU reviewed 89 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accountant Trainee	Certification List	Limited Term	Full Time	1
Associate Personnel Analyst	Certification List	Limited Term	Full Time	1
Office Technician (Typing)	Certification List	Limited Term	Full Time	1
Staff Services Analyst	Certification List	Limited Term	Full Time	3
Staff Services Analyst	Certification List	Limited Term	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Staff Services Manager I	Certification List	Limited Term	Full Time	1
Accountant Trainee	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	2
Administrative Law Judge	Certification List	Permanent	Full Time	3
Adoptions Supervisor I	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	4
Associate Management Auditor	Certification List	Permanent	Full Time	1
Attorney	Certification List	Permanent	Full Time	1
Attorney III	Certification List	Permanent	Full Time	1
Attorney IV	Certification List	Permanent	Full Time	1
Child Development Consultant	Certification List	Permanent	Full Time	1
Child Nutrition Consultant	Certification List	Permanent	Full Time	1
Child Nutrition Supervisor I	Certification List	Permanent	Full Time	1
Disability Evaluation Analyst	Certification List	Permanent	Full Time	2
Disability Evaluation Analyst III	Certification List	Permanent	Full Time	2
Disability Evaluation Services Administrator I	Certification List	Permanent	Full Time	2
Disability Evaluation Services Administrator II	Certification List	Permanent	Full Time	1
Disability Evaluation Services Administrator III	Certification List	Permanent	Full Time	1
Information Technology Associate	Certification List	Permanent	Full Time	1
Information Technology Manager I	Certification List	Permanent	Full Time	1
Information Technology Specialist I	Certification List	Permanent	Full Time	1
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Information Technology Specialist III	Certification List	Permanent	Full Time	1
Information Technology Supervisor II	Certification List	Permanent	Full Time	1
Legal Secretary	Certification List	Permanent	Full Time	1
Licensing Program Analyst	Certification List	Permanent	Full Time	4

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Licensing Program Manager I	Certification List	Permanent	Full Time	1
Medical Consultant I, DSS	Certification List	Permanent	Full Time	2
Office Assistant (Typing)	Certification List	Permanent	Full Time	1
Office Services Supervisor II (General)	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	1
Program Manager I, Office of Emergency Services	Certification List	Permanent	Full Time	2
Program Technician II	Certification List	Permanent	Full Time	4
Research Data Analyst I	Certification List	Permanent	Full Time	2
Research Data Analyst II	Certification List	Permanent	Full Time	1
Research Data Specialist I	Certification List	Permanent	Full Time	1
Research Data Specialist II	Certification List	Permanent	Full Time	1
Research Data Supervisor I	Certification List	Permanent	Full Time	1
Research Data Supervisor II	Certification List	Permanent	Full Time	1
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Senior Administrative Law Judge	Certification List	Permanent	Full Time	1
Senior Legal Analyst	Certification List	Permanent	Full Time	1
Senior Legal Typist	Certification List	Permanent	Full Time	1
Special Investigator Assistant	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	3
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	2
Staff Services Manager III	Certification List	Permanent	Full Time	1
Accounting Administrator I (Supervisor)	Reinstatement	Permanent	Full Time	1
Information Technology Associate	Reinstatement	Permanent	Full Time	1
Associate Governmental Program Analyst	Training & Development	Permanent	Full Time	1
Staff Services Manager III	Training & Development	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Disability Evaluation Analyst III	Transfer	Permanent	Full Time	1
Licensing Program Analyst	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Office Technician (Typing)	Transfer	Permanent	Full Time	1
Program Technician II	Transfer	Permanent	Full Time	1
Staff Services Analyst	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	2
Staff Services Manager III	Transfer	Permanent	Full Time	1
Supervising Governmental Auditor I	Transfer	Permanent	Full Time	1

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING No. 3 UNLAWFUL APPOINTMENTS</b>
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**Summary:** The CRU found two unlawful appointments during the course of its regular review:

1. A candidate in a non-reachable rank on the certification list was appointed from a limited term to a permanent Staff Services Analyst position. Specifically, the candidate was in rank six at the time of hire, a rank that was not reachable due to four reemployment candidates not being cleared from the certification list. The department failed to demonstrate that the permanent list was cleared correctly at the time of limited-term or permanent hire.
2. A candidate was appointed to a vacant Disability Evaluation Analyst III without the position being properly advertised. The CDSS stated that they were allowed to conduct an internal recruitment for this position; however, they failed to provide evidence that the vacancy was exempt from public posting. The CDSS then stated the recruitment was a promotion in place; however, the position currently occupied by the employee was not reallocated to the "to" class. The employee was instead moved to a vacant Disability Evaluation Analyst III after an internal recruitment. Secondly, the department failed to demonstrate how the employee has shown the ability and willingness to succeed at the higher-level classification. Lastly, the department failed to notify and meet with all identified eligible employees in the unit who were not selected for the promotion in place.



The appointments were not voided as they were beyond one year, and there was no indication of bad faith as required by California Code of Regulations, title 2, section 243.2.

**Criteria:**

California Code of Regulations, title 2, section 254 mandates that each vacancy for a class in which the certification of eligible is under Government Code sections 19057.1 and 19057.3, the department shall fill a vacancy by eligibles in the three highest ranks certified.

A limited-term employee may be appointed to the position as a permanent civil service employee without a new selection process provided that the employee was eligible for permanent appointment at either the time of the limited-term appointment or at the time of the conversion and SROA and Reemployment for the permanent appointment were cleared at the time of the limited-term appointment or the time of the conversion. (Cal. Code Regs., tit. 2, § 249.1.1.)

All job announcements shall be posted on the Department's designated website. (Cal. Code Regs., tit. 2, § 249.2.)

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

- (1) The employee has permanent civil service status in their current position regardless of their current position's time base.
- (2) The employee has demonstrated satisfactory or higher job performance in their current position and shown the ability and willingness to succeed at the higher-level classification.
- (3) The position currently occupied by the employee is reallocated to the "to" class without a change of unit or location.
- (4) The employee's "from" class has the same job functions as the "to" class but at a higher level and the department documents how the promotion in place meets this criteria.
- (5) The employee competed in and passed an examination for the "to" class and is currently placed on the employment list for that examination in one of the top three ranks or has reinstatement eligibility for the "to" class in accordance with Government Code section 19140.

(6) The promotion in place is not from a rank and file classification to a supervisory or managerial classification.

(7) The promotion in place is not from a supervisory classification to a managerial classification.

California Code of Regulations, title 2, section 242, subdivision (b) requires the department to inform those eligible employees not selected for the promotion in place of the reasons for the decision in person and in writing.

**Severity:**

Very Serious. An unlawful appointment provides the employee with an unfair and unearned appointment advantage over other employees whose appointments have been processed in compliance with the requirements of civil service law. Unlawful appointments which are not corrected also create appointment inconsistencies that jeopardize the equitable administration of the civil service merit system.

When an unlawful appointment is voided, the employee loses any tenure in the position, as well as seniority credits, eligibility to take promotional examinations, and compensation at the voided appointment level. If “bad faith” is determined on the part of the appointing power, civil or criminal action may be initiated. Disciplinary action may also be pursued against any officer or employee in a position of authority who directs any officer or employee to take action in violation of the appointment laws. If bad faith is determined on the part of the employee, the employee may be required to reimburse all compensation resulting from the unlawful appointment and may also be subject to disciplinary action. In this case, the appointment will stand as more than one year has elapsed and the candidate accepted the job offer in good faith.

**Cause:**

Appointment 1: The CDSS states that the permanent certification list was not retrieved. Additionally, the CDSS failed to cross-reference the permanent certification with the limited-term certification, resulting in the incorrect clearance of reemployment candidates.

Appointment 2: The CDSS states that they failed to follow the promotion in place process by promoting a candidate to another

position number instead of “in place”. Additionally, the CDSS did not document why the candidate was selected over the others.

**Corrective Action:** Within 90 days of the date of this report, the CDSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate that the department will improve its hiring practices. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY: SERIOUS</b>	<b>FINDING No. 4 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY</b>
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**Summary:** The CDSS did not provide 54 probationary reports of performance for 21 of the 89 appointments reviewed by the CRU. In addition, the CDSS did not provide 19 probationary reports of performance in a timely manner, as reflected in the tables below. This is the fifth consecutive time this has been a finding for the CDSS.

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Accountant Trainee	Certification List	1	3
Accounting Officer (Specialist)	Certification List	2	6
Associate Governmental Program Analyst	Certification List	2	6
Associate Management Auditor	Certification List	1	3
Attorney III	Certification List	1	3
Attorney IV	Certification List	1	3
Disability Evaluation Services Administrator I	Certification List	1	3
Disability Evaluation Services Administrator III	Certification List	1	3
Information Technology Specialist III	Certification List	1	1
Licensing Program Analyst	Certification List	1	2
Office Technician (Typing)	Certification List	1	3
Research Data Analyst I	Certification List	1	1

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Senior Accounting Officer (Specialist)	Certification List	1	3
Senior Administrative Law Judge	Certification List	1	1
Staff Services Analyst	Certification List	1	3
Staff Services Manager I	Certification List	1	3
Staff Services Manager II (Supervisory)	Certification List	1	3
Staff Services Manager III	Certification List	1	3
Associate Governmental Program Analyst	Transfer	1	1

Classification	Appointment Type	No. of Appointments	Total No. of Late Probation Reports
Administrative Law Judge	Certification List	2	2
Associate Governmental Program Analyst	Certification List	2	4
Attorney	Certification List	1	3
Disability Evaluation Analyst III	Certification List	1	1
Information Technology Manager I	Certification List	1	1
Information Technology Specialist III	Certification List	1	1
Program Technician II	Certification List	2	2
Senior Legal Analyst	Certification List	1	1
Senior Legal Typist	Certification List	1	2
Accounting Administrator I (Supervisor)	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 CDSS states that although there is a tracking system in place for probationary reports, they are simply not being completed timely, or sometimes at all by the supervisors.

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

### **Equal Employment Opportunity**

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

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

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

<b>IN COMPLIANCE</b>	<b>FINDING No. 5    EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES</b>
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After reviewing the policies, procedures, and programs necessary for compliance with the EEO program’s role and responsibilities according to statutory and regulatory guidelines, the CRU determined that the CDSS’ 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 CDSS. The CDSS 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, January 1, 2024, through June 30, 2024, the CDSS had 53 PSC's that were in effect. The CRU reviewed 21 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Brain Squared Solutions, Inc.	Training Services	\$249,999	Yes	Yes
Cal Foods Logistics	Food Distribution Services	\$13,500,000	Yes	Yes
Foundation for California Community Colleges	Call Center Support	\$7,570,805	Yes	Yes
Metropolitan Van and Storage Inc	Moving Services	\$465,000	Yes	Yes
WestEd	Support Program	\$2,665,106	Yes	Yes
Child and Family Policy Institute of California	Training and Technical Assistance	\$2,620,436	Yes	Yes
California Tribal Families Coalition	Administration of the Allocation of Funds	\$275,315	Yes	Yes
Public Health Institute	Implement Committee and the Supplemental Program Education	\$2,306,551	Yes	Yes
University Enterprises, Inc.	Test Water for Lead Contamination	\$2,210,880	Yes	Yes
Catholic Charities of California, Inc.	Disaster Case Management Services	\$2,000,000	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Think of Us	Kinship Navigator Service Program	\$1,668,637	Yes	Yes
Accurate Communication, Inc.	Sign Language Interpretation and Sight Translations	\$1,630,000	Yes	Yes
Youth Law Center	Training and Technical Assistance	\$1,575,000	Yes	Yes
Multilingual Technologies Inc	Interpretation Services	\$1,370,000	Yes	Yes
Food Bank for Monterey County	Food Distribution Services	\$1,031,940	Yes	Yes
G5 Office Interiors LLC.	Moving Services	\$713,000	Yes	Yes
Indian Child and Family Preservation Program	Administration of the Allocation of Funds	\$321,219	Yes	Yes
WestCoast Children's Clinic	Develop and Implement Training Model	\$501,965	Yes	Yes
EDI Mindfulness Consulting LLC	Training	\$50,000	Yes	Yes
California Child Care Resource & Referral Network	Call Center	\$88,481	Yes	Yes
Hanna Interpreting Services LLC	Interpretation Services	\$30,000	Yes	Yes

<b>IN COMPLIANCE</b>	<b>FINDING NO. 6 PERSONAL SERVICES CONTRACTS COMPLIED WITH PROCEDURAL REQUIREMENTS</b>
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The total dollar amount of all the PSC’s reviewed was \$42,844,334. It was beyond the scope of the review to make conclusions as to whether CDSS justifications for the contract were legally sufficient. For all PSC’s reviewed, the CDSS 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, CDSS 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 CDSS 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 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 CDSS' mandated training program that was in effect during the compliance review period, July 1, 2022, through June 30, 2024.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING No. 7 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS</b>
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**Summary:** The CDSS did provide ethics training to its 1,079 existing filers. However, the CDSS did not provide ethics training to 20 of 144 new filers within 6 months of their appointment. This is the fourth consecutive time this has been a finding for the CDSS.

**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 CDSS states that training reminders were provided to the affected employees; however, the 20 new filers ignored the request and did not complete the ethics training timely.

**Corrective Action:** The CDSS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CDSS must submit to the SPB documentation which demonstrates the corrections the department has implemented to demonstrate conformity with Government Code section 11146.3.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING No. 8 SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS</b>
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**Summary:** The CDSS did not provide basic supervisory training to 14 of 140 new supervisors within 12 months of appointment; did not provide manager training to 6 of 17 new managers within 12 months of

appointment; and did not provide CEA training to 9 of 14 new CEAs within 12 months of appointment.

**Criteria:** Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period.(Gov. Code, § 19995.4, subd. (b).)

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

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

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

**Cause:** The CDSS states that supervisory training was not completed in a timely manner due to the variance in how and when the training requirement is conveyed to managers and supervisors and how it is followed up on to ensure compliance.

**Corrective Action:** Within 90 days of the date of this report, the CDSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that new supervisors, managers, and CEAs are provided leadership and development training within 12 months of appointment as required by Government Code section 19995.4. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SUBSTANTIAL COMPLIANCE</b>	<b>FINDING No. 9 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES</b>
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**Summary:** The CDSS did not provide sexual harassment prevention training to 8 of 176 new supervisors within 6 months of their appointment. However, the CDSS did provide sexual harassment prevention

training to 1,170 existing supervisors and 93 existing non-supervisors every 2 years. This is the fourth consecutive time this has been a finding for the CDSS.

**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:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

## **Compensation and Pay**

### **Salary Determination**

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate<sup>9</sup> upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

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

During the period under review, July 1, 2023, through December 31, 2023, the CDSS made 899 appointments. The CRU reviewed 40 of those appointments to determine if the CDSS applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

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<sup>9</sup> "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accountant Trainee	Certification List	Permanent	Full Time	\$4,178
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	\$4,964
Administrative Law Judge	Certification List	Permanent	Full Time	\$10,782
Adoptions Supervisor I	Certification List	Permanent	Full Time	\$8,300
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,684
Associate Management Auditor	Certification List	Permanent	Full Time	\$7,254
Attorney III	Certification List	Permanent	Full Time	\$10,536
Child Development Consultant	Certification List	Permanent	Full Time	\$7,764
Child Nutrition Consultant	Certification List	Permanent	Full Time	\$5,580
Disability Evaluation Analyst	Certification List	Permanent	Full Time	\$3,794
Disability Evaluation Analyst III	Certification List	Permanent	Full Time	\$5,684
Disability Evaluation Services Administrator I	Certification List	Permanent	Full Time	\$7,470
Disability Evaluation Services Administrator II	Certification List	Permanent	Full Time	\$8,818
Disability Evaluation Services Administrator III	Certification List	Permanent	Full Time	\$9,680
Information Technology Manager I	Certification List	Permanent	Full Time	\$11,293
Information Technology Specialist II	Certification List	Permanent	Full Time	\$8,130
Information Technology Specialist III	Certification List	Permanent	Full Time	\$11,438
Information Technology Supervisor II	Certification List	Permanent	Full Time	\$10,741
Licensing Program Analyst	Certification List	Permanent	Full Time	\$6,963
Licensing Program Analyst	Certification List	Permanent	Full Time	\$5,684
Licensing Program Manager I	Certification List	Permanent	Full Time	\$7,470
Medical Consultant I, DSS	Certification List	Permanent	Full Time	\$15,758
Office Services Supervisor II (General)	Certification List	Permanent	Full Time	\$4,268
Program Technician II	Certification List	Permanent	Full Time	\$3,613
Program Manager I, Office of Emergency Services	Certification List	Permanent	Full Time	\$7,911
Research Data Analyst I	Certification List	Permanent	Full Time	\$5,212

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Research Data Specialist I	Certification List	Permanent	Full Time	\$6,555
Research Data Supervisor I	Certification List	Permanent	Full Time	\$7,098
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	\$5,684
Special Investigator Assistant	Certification List	Permanent	Full Time	\$4,066
Staff Services Analyst	Certification List	Permanent	Full Time	\$4,726
Staff Services Manager I	Certification List	Permanent	Full Time	\$7,252
Staff Services Manager I	Certification List	Permanent	Full Time	\$6,760
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	\$8,818
Staff Services Manager III	Certification List	Permanent	Full Time	\$9,022
Disability Evaluation Analyst III	Transfer	Permanent	Full Time	\$6,980
Licensing Program Analyst	Transfer	Permanent	Full Time	\$5,880
Program Technician II	Transfer	Permanent	Full Time	\$3,892
Staff Services Manager I	Transfer	Permanent	Full Time	\$7,453
Supervising Governmental Auditor I	Transfer	Permanent	Full Time	\$9,259

<b>SUBSTANTIAL COMPLIANCE</b>	<b>FINDING NO. 10 INCORRECT APPLICATIONS OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT</b>
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**Summary:** The CRU found 3 errors in the 40 salary determinations reviewed:

Classification	Description of Findings	Criteria
Licensing Program Analyst	Incorrect salary determination resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, section 599.676
Medical Consultant I, DSS	Incorrect salary determination resulting in the employee being undercompensated.	Alternate Range Criteria 285; Cal. Code Regs., tit. 2, section 599.674, subd. (c)
Special Investigator Assistant	Employee did not receive Special In-Grade Salary Adjustment resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, section 599.685, subd. (a)

**Criteria:** 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:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

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, July 1, 2023, through December 31, 2023, the CDSS employees made 112 alternate range movements within a classification. The CRU reviewed 30 of those alternate range movements to determine if the CDSS 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)
Adoptions Specialist	A	B	Full Time	\$6,145
Business Service Assistant (Specialist)	B	C	Full Time	\$4,350
Business Service Assistant (Specialist)	A	B	Full Time	\$4,023
Disability Evaluation Analyst	A	B	Full Time	\$4,023
Disability Evaluation Analyst	A	C	Full Time	\$4,726
Disability Evaluation Analyst	B	C	Full Time	\$5,031
Information Technology Specialist I	A	B	Full Time	\$6,768
Information Technology Specialist I	A	B	Full Time	\$7,844
Information Technology Specialist I	B	C	Full Time	\$7,815
Legal Secretary	A	B	Full Time	\$4,542
Licensing Program Analyst	A	B	Full Time	\$4,550

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Licensing Program Analyst	A	B	Full Time	\$4,808
Licensing Program Analyst	B	C	Full Time	\$5,187
Licensing Program Analyst	B	C	Full Time	\$5,463
Licensing Program Analyst	C	D	Full Time	\$5,337
Licensing Program Analyst	C	D	Full Time	\$5,337
Medical Consultant I, DSS	A	C	Full Time	\$17,065
Medical Consultant I, DSS	A	B	Part-Time	\$13,287
Personnel Specialist	A	B	Full Time	\$4,366
Personnel Specialist	B	C	Full Time	\$4,744
Personnel Specialist	C	D	Full Time	\$5,230
Senior Legal Typist	A	B	Full Time	\$3,900
Staff Services Analyst	A	B	Full Time	\$4,016
Staff Services Analyst	A	B	Full Time	\$4,013
Staff Services Analyst	A	B	Full Time	\$4,014
Staff Services Analyst	B	C	Full Time	\$4,726
Staff Services Analyst	B	C	Full Time	\$4,726
Staff Services Analyst	B	C	Full Time	\$4,800
Staff Services Management Auditor	B	C	Full Time	\$5,211
Staff Services Management Auditor	B	C	Full Time	\$5,711

<b>SUBSTANTIAL COMPLIANCE</b>	<b>FINDING NO. 11 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES</b>
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**Summary:** The CRU found 1 error in the 30 alternate range movements reviewed:

Classification	Description of Finding	Criteria
Medical Consultant I, DSS	Incorrect salary determination resulting in the employee being undercompensated.	Alternate Range Criteria 008

**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:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

Bilingual Pay

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

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

During the period under review, July 1, 2023, through December 31, 2023, the CDSS issued bilingual pay to 348 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.
Adoptions Specialist	R19	Full-Time	2
Associate Governmental Program Analyst	R01	Full-Time	5
Disability Evaluation Analyst III	R01	Full-Time	5
Investigator	R07	Full-Time	1
Licensing Program Analyst	R19	Full-Time	7
Office Technician (Typing)	R04	Full-Time	2
Program Technician II	R04	Full-Time	1
Special Investigator Assistant	R07	Full-Time	1
Staff Services Manager I	S01	Full-Time	1

<b>SUBSTANTIAL COMPLIANCE</b>	<b>FINDING No. 12 INCORRECT AUTHORIZATION OF BILINGUAL PAY</b>
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**Summary:** The CRU found 1 error in the 25 bilingual pay authorizations reviewed:

Classification	Description of Findings	Criteria
Special Investigator Assistant	Department failed to provide certification that the employee’s duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14

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

**Severity:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

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, July 1, 2023, through December 31, 2023, the CDSS authorized 483 pay differentials.<sup>10</sup> The CRU reviewed 25 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Administrative Law Judge	84	5%
Executive Assistant	52	1.5 Steps
Information Technology Associate	13	5%
Information Technology Specialist I	13	5%
Investigator	244	\$100
Investigator	244	\$75
Investigator	244	\$50
Investigator	245	2%
Investigator	245	7%
Medical Consultant I, DSS (3 Positions)	450	5%
Nurse Evaluator III, Health Services	154	\$200
Office Technician (Typing) (2 Positions)	441	\$250
Research Data Analyst II	412	10%
Research Data Analyst II	412	5%
Senior Administrative Law Judge (2 Positions)	84	5%
Senior Legal Typist	141	2 Steps
Senior Legal Typist	141	1 Step
Staff Services Manager II (Supervisory)	412	5%
Supervising Special Investigator I	244	\$240
Supervising Special Investigator I	244	5%
Supervising Special Investigator II	244	\$240

<b>SUBSTANTIAL COMPLIANCE</b>	<b>FINDING No. 13 INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS</b>
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**Summary:** The CRU found 1 error in the 25 pay differentials reviewed:

<sup>10</sup> For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Area	Description of Finding	Criteria
Executive Assistant	Executive Assistant Differential Pay	The employee's reporting relationship does not meet the criteria in order to receive the pay differential. Employee was overcompensated.	Pay Differential 52

**Criteria:** A pay differential may be appropriate 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. 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. (CalHR Classification and Pay Manual Section 230.)

**Severity:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

Out-of-Class Assignments and Pay

For excluded<sup>11</sup> and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

According to the Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and the California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or

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<sup>11</sup> "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.

salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

During the period under review, July 1, 2023, through December 31, 2023, the CDSS issued OOC pay to 46 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	CBID	Out-Of-Class Classification	Time Frame
Adoptions Specialist	R19	Adoptions Supervisor I	8/1/23-11/28/23
Associate Governmental Program Analyst	R01	Staff Services Manager I	12/4/23-12/31/23
Associate Governmental Program Analyst	R01	Staff Services Manager I	8/14/23-10/15/23
Associate Governmental Program Analyst	R01	Staff Services Manager I	11/7/23-12/31/23
Associate Personnel Analyst	R01	Staff Services Manager I	7/1/23-8/1/23
Associate Personnel Analyst	R01	Staff Services Manager I	7/24/23-8/31/23
Child Nutrition Supervisor I	S19	Child Nutrition Supervisor II	7/1/23-8/31/23
Licensing Program Manager I	S19	Licensing Program Manager II	10/9/23-11/30/23
Research Data Specialist I	R01	Research Data Supervisor	7/1/23-7/28/23
Research Data Supervisor I	S01	Research Data Supervisor II	7/1/23-7/31/23
Staff Services Analyst	R01	Associate Governmental Program Analyst	9/26/23-12/31/23
Staff Services Analyst	R01	Associate Governmental Program Analyst	9/26/23-10/20/23
Staff Services Manager I	S01	Staff Services Manager II (Supervisory)	8/4/23-10/1/23
Staff Services Manager I	S01	Staff Services Manager II (Supervisory)	7/14/23-8/11/23 10/14/23-10/31/23
Staff Services Manager I	S01	Staff Services Manager II (Supervisory)	8/1/23-10/15/23
Staff Services Manager I	S01	Staff Services Manager II (Supervisory)	7/1/23-9/4/23
Staff Services Manager II (Supervisory)	E48	Staff Services Manager III	7/1/23-11/30/23

Classification	CBID	Out-Of-Class Classification	Time Frame
Staff Services Manager II (Supervisory)	S01	Staff Services Manager III	7/1/23-10/16/23
Staff Services Manager III	M01	CEA	7/1/23-12/4/23
Supervising Special Investigator II	S07	CEA	9/1/23-12/4/23

<b>SUBSTANTIAL COMPLIANCE</b>	<b>FINDING No. 14 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY</b>
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**Summary:** The CRU found 2 errors in the 20 OOC pay assignments reviewed:

Classification	Out-of-Class Classification	Description of Findings	Criteria
Associate Governmental Program Analyst	Staff Services Manager I	Employee was not compensated for 10 days of out-of-class pay while performing the duties at the higher-level classification.	Pay Differential 91
Staff Services Manager I	Staff Services Manager II (Supervisory)	Employee was inappropriately compensated for performing OOC work that lasted less than 15 consecutive working days.	Cal. Code Regs., tit. 2, section 599.810

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

Employees may be compensated for performing duties of a higher classification provided that: the assignment is made in advance in writing and the employee is given a copy of the assignment; and the duties performed by the employee are not described in a training and development assignment or by the specification for the class to which the excluded employee is appointed and, are fully consistent with the types of jobs described in the specification for the higher

classification; and the employee does not perform such duties for more than 120 days in a fiscal year. (Cal. Code Regs., tit. 2, § 599.810, subd. (b)(1)(3)(4).)

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, § 599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month period only if the appointing power files a written statement with the CalHR certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

**Severity:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

## 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 days<sup>12</sup> worked and paid absences<sup>13</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month

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<sup>12</sup> For example, two hours or ten hours count as one day.

<sup>13</sup> For example, vacation, sick leave, compensating time off, etc.

timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

At the time of the review, the CDSS had 174 positive paid employees whose hours were tracked. The CRU reviewed 25 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year 23/24	1,058.5 Hours
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year 23/24	960 Hours
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year 23/24	959.5 Hours
Child Development Consultant	Retired Annuitant	Fiscal Year 23/24	960 Hours
Disability Evaluation Analyst III	Retired Annuitant	Fiscal Year 23/24	960 Hours
Information Technology Specialist II	Retired Annuitant	Fiscal Year 23/24	960 Hours
Office Technician (Typing)	Retired Annuitant	Fiscal Year 23/24	960 Hours



Classification	Tenure	Time Frame	Time Worked
Senior Accounting Officer (Specialist)	Retired Annuitant	Fiscal Year 23/24	960 Hours
Staff Services Manager I	Retired Annuitant	Fiscal Year 23/24	1,845 Hours <sup>14</sup>
Staff Services Manager I	Retired Annuitant	Fiscal Year 23/24	959 Hours
Graduate Student Assistant	Temporary	12 Consecutive Months	1,484 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,187 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,497.5 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,477 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,434 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,499 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,281.75 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,694 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,362 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,478 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	1,436 Hours
Student Assistant	Temporary	12 Consecutive Months	1,173 Hours
Student Assistant	Temporary	12 Consecutive Months	1,204.5 Hours
Student Assistant	Temporary	12 Consecutive Months	1,516 Hours
Student Assistant	Temporary	12 Consecutive Months	1,194 Hours

<sup>14</sup> The California Public Employees Retirement System was notified and approved the employee to exceed the established work hour limitations.

<b>SUBSTANTIAL COMPLIANCE</b>	<b>FINDING No. 15 POSITIVE PAID TEMPORARY EMPLOYEES' WORK EXCEEDED TIME LIMITATIONS</b>
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**Summary:** The CDSS did not consistently monitor the actual number of hours worked to ensure that positive paid employees did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period.

Specifically, the following employees exceeded the 1,500-hour, limitation:

Classification	Tenure	Time Frame	Hours Worked	Hours Worked Over Limit
Seasonal Clerk	Temporary	12 Consecutive Months	1,694	194
Student Assistant	Temporary	12 Consecutive Months	1,516	16

**Criteria:** If any employee is appointed to an intermittent time base position on a TAU basis, there are two controlling time limitations that must be considered. The first controlling factor is the constitutional limit of nine months in any 12 consecutive months for temporary appointments that cannot be extended for any reason. (Cal Const., art. VII, § 5.) Time worked shall be counted on a daily basis with every 21 days worked counting as one month or 189 days equaling nine months. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) Another controlling factor limits the maximum work time for student, youth, and seasonal classifications to 1,500 hours. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

**Severity:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

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, April 1, 2023, through March 31, 2024, the CDSS authorized 172 ATO transactions. The CRU reviewed 25 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Associate Governmental Program Analyst	3/5/24	1 Day
Associate Governmental Program Analyst	2/29/24	1 Day
Associate Governmental Program Analyst	2/5/24-2/7/24	3 Days
Associate Personnel Analyst	2/5/24	9 Hours
Attorney	2/29/24-3/8/24	6 Days
Attorney III	3/1/24-3/6/24	4 Days
Attorney III	3/5/24	1 Day
Disability Evaluation Analyst	2/5/24	1 Day
Disability Evaluation Analyst III	2/5/24-2/6/24	2 Days
Disability Evaluation Services Administrator I	3/15/24-3/20/24	4 Days
Information Technology Specialist I	3/5/24	1 Day
Information Technology Specialist II	1/5/24-1/16/24	52 Hours
Licensing Program Analyst	2/1/24-3/29/24	320 Hours
Licensing Program Manager I	3/5/24	1 Day
Licensing Program Manager II	3/7/24-3/15/24	7 Days
Office Technician (Typing)	3/5/24	2 Hours
Office Technician (Typing)	3/5/24	9 Hours
Program Technician II	2/5/24	1 Day
Program Technician II	2/5/24	1 Day
Program Technician II	2/24/24	1 Day
Program Technician II	2/5/24-2/6/24	2 Days
Senior Legal Typist	1/24/24	2 Days
Staff Services Analyst	2/5/24	1 Day
Staff Services Manager I	2/5/24-2/6/24	2 Days
Staff Services Manager II (Supervisory)	2/7/24-2/15/24	7 Days

<b>IN COMPLIANCE</b>	<b>FINDING No. 16 ADMINISTRATIVE TIME OFF AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the ATO transactions reviewed during the compliance review period. The CDSS provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

Leave Accounting

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, January 1, 2024, through March 31, 2024, the CDSS reported 324 units. The CRU reviewed 30 units within 3 pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

IN COMPLIANCE	<b>FINDING No. 17 LEAVE ACCOUNTING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU reviewed leave records from three different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The CDSS 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.<sup>15</sup> (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

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

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees<sup>16</sup> 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, January 1, 2024, through June 30, 2024, the CDSS had 123 employees with qualifying and non-qualifying pay period transactions. The CRU reviewed 19 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time Base	No. Reviewed
Qualifying Pay Period	Full Time	3
Non-Qualifying Pay Period	Full Time	15
Non-Qualifying Pay Period	Part Time	1

<sup>15</sup> 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.

<sup>16</sup> 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.

**Summary:** During the period under review, one employee did not receive leave accruals for a qualifying pay period.

**Criteria:** In the application of Government Code section 19837, an employee shall be considered to have a month of state service if the employee either: (1) has had 11 or more working days of service in a monthly pay period; or (2) would have had 11 or more working days of service in a monthly pay period but was laid off or on a leave of absence for the purpose of lessening the impact of an impending layoff. (Cal. Code Regs., tit.2, § 599.608.) Absences from state service resulting from permanent separation for more than 11 consecutive working days which fall into two consecutive pay periods shall disqualify one of the pay periods. (*Ibid.*)

Hourly or daily rate employees working in a state agency 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.) When an employee has a break in service or changes to full-time, any combination of time worked which does not equal one qualifying month of full-time service shall not be accumulated or counted. (*Ibid.*)

**Severity:** Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

## **Policy and Processes**

### **Nepotism**

It is the policy of the State of California to hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (Cal. Code Regs., tit. 2, § 87.) (*Ibid.*)

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

IN COMPLIANCE	<b>FINDING NO. 19 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the policy was disseminated to all staff and emphasized the CDSS’ commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CDSS’ 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 CDSS did not employ volunteers during the compliance review period.

<b>IN COMPLIANCE</b>	<b>FINDING NO. 20 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the CDSS 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 CDSS 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 99 permanent CDSS employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 21 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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**Summary:** The CDSS did not provide annual performance appraisals to 87 of 99 employees reviewed after the completion of the employee's probationary period. This is the fourth consecutive time this has been a finding for the CDSS.

**Criteria:** Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve



calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

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

**Cause:** The CDSS states that although there is a tracking system in place for performance appraisals, they are simply not being completed timely, or sometimes at all by the supervisors.

**Corrective Action:** Within 90 days of the date of this report, the CDSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **DEPARTMENTAL RESPONSE**

The CDSS response is attached as Attachment 1.

### **SPB REPLY**

Based upon the CDSS written response, the CDSS 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.



JENNIFER TROIA  
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

December 6, 2024

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

**RE: Ca Department of Social Services – Response to Compliance Review**

Dear Ms. Ambrose,

The California Department of Social Services (CDSS) has reviewed the final report from the State Personnel Board (SPB) and appreciates the opportunity to provide a response to the findings. CDSS is committed to upholding the merit selection process and ensure compliance with control agency rules and regulations.

Based on the compliance review conducted of CDSS' personnel practices in the areas of examinations, appointments, Equal Employment Opportunity (EEO), Personal Services Contracts (PSC), mandated training, compensation and pay, leave, and policy and processes, CDSS provides the following response to each of the findings that require a corrective action:

**Finding No. 3 – Unlawful Appointments**

The CRU found two appointments to be unlawful during its regular review:

**Appointment 1** - A candidate in a non-reachable rank on the certification list was appointed from a limited term to a permanent Staff Services Analyst position. The department failed to demonstrate that the permanent list was cleared correctly at the time of limited-term or permanent hire.

- **Cause:** During the initial recruitment, a permanent certification list was not retrieved. Additionally, the department failed to cross-reference the permanent certification with the limited-term (LT) certification, resulting in the incorrect clearance of reemployment candidates.
- **Corrective Action:** CDSS will provide training and guidance to staff to ensure the correct limited term to permanent conversion process is being followed, as provided and outlined by CalHR.

**Appointment 2** – A candidate was appointed to a vacant Disability Evaluation Analyst III without the position being properly advertised.

- **Cause:** The CDSS failed to follow the promotion in place (PIP) process by promoting a candidate to another position number instead of “in place”. Additionally, CDSS did not document how one candidate was selected over the others.
- **Corrective Action:** The CDSS will provide additional training and guidance to all personnel staff to ensure everyone has a comprehensive understanding of the PIP process. In addition, we will create a PIP checklist to confirm all requirements and rules have been met prior to approving any personnel actions for a PIP.

#### **Finding No. 4 – Probationary Evaluations**

The summary indicates the CDSS did not provide 54 probationary reports of performance for 21 of the 89 appointments reviewed by the CRU. In addition, 19 probationary reports of performance were not provided in a timely manner.

- **Cause:** The CDSS confirmed that reminders of probationary reports are sent timely to Attendance Coordinators, who are responsible to remind supervisors and track probationary period progress. They are simply not being completely timely, or sometimes at all, by the supervisors.
- **Corrective Action:** In the short-term, the HRSB will assign a staff person to track probationary period and performance appraisals full-time. The current delegated process, where Attendance Coordinators are responsible to track these reports, is not working. This means the HRSB will pull this function in-house, despite not having a position or bandwidth. In the long-term, the HRSB is seeking a contract to fold probationary period evaluations and performance appraisals into their currently existing ServiceNow HR Automation.

#### **Finding No. 7 – Mandated Training – Ethics**

The summary indicates the CDSS provided ethics training to 1,079 of 1,079 existing filers. However, the CDSS did not provide ethics training to 20 of 144 new filers within six months of their appointment.

- **Cause:** The CDSS confirmed that training links were provided to the affected employees in a timely manner. However, 20 of 144 new filers ignored the request and did not complete the ethics training timely.
- **Corrective Actions:** The correction is two-fold. The system which notifies staff of their Ethics Training has been updated to automatically send reminders every week the training is not completed. In addition, staff who do not complete their Ethics Training timely will be advised that they will receive a Corrective Memorandum if they fail to complete Ethics Training timely.

## Finding No. 8 – Mandated Training – Supervisory Training

The summary indicates CDSS did not provide basic supervisory training to 14 of 140 new supervisors within 12 months of appointment; did not provide manager training to 6 of 17 new managers within 12 months of appointment; and did not provide CEA training to 9 of 14 new CEAs within 12 months of appointment.

- Cause:** The CDSS currently relies on our Division Training Coordinators (DTC's) which are staff within the various divisions that perform a role as a DTC but it is a role, not a dedicated position. The Workforce Development Bureau's (WDB) Department Training Administrator (DTA) holds monthly meetings with all of the DTC's to provide guidance and direction, however, there are still variations in how the DTC's notify new managers of their responsibility to take the training. The DTC's are also responsible for ensuring that managers complete their required training. Since this is not centralized through WDB there is variance in how and when this requirement is conveyed to managers and supervisors and how it is followed up on to ensure compliance. WDB has set up the technical infrastructure to notify managers and supervisors via their Learning Management System (LMS) learner dashboard, it is announced at every New Employee Orientation, and we set up an accessible resource page that outlines all of the responsibilities for the managers, supervisors, and CEAs. We also anticipated being integrated with CalHR which would have allowed auto-enrollment options, but this integration has not yet occurred. However, the decentralization of the notification to new supervisor/manager/CEA and compliance monitoring is the primary cause.
- Corrective Actions:** Immediately, we will increase our messaging about this requirement at our Leadership Sessions, emphasize the importance with our DTC's, and work to provide standardized tools for our DTC's to track compliance properly. For a more sustainable solution, we intend to centralize the notification process and compliance monitoring through WDB; and we intend to continue working with CalHR to integrate the two LMS systems to enable auto-enrollment and auto-compliance notifications. However, to centralize the notification and compliance for a very large department, WDB would need to secure additional resources in staffing which may be delayed due to the current budget restrictions.

## Finding No. 21 – Performance Appraisals

The summary indicates the CDSS did not provide annual performance appraisals to 87 of 99 employees reviewed after the completion of the employee's probationary period.

- Cause:** The CDSS confirmed that reminders of performance appraisals are sent timely to Attendance Coordinators, who are responsible to remind supervisors and track performance appraisal progress. They are simply not being completely timely, or sometimes at all, by the supervisors.

- **Corrective Action:** In the short-term, the HRSB will assign a staff person to track probationary period and performance appraisals full-time. The current delegated process, where Attendance Coordinators are responsible to track these reports, is not working. This means the HRSB will pull this function in-house, despite not having a position or bandwidth. In the long-term, the HRSB is seeking a contract to fold probationary period evaluations and performance appraisals into their existing ServiceNow HR Automation system.

The CDSS appreciates the review of the compliance review team and will continue to provide training to staff and work on process improvements to ensure further compliance with control agency policies and regulations. Please contact us if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Inez Navarrete". The signature is fluid and cursive, with a prominent initial "I" and a long, sweeping underline.

Inez Navarrete, Chief  
Human Resources Services Branch  
Ca Department of Social Services