



COMPLIANCE REVIEW REPORT

DEPARTMENT OF SOCIAL SERVICES

Compliance Review Unit
State Personnel Board
November 16, 2021

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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 Department of Social Services (DSS) 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	Very Serious	Job Analyses Were Not Developed or Used for the Examination Process
Examinations	Very Serious	Candidates Who Met the Minimum Qualifications Were Not Admitted Into the Examination
Examinations	Technical	Examination Documentation Was Not Kept for the Appropriate Amount of Time
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely ¹
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time ²
Equal Employment Opportunity	Very Serious	Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period

¹ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 42 missing probationary reports in 36 of the 97 appointment files reviewed. Additionally, the September 23, 2015, DSS Compliance Review Report identified 29 missing probationary reports in 20 of the 104 appointment files reviewed.

² Repeat finding. The August 12, 2019, DSS Compliance Review Report identified the following missing documents: 15 Notices of Personnel Action (NOPA); 2 sets of interview questions and responses, and 1 hired candidate's complete application.

Area	Severity	Finding
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts ³
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ⁴
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Supervisors ⁵
Compensation and Pay	Very Serious	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment ⁶
Compensation and Pay	Very Serious	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines ⁷
Compensation and Pay	In Compliance	Hire Above Minimum Requests Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Incorrect Authorization of Bilingual Pay ⁸
Compensation and Pay	Very Serious	Incorrect Authorization of Pay Differentials ⁹

³ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified unions were not notified prior to entering into four of the eight PSC's reviewed.

⁴ Repeat finding. The August 12, 2019, DSS 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

⁵ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 137 of 401 existing supervisors did not receive sexual harassment prevention training, and 93 of 224 new supervisors did not receive sexual harassment prevention training within 6 months of their appointment

⁶ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 2 incorrect salary determinations of the 51 reviewed.

⁷ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 4 alternate range change errors of the 15 reviewed.

⁸ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 5 of 40 instances where bilingual pay was not documented appropriately.

⁹ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 2 of 45 instances where certification for pay differential was not provided.

Area	Severity	Finding
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class (OOC) Pay ¹⁰
Leave	Serious	Positive Paid Temporary Employees' Work Exceeded Time Limitations ¹¹
Leave	Serious	Administrative Time Off (ATO) Was Not Properly Documented ¹²
Leave	Very Serious	Incorrectly Posted Leave Usage and/or Leave Credit ¹³
Leave	In Compliance	Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Very Serious	Injured Employee Did Not Receive Claim Forms Within One Working Day of Notice or Knowledge of Injury
Policy	Serious	Performance Appraisals Were Not Provided to All Employees ¹⁴

BACKGROUND

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

¹⁰ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified OOC assignment errors for 9 of 13 OOC assignments reviewed.

¹¹ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 8 of 20 employees' actual time worked was not monitored.

¹² Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 4 of 21 employees' ATO hours keyed incorrectly into the Leave Accounting System.

¹³ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 8 discrepancies in the Leave Accounting System of 777 timesheets reviewed.

¹⁴ Repeat finding. The August 12, 2019, DSS Compliance Review Report identified 68 of 75 employees reviewed as not receiving performance appraisals.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the DSS's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes¹⁵. The primary objective of the review was to determine if the DSS's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

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

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

The DSS's appointments were also selected for review to ensure the DSS applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the DSS provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay: hire above minimum (HAM) requests, bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments.

During the compliance review period, the DSS did not issue or authorize red circle rate requests or arduous pay.

¹⁵ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

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

The DSS's PSC's were also reviewed.¹⁶ It was beyond the scope of the compliance review to make conclusions as to whether the DSS's justifications for the contracts were legally sufficient. The review was limited to whether the DSS's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU reviewed the DSS's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRU selected a small cross-section of the DSS's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the DSS's employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRU reviewed a selection of the DSS employees who used ATO in order to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of DSS 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 DSS's policies and processes concerning nepotism, workers' compensation, and performance appraisals. The review was limited to whether the DSS's policies and processes adhered to procedural requirements.

On October 14, 2021, an exit conference was held with the DSS to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully

¹⁶If 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.

reviewed the DSS’s written response on October 13, 2021, 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, October 1, 2020, through March 31, 2021, the DSS conducted 33 examinations. The CRU reviewed 16 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Branch Chief Accounting, Fiscal Systems Branch	CEA	Statement of Qualifications (SOQ) ¹⁷	1/15/2021	10

¹⁷ In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Chief Technology Officer, Assistant Deputy Director	CEA	SOQ	11/6/2020	14
CEA A, Research and Data Insights Branch Chief	CEA	SOQ	12/28/2020	5
Administrative Law Judge II (Supervisor)	Departmental Promotional	Training and Experience (T&E) ¹⁸	Continuous	3
Disability Evaluation Analyst III	Departmental Promotional	T&E	Continuous	16
Disability Evaluation Services Administrator I	Departmental Promotional	T&E	Continuous	16
Disability Evaluation Services Administrator II	Departmental Promotional	T&E	Continuous	3
Office Services Supervisor II (General)	Departmental Promotional	T&E	Continuous	4
Administrative Law Judge I	Open	T&E	Continuous	23 ¹⁹
Adoption Specialist	Open	T&E	Continuous	4 ²⁰
Adoptions Supervisor I	Open	T&E	Continuous	7
Disability Evaluation Analyst	Open	T&E	Continuous	40 ²¹
General Auditor II	Open	T&E	Continuous	3

¹⁸ 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.

¹⁹ The number shown includes two examination cut off dates.

²⁰ The number shown includes two examination cut off dates.

²¹ The number shown includes two examination cut off dates.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Medical Consultant I	Open	T&E	Continuous	5
Special Investigator Assistant	Open	T&E	Continuous	2
Welfare Fraud Prevention Coordinator	Open	T&E	Continuous	7

SEVERITY: VERY SERIOUS	FINDING NO. 1 JOB ANALYSES WERE NOT DEVELOPED OR USED FOR THE EXAMINATION PROCESS
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Summary: A job analysis is required for each civil service examination. The DSS did not provide job analyses for 2 of the 16 examinations reviewed.

Classification	List Active Date	List Expiration Date	No. of Eligibles
Office Services Supervisor II (General)	2/8/2019	Until Filled	53
Welfare Fraud Prevention Coordinator	3/14/2019	Until Filled	16

Criteria: The Merit Selection Manual (MSM), which is incorporated in California Code of Regulations, title 2, section 50, mandates the development and use of a job analysis for the examination process. "Job analysis shall serve as the primary basis for demonstrating and documenting the job-relatedness of examination processes conducted for the establishment of eligible lists within the State's civil service." (MSM, § 2200, p. 2.) The MSM requires that job analyses adhere to the legal and professional standards outlined in the job analysis section of the MSM, and that certain elements must be included in the job analysis studies. (*Ibid.*) Those requirements include the following: (1) the job analysis be performed for the job for which the subsequent selection procedure is developed and used; (2) the methodology utilized be described and documented; (3) the job analytics data be presented in writing; (4) the job analytic data be collected from a variety of current sources; (5) the sample size of subject matter expert participants in the data collection activities be representative of the jobs within the classification for which the job

analysis is conducted, as well as of sufficient size to yield adequate data; (6) job tasks be specified in terms of importance or criticality, and their frequency of performance, as well as determination of the essential job tasks; (7) job tasks be sufficiently detailed to derive the requisite knowledge, skills, abilities (KSAs); (8) specify the critical KSAs required upon entry for successful job performance; (9) the KSAs be operationally defined; and (10) document linkage between the essential tasks and the important KSAs required upon entry. (MSM, § 2200, pp. 2-3.)

Severity: Very Serious. The examination may not have been job-related or legally defensible.

Cause: The DSS states that they did not have a clear retention policy for job analyses; therefore, staff did not retain the job analyses for the appropriate amount of time.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which verifies that prior to administering any future examinations, the DSS will create and develop each examination based upon a job analysis that meets the requirements of the Merit Selection Manual (Cal. Code Regs., tit. 2, § 50). Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

SEVERITY: VERY SERIOUS	FINDING NO. 2 CANDIDATES WHO MET THE MINIMUM QUALIFICATIONS WERE NOT ADMITTED INTO THE EXAMINATION
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Summary: The DSS did not admit two candidates who met the minimum qualifications (MQs) into the General Auditor II open examination.

Criteria: Except as otherwise provided by law or regulation, any person who establishes that he or she satisfies the minimum qualifications for any state position, as defined in Government Code section 18522, is eligible, regardless of his or her age, to take any civil service examination given for that position. (Cal. Code Reg., tit. 2, § 171.2.)

Additionally, Human Resources Manual Section 3002 provides that during the examination process and before appointment, information

submitted in the application process from all candidates, except those who are on reemployment lists or who have reinstatement rights, must be evaluated for verification of meeting the minimum qualifications of the classification established by the Board.

Severity: Very Serious. Failure to admit candidates who meet the minimum qualifications into an examination compromises otherwise eligible candidates' ability to promote.

Cause: The DSS states that the exams unit did not properly interpret the MQs as indicated in the classification specification.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure all candidates who meet the minimum qualifications are admitted into an examination. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

SEVERITY: TECHNICAL	FINDING NO. 3 EXAMINATION DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME
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Summary: The DSS failed to retain personnel records such as examination scoring criteria and rejection letters of unqualified candidates. Of the 16 examinations reviewed, the DSS did not retain the following: scoring criteria for 9 examinations; and 3 rejection letters.

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

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

Cause: The DSS states that they did not have a clear retention policy; therefore, staff did not retain the exam documentation for the appropriate amount of time.

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

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, October 1, 2020, through March 31, 2021, the DSS conducted 84 permanent withhold actions. The CRU reviewed 25 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
Accounting Administrator I, Specialist	6PB01	8/10/2020	8/10/2021	Failed to Meet MQs
Accounting Administrator I, Supervisor	6PB02	6/23/2020	6/23/2021	Failed to Meet MQs
Accounting Officer (Specialist)	0PBAG	8/14/2020	8/14/2021	Failed to Meet MQs
Associate Accounting Analyst	5PB39	7/28/2020	7/28/2021	Failed to Meet MQs
Associate Accounting Analyst	5PB39	11/19/2020	11/19/2021	Failed to Meet MQs
AGPA (AGPA)	9PB04	1/19/2021	1/19/2022	Failed to Meet MQs
AGPA	9PB04	10/20/2020	10/20/2022	Failed to Meet MQs
Emergency Services Coordinator, Office of Emergency Services	7PB30	1/28/2021	1/28/2022	Failed to Meet MQs
Information Technology Specialist I	7PB35	9/9/2020	9/9/2021	Failed to Meet MQs
Information Technology Specialist II	7PB35	10/21/2020	10/21/2021	Failed to Meet MQs
Investigator	1PB02	12/20/2020	12/20/2021	Failed to Meet MQs
Licensing Program Analyst	4PB34	11/24/2020	11/24/2021	Failed to Meet MQs
Licensing Program Manager I	5BP0101	10/23/2020	10/23/2021	Failed to Meet MQs
Licensing Program Manager II	5PB0102	12/12/2020	12/12/2021	Failed to Meet MQs
Office Technician (Typing)	4PB2401	6/30/2020	6/30/2022	Failed to Meet MQs
Program Manager I, Office of Emergency Services	6PB46	5/11/2020	5/11/2021	Failed to Meet MQs
Research Data Analyst II	8PB38	10/19/2020	10/19/2021	Failed to Meet MQs
Research Data Specialist II	8PB40	7/12/2020	7/12/2021	Failed to Meet MQs
Research Data Specialist II	8PB40	7/21/2020	7/21/2021	Failed to Meet MQs
Research Data Supervisor I	8PB42	11/16/2020	11/16/2021	Failed to Meet MQs
Senior Accounting Officer	0PBAK	4/14/2020	4/14/2021	Failed to Meet MQs

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Senior Accounting Officer (Specialist)	0PBAK	10/2/2020	10/2/2021	Failed to Meet MQs
Staff Service Manager I	9PB19	5/21/2020	5/21/2021	Failed to Meet MQs
Staff Service Manager I	9PB19	11/22/2020	11/22/2021	Failed to Meet MQs
Staff Service Manager I	9PB19	4/23/2020	4/23/2021	Failed to Meet MQs

IN COMPLIANCE	FINDING NO. 4 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CRU found no deficiencies in the permanent withhold actions undertaken by the department during the compliance review period.

Appointments

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

During the period under review, October 1, 2020, through March 31, 2021, the DSS made 503 appointments. The CRU reviewed 61 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accountant Trainee	Certification List	Permanent	Full Time	1
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	2

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accounting Administrator I (Supervisor)	Certification List	Permanent	Full Time	1
Accounting Administrator II	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Associate Accounting Analyst	Certification List	Permanent	Full Time	2
AGPA	Certification List	Permanent	Full Time	3
Associate Personnel Analyst	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
Disability Evaluation Analyst	Certification List	Permanent	Full Time	1
Disability Evaluation Analyst III	Certification List	Permanent	Full Time	1
Disability Evaluation Services Administrator I	Certification List	Permanent	Full Time	1
Disability Evaluation Services Administrator II	Certification List	Permanent	Full Time	1
Executive Assistant	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	2
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Legal Secretary	Certification List	Permanent	Full Time	1
Licensing Program Analyst	Certification List	Permanent	Full Time	2
Licensing Program Manager I	Certification List	Permanent	Full Time	1
Licensing Program Manager II	Certification List	Permanent	Full Time	1
Nurse Evaluator II, Health Services	Certification List	Permanent	Full Time	1
Office Assistant (General)	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	2

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Staff Services Manager I	Certification List	Permanent	Full Time	2
Staff Services Manager III	Certification List	Permanent	Full Time	1
Supervising Special Investigator I	Certification List	Permanent	Full Time	1
Accounting Administrator I (Specialist)	Training & Development	Permanent	Full Time	1
AGPA	Training & Development	Permanent	Full Time	1
Administrative Law Judge I, Department of Social Services	Transfer	Permanent	Full Time	1
AGPA	Transfer	Permanent	Full Time	1
Associate Personnel Analyst	Transfer	Permanent	Full Time	1
Attorney	Transfer	Permanent	Full Time	1
Attorney III	Transfer	Permanent	Full Time	1
Disability Evaluation Analyst	Transfer	Permanent	Full Time	1
Disability Evaluation Analyst III	Transfer	Permanent	Full Time	1
Disability Evaluation Services Administrator I	Transfer	Permanent	Full Time	1
Information Technology Specialist I	Transfer	Permanent	Full Time	1
Information Technology Specialist II	Transfer	Permanent	Full Time	1
Licensing Program Analyst	Transfer	Permanent	Full Time	1
Licensing Program Manager I	Transfer	Permanent	Full Time	1
Office Services Supervisor II (General)	Transfer	Permanent	Full Time	1
Office Technician (Typing)	Transfer	Permanent	Full Time	1
Program Manager II, Office of Emergency Services	Transfer	Permanent	Full Time	1
Program Technician I (Vital Statistics)	Transfer	Permanent	Full Time	1
Senior Personnel Specialist	Transfer	Permanent	Full Time	1
Staff Management Auditor	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	1
Staff Services Manager II (Supervisory)	Transfer	Permanent	Full Time	1

SEVERITY: SERIOUS	FINDING NO. 5 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY
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Summary: The DSS did not provide 4 probationary reports of performance for 4 of the 61 appointments reviewed by the CRU. In addition, the DSS did not provide 12 probationary reports of performance in a timely manner, as reflected in the table below. This is the third consecutive time that this has been a finding for the DSS.

Classification	Appointment Type	Number of Appointments	Total Number of Missing and/or Late Probation Reports
Information Technology Associate	Certification List	1	1
Office Technician (Typing)	Certification List	1	1
Staff Services Manager III	Certification List	1	1
Staff Services Manager I	Transfer	1	1
Accounting Administrator I (Specialist)	Certification List	2	3
Accounting Administrator I (Supervisor)	Certification List	1	1
AGPA	Certification List	2	3
Legal Secretary	Certification List	1	1
Nurse Evaluator II, Health Services	Certification List	1	1
Staff Services Manager I	Certification List	1	1
Office Services Supervisor II (General)	Transfer	1	1
Senior Personnel Specialist	Transfer	1	1

Criteria: The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; upon reinstatement after a break in continuity of service resulting from a permanent separation; or after any other type of appointment situation not specifically excepted from the probationary period. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work and efficiency of a probationer in the manner and at such periods as

the department rules may require. (Gov. Code, § 19172.) A report of the probationer’s performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the probationary period. (*Ibid.*) The Board’s record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

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

Cause: The DSS states that during the review period, the DSS was heavily involved with the California fires, recruiting employees for the border response, establishing the Housing and Homeless Branch along with COVID-19 responses and transitioning 200 employees from California Department of Education (CDE) to DSS. Therefore, the probationary reports were not completed timely.

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

SEVERITY: TECHNICAL	FINDING NO. 6 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME
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Summary: The DSS failed to retain personnel records such as NOPA’s, duty statements, job announcements/bulletins, and applications. Of the

61 appointments reviewed, the DSS did not retain the following: six NOPAs. This is the second consecutive time this has been a finding for the DSS.

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

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

Cause: The DSS states that NOPAs were not retained due to established retention procedures not being followed.

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

Equal Employment Opportunity

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

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

SEVERITY: VERY SERIOUS	FINDING NO. 7 COMPLAINANTS WERE NOT NOTIFIED OF THE REASONS FOR DELAYS IN DECISIONS WITHIN THE PRESCRIBED TIME PERIOD
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Summary: The DSS provided evidence that 10 discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period. Three of the 10 complaint investigations exceeded 90 days and the DSS failed to provide written communication to the complainants regarding the status of the complaint.

Criteria: The appointing power must issue a written decision to the complainant within 90 days of the complaint being filed. (Cal. Code Regs., tit. 2, § 64.4, subd. (a).) If the appointing power is unable to issue its decision within the prescribed time period, the appointing power must inform the complainant in writing of the reasons for the delay. (*Ibid.*)

Severity: Very Serious. Employees were not informed of the reasons for delays in decisions for discrimination complaints. Employees may feel their concerns are not being taken seriously, which can leave the agency open to liability and low employee morale.

Cause: The DSS states that the three complainants were not sent status letters due to human error. Additionally, the DSS did not have a process in place to ensure these errors were caught.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations, title 2, section 64.4, subdivision (a). Copies of relevant documentation

demonstrating that the corrective action has been implemented must be included with the corrective action response.

Personal Services Contracts

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

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

During the period under review, October 1, 2020, through March 31, 2021, the DSS had 183 PSC’s that were in effect. The CRU reviewed 30 of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notification
Accessible Climate Strategies, LLC	Subject Matter Expert	1/1/21-6/30/22	\$44,290	Yes	No
California Association of Food Banks	Food distribution services	7/1/20-6/30/21	\$822,857	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notification
California Association of Long Term Care Medicine	Consultant services	12/21/20-6/30/21	\$29,875	Yes	Yes
California Friends Homes, Inc. dba Rowntree Gardens	COVID-19 related emergency services	10/29/20-1/29/21	\$282,247	Yes	No
California Hospice and Palliative Care Association	Consultant services and technical assistance	12/21/20-6/30/21	\$150,000	Yes	No
California State Association of Public Admins., Public Guardians, and Public Conservators	Training	11/1/19-6/30/22	\$1,250,000	Yes	No
California State University, Sacramento	Provide training, design, and delivery	8/1/20-6/30/21	\$471,526	Yes	Yes
California State University, Sacramento	Training	7/1/20-6/30/23	\$445,611	Yes	No
Center for Employment Opportunities	CalFresh Employment & Training activities	10/1/20-9/30/22	\$8,367,835	Yes	Yes
Desert Cottages, L.L.C.	Emergency infection prevention services	1/8/21-4/8/21	\$315,000	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notification
DP CA RAL Opco LLC	COVID-19 Short-Term Funding	12/21/20-1/31/21	\$8,350	Yes	Yes
Feeding San Diego	Emergency food bank distributions	7/1/20-6/30/21	\$1,239,576	Yes	Yes
National Center for Youth Law	Advisory Board	1/1/21-12/31/22	\$318,049	Yes	Yes
National Training Institute on Race and Equity	Training	1/1/21-6/30/21	\$49,000	Yes	No
Northstar Senior Living, Inc.	Temporary emergency management oversight of board and care services	12/31/20-2/28/21	\$154,200	Yes	Yes
Pleasant Peak, LLC	Emergency infection prevention services	1/29/21-4/29/21	\$252,000	Yes	No
R2R Ventures, LLC	Temporary emergency management oversight of board and care services	1/13/21-3/13/21	\$152,590	Yes	Yes
Sacramento Children's Home	Family Urgent Response System Hotline	2/1/21-1/31/24	\$9,644,671	Yes	Yes
Secure Screening Solutions, Inc.	Fingerprinting services	9/1/20-6/30/23	\$40,217	Yes	Yes
Shaw Law Group, PC	Conduct investigations	11/16/20-6/30/21	\$40,000	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notification
Southern California Shredding, Inc.	Confidential material shredding	6/1/19-6/30/21	\$72,800	Yes	Yes
The Regents of the University of California, Davis	Provide educational, consultant, evaluative, and research services	7/1/20-6/30/22	\$4,222,046	Yes	No
The Regents of the University of California, Davis	Training	10/1/20-6/30/23	\$571,781	Yes	No
The Regents of the University of California, Davis	Provide leadership and management tools	7/1/20-6/30/23	\$471,995	Yes	No
The Regents of The University of California, San Francisco	Provide COVID-19 informational calls	1/1/21-12/31/21	\$116,108	Yes	Yes
Unity Courier Service, Inc	Daily courier service	10/1/20-9/30/22	\$24,720	Yes	Yes
West Coast Children's Clinic	Develop training model	1/1/21-6/30/23	\$867,475	Yes	Yes
York Risk Services Group, Inc.	Third party admin. for workers' comp. claims	3/1/17-11/30/21	\$21,121,651	Yes	No
York Risk Services Group, Inc.	Third party admin. for workers' comp. claims	3/1/17-11/30/21	\$387,949	Yes	No
York Risk Services Group, Inc.	Third party admin. for workers' comp. claims	3/1/17-11/30/21	\$39,441	Yes	Yes

SEVERITY: SERIOUS	FINDING NO. 8 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The DSS did not notify unions prior to entering into 12 of the 30 PSC’s reviewed. This is the second consecutive time this has been a finding for the DSS in this area.

Criteria: The contract shall not be executed until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted. (Gov. Code, § 19132, subd. (b)(1).)

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

Cause: The DSS states that unions were notified during the original contract agreements, however, the DSS did not send union notification for additional amendments.

Corrective Action: It is the contracting department’s responsibility to identify and notify any unions whose members could potentially perform the type of work to be contracted prior to executing the PSC. Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of Government Code section 19132. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Mandated Training

Each member, officer, or designated employee of a state agency who is required to file a statement of economic interest (referred to as “filers”) because of the position he or she holds with the agency is required to take an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. (Gov. Code, §§ 11146 & 11146.1.) State agencies are required to offer filers the orientation course on a semi-annual basis. (Gov. Code, § 11146.1.) New filers must be trained within six months

of appointment and at least once during each consecutive period of two calendar years, commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3.)

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

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

The CRU reviewed the DSS's mandated training program that was in effect during the compliance review period, April 1, 2019, through March 31, 2021.

SEVERITY: VERY SERIOUS	FINDING NO. 9 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The DSS did not provide ethics training to 39 of 200 existing filers. In addition, the DSS did not provide ethics training to 31 of 200 new filers within 6 months of their appointment. This is the second consecutive time this has been a finding for the DSS in this area.

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 DSS states that despite the various methods used to inform and remind supervisors of this requirement, not all employees completed the training timely.

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

SEVERITY: VERY SERIOUS	FINDING NO. 10 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS
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Summary: The DSS did not provide sexual harassment prevention training to 83 of 153 new supervisors within 6 months of their appointment. In addition, the DSS did not provide sexual harassment prevention training to 3 of 773 existing supervisors every 2 years. This is the second consecutive time this has been a finding for the DSS in this area.

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

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

Cause: The DSS states that during the review period, the DSS' Learning Management System was not fully implemented to track and alert management and the Executive Office of individuals who were out of compliance.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that supervisors are provided sexual harassment prevention training in accordance

with Government Code section 12950.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee’s salary rate²² 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, October 1, 2020, through March 31, 2021, the DSS made 503 appointments. The CRU reviewed 31 of those appointments to determine if the DSS applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:*

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accountant Trainee	Certification List	Permanent	Full Time	\$3,793
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	\$6,548
Accounting Administrator I (Supervisor)	Certification List	Permanent	Full Time	\$7,988
Accounting Analyst	Certification List	Permanent	Full Time	\$5,465
Accounting Associate Analyst	Certification List	Permanent	Full Time	\$7,080

²² “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)
Associate Administrative Analyst -Accounting Systems-	Certification List	Permanent	Full Time	\$7,080
AGPA	Certification List	Permanent	Full Time	\$5,149
AGPA	Certification List	Permanent	Full Time	\$6,259
Attorney	Certification List	Permanent	Full Time	\$7,818
Attorney	Certification List	Permanent	Full Time	\$8,619
Disability Evaluation Analyst	Certification List	Permanent	Full Time	\$5,628
Executive Assistant	Certification List	Permanent	Full Time	\$3,849
Information Technology Associate	Certification List	Permanent	Full Time	\$5,569
Information Technology Associate	Certification List	Permanent	Full Time	\$6,116
Information Technology Supervisor II	Certification List	Permanent	Full Time	\$8,827
Investigator	Certification List	Permanent	Full Time	\$7,119
Licensing Program Analyst	Certification List	Permanent	Full Time	\$4,217
Licensing Program Manager I	Certification List	Permanent	Full Time	\$6,744
Nurse Evaluator II, Health Services	Certification List	Permanent	Full Time	\$6,043
Office Technician (Typing)	Certification List	Permanent	Full Time	\$3,144
Program Technician II	Certification List	Permanent	Full Time	\$4,281
Administrative Law Judge II, Unemployment Insurance Appeals Board	Transfer	Permanent	Full Time	\$11,611
AGPA	Transfer	Permanent	Full Time	\$5,676
Attorney	Transfer	Permanent	Full Time	\$6,569
Attorney III	Transfer	Permanent	Full Time	\$9,977
Disability Evaluation Services Administrator I	Transfer	Permanent	Full Time	\$7,460
Information Technology Specialist II	Transfer	Permanent	Full Time	\$9,869

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Licensing Program Manager I	Transfer	Permanent	Full Time	\$7,601
Program Technician II	Transfer	Permanent	Full Time	\$4,236
Senior Personnel Specialist	Transfer	Permanent	Full Time	\$5,770
Staff Services Manager I	Transfer	Permanent	Full Time	\$6,124

SEVERITY: VERY SERIOUS	FINDING NO. 11 INCORRECT APPLICATIONS OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT
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Summary: The CRU found the following errors in the DSS’s determination of employee compensation. This is the second consecutive time this has been a finding in this area.

Classification	Description of Findings	Criteria
Attorney III	Incorrect anniversary date keyed resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.683
Disability Evaluation Analyst	Employee was placed in the incorrect alternate range upon appointment. This resulted in the employee being immediately placed in the higher range without salary rule considerations.	Cal. Code Regs., tit. 2, § 599.676
Disability Evaluation Analyst III	Incorrect anniversary date keyed resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, § 599.683
Information Technology Specialist I	Employee was placed in the incorrect alternate range upon appointment. This resulted in the employee being immediately placed in the higher range without salary rule considerations.	Cal. Code Regs., tit. 2, § 599.673

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: Very Serious. In four circumstances, the DSS failed to comply with the requirements outlined in the state civil service pay plan.

Incorrectly applying compensation laws and rules in accordance with CalHR’s policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay amounts.

Cause: The DSS states that the pay reports generated by the DSS Quality Assurance Team were not reviewed and errors were not corrected.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The DSS must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, October 1, 2020, through March 31, 2021, the DSS employees made 64 alternate range movements within a classification. The CRU reviewed 22 of those alternate range movements to determine if the DSS applied salary regulations accurately and correctly processed each employee’s compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Attorney	C	D	Full Time	\$7,818
Attorney	A	B	Full Time	\$6,286
Attorney	B	C	Full Time	\$6,946

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Business Service Assistant (Specialist)	B	C	Full Time	\$4,339
Disability Evaluation Analyst	B	C	Full Time	\$4,281
Disability Evaluation Analyst	A	B	Full Time	\$4,234
Information Technology Specialist I	A	B	Full Time	\$7,245
Information Technology Specialist I	B	C	Full Time	\$8,607
Investigator	A	B	Full Time	\$5,427
Legal Secretary	A	B	Full Time	\$3,920
Licensing Program Analyst	A	B	Full Time	\$4,347
Licensing Program Analyst	B	C	Full Time	\$4,424
Licensing Program Analyst	C	D	Full Time	\$4,649
Medical Consultant I, Department of Social Services	C	B	Full Time	\$14,970
Office Assistant (Typing)	A	B	Full Time	\$3,212
Personnel Specialist	A	B	Full Time	\$3,768
Personnel Specialist	C	D	Full Time	\$4,511
Personnel Specialist	B	C	Full Time	\$4,094
Senior Legal Typist	A	B	Full Time	\$3,388
Staff Services Analyst (General)	B	C	Full Time	\$4,281
Staff Services Analyst (General)	A	B	Full Time	\$4,091
Staff Services Management Auditor	B	C	Full Time	\$4,721

SEVERITY: VERY SERIOUS	FINDING NO. 12 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRU found the following errors in the DSS's determination of employee compensation. This is the second consecutive time this has been a finding for the DSS in this area.

Classification	Description of Findings	Criteria
Medical Consultant I, Department of Social Services	Incorrect salary rate determined resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.681
Disability Evaluation Analyst	Incorrect range change date keyed resulting in the employee being overcompensated.	Alternate Range Criteria 148
Licensing Program Analyst	Incorrect range change date keyed resulting in the employee being undercompensated.	Alternate Range Criteria 196
Staff Services Management Auditor	Incorrect range change date keyed resulting in the employee being undercompensated.	Alternate Range Criteria 036

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

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

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

Cause: The DSS states that the pay reports generated by the DSS Quality Assurance Team were not reviewed and errors were not corrected.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The DSS must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that

the corrective action has been implemented must be included with the corrective action response.

Hiring Above Minimum Requests

The CalHR may authorize payment at any step above the minimum limit to classes or positions to meet recruiting problems, or to obtain a person who has extraordinary qualifications. (Gov. Code, § 19836.) For all employees new to state service, departments are delegated to approve HAMs for extraordinary qualifications. (Human Resources Manual Section 1707.) Appointing authorities may request HAMs for current state employees with extraordinary qualifications. (*Ibid.*) Delegated HAM authority does not apply to current state employees. (*Ibid.*)

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

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.²³ (Gov. Code, § 19836, subd. (b).)

Appointing authorities may request and approve HAMs for former legislative employees who are appointed to a civil service class and received eligibility for appointment pursuant to Government Code section 18990. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be in accordance with the salary rules specified in the California Code of Regulations. (*Ibid.*) A salary determination is completed comparing the maximum salary rate of the former legislative class and the maximum salary rate of the civil service class to determine applicable salary and

²³ Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

anniversary regulation. (*Ibid.*) Typically, the legislative employees are compensated at a higher rate of pay; therefore, they will be allowed to retain the rate they last received, not to exceed the maximum of the civil service class. (*Ibid.*)

Appointing authorities may request/approve HAMs for former exempt employees appointed to a civil service class. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be competitive with the employee’s salary in the exempt appointment. (*Ibid.*) For example, An employee appointed to a civil service class which is preceded by an exempt appointment may be appointed at a salary rate comparable to the exempt appointment up to the maximum of the salary range for the civil service class. (*Ibid.*)

During the period under review, October 1, 2020, through March 31, 2021, the DSS authorized seven HAM requests. The CRU reviewed four of those authorized HAM requests to determine if the DSS correctly applied Government Code section 19836 and appropriately verified, approved and documented candidates’ extraordinary qualifications, which are listed below:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
AGPA	Certification List	Permanent	\$5,149-\$6,446	\$6,250
Legal Secretary	Certification List	Permanent	\$3,555-\$4,451, Range A	\$4,321, Range A
Staff Services Manager I	Certification List	Permanent	\$6,124-\$7,608	\$6,624
Staff Services Manager III	Certification List	Permanent	\$8,173-\$9,280	\$9,280

IN COMPLIANCE	FINDING NO. 13 HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found that the HAM requests the DSS made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

Bilingual Pay

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

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

During the period under review, October 1, 2020, through March 31, 2021, the DSS issued bilingual pay to 108 employees. The CRU reviewed 30 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
AGPA	R01	Full Time	4
Disability Evaluation Analyst	R01	Full Time	2
Disability Evaluation Analyst III	R01	Full Time	3
Investigator	R07	Full Time	1
Licensing Program Analyst	R19	Full Time	3
Licensing Program Manager I	S19	Full Time	3
Office Technician (Typing)	R04	Full Time	2
Program Technician II	R04	Full Time	2
Program Technician II	R04	Part Time	1
Research Data Analyst II	R01	Full Time	1
Senior Emergency Services Coordinator, Office of Emergency Services	R07	Full Time	1
Special Investigator Assistant	R07	Full Time	1
Staff Services Analyst (General)	R01	Full Time	4

SEVERITY: VERY SERIOUS	FINDING NO. 14 INCORRECT AUTHORIZATION OF BILINGUAL PAY
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Summary: The CRU found three errors in the DSS’s authorization of bilingual pay. This is the second consecutive time this has been a finding for the DSS.

Classification	Description of Findings	Criteria
AGPA	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Licensing Program Manager I	Department failed to provide the employee’s oral fluency exam results to certify that the employee is a qualified bilingual employee.	Government Code section 7296
Research Analyst II (General)	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14

Criteria: For any state agency, a “qualified” bilingual employee, person, or interpreter is someone who CalHR has tested and certified, someone who was tested and certified by a state agency or other approved testing authority, and/or someone who has met the testing or certification standards for outside or contract interpreters as proficient in both the English language and the non-English language to be used. (Gov. Code, § 7296, subd. (a)(3).) An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

Severity: Very Serious. Failure to comply with the state civil service pay plan by incorrectly applying compensation rules in accordance with CalHR’s policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay.

Cause: The DSS states that there was an oversight in ensuring the current duty statement and bilingual certification were included with the RPA.

Corrective Action: Within 90 days of the date of this report, the DSS 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 7296, and Pay Differential 14. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, October 1, 2020, through March 31, 2021, the DSS issued pay differentials²⁴ to 126 employees. The CRU reviewed 30 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 I, Department of Social Services	84	5%

²⁴ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
Administrative Law Judge II (Specialist), Department of Social Services	84	5%
Administrative Law Judge III	84	5%
AGPA	412	10%
AGPA	412	10%
Information Technology Associate	13	5%
Investigator	245	4%
Investigator	244	\$125
Investigator	244	\$75
Investigator	245	5%
Investigator	173	\$200
Investigator	173	\$200
Investigator	245	9%
Investigator	244	\$125
Investigator	173	\$200
Investigator	244	\$125
Investigator	244	\$125
Investigator	245	9%
Investigator	244	\$75
Investigator	245	7%
Limited Examination and Appointment Program Candidate (Identified Class)	441	\$250
Office Services Supervisor II (General)	441	\$250
Office Technician (Typing)	441	\$250
Research Data Analyst II	412	10%
Research Data Specialist I	412	10%
Research Data Specialist I	412	5%
Staff Services Analyst (General)	412	5%
Staff Services Manager I	412	10%
Staff Services Manager III	412	10%
Supervising Special Investigator I	244	\$50

SEVERITY: VERY SERIOUS	FINDING NO. 15 INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS
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Summary: The CRU found 6 errors in the 30 pay differentials reviewed. This is the second consecutive time this has been a finding for the DSS.

Classification	Area	Description of Findings	Criteria
Administrative Law Judge I, Department of Social Services	National Judicial College Differential Pay	Department failed to supply supporting documentation demonstrating the employee was eligible for the pay differential.	Pay Differential 84
Investigator (4 positions)	Education Differential	Department failed to supply supporting documentation demonstrating the employee was eligible for the pay differential.	Pay Differential 244
Supervising Special Investigator I	Education Differential	Department failed to supply supporting documentation demonstrating the employee was eligible for the pay differential.	Pay Differential 244

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

Cause: The DSS states that a clear retention policy for pay differential documentation was not established; therefore, the required degrees were not retained.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the

corrections the department will implement to ensure conformity with Pay Differential 84 and 244 and ensure that employees are compensated correctly and that transactions are keyed accurately. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Out-of-Class Assignments and Pay

For excluded²⁵ and most rank and file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

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

During the period under review, October 1, 2020, through March 31, 2021, the DSS issued OOC pay to 39 employees. The CRU reviewed 22 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
AGPA	R01	Staff Services Manager I	03/30/21-3/31/21

²⁵ “Excluded employee” means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
AGPA	R01	Staff Services Manager I	10/1/20-12/1/20
AGPA	R01	Staff Services Manager II	10/12/20-12/31/20
AGPA	R01	Staff Services Manager I	2/22/21-3/1/21, 3/2/21-3/31/21
AGPA	R01	Staff Services Manager I	11/2/20-01/31/21
AGPA	R01	Staff Services Manager I	02/8/21-3/31/21
AGPA	R01	Staff Services Manager I	10/1/20-12/31/20
AGPA	R01	Staff Services Manager I	3/8/21-3/31/21
Disability Evaluation Analyst III	R01	Disability Evaluation Services Administrator I	10/12/20-1/31/21
Licensing Program Analyst	R19	Licensing Program Manager I	1/26/21-3/31/21
Licensing Program Analyst	R19	Licensing Program Manager I	10/1/20-10/31/20
Licensing Program Analyst	R19	Staff Services Manager I	1/13/21-3/31/21
Licensing Program Manager I	S19	Licensing Program Manager II	12/2/20-12/31/20
Licensing Program Manager I	S19	Licensing Program Manager II	10/1/20-11/9/20
Licensing Program Manager I	S19	Licensing Program Manager II	10/1/20-10/22/20
Office Technician (Typing)	R04	Staff Services Analyst	3/9/21-3/31/21
Research Manager I (General)	S01	Research Data Supervisor II	3/1/21-3/31/21
Staff Services Manager I	S01	Staff Services Manager II	2/11/21-3/31/21
Staff Services Manager I	S01	Staff Services Manager II	11/16/20-2/12/21
Staff Services Manager I	S01	Staff Services Manager II	10/1/20-10/31/20
Staff Services Manager I	S01	Staff Services Manager III	10/1/20-12/31/20

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Staff Services Manager I	S01	Staff Services Manager II	3/2/21-3/30/21

SEVERITY: VERY SERIOUS	FINDING NO. 16 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
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Summary: The CRU found 22 errors in the DSS's authorization of OOC pay This is the second consecutive time this has been a finding for the DSS.

Classification	Out-of-Class Classification	Description of Finding	Criteria
AGPA (7 positions)	Staff Services Manager I	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 91
AGPA	Staff Services Manager II	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 91
Disability Evaluation Analyst III	Disability Evaluation Services Administrator I	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated. In addition, the employee received a higher level OOC pay rate while working in a lower level position resulting in the employee being overpaid.	Pay Differential 91
Licensing Program Analyst	Licensing Program Manager I	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 100

Classification	Out-of-Class Classification	Description of Finding	Criteria
Licensing Program Analyst	Staff Services Manager I	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 100
Licensing Program Analyst	Licensing Program Manager I	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated. In addition, the department did not receive CalHR approval for OOC exceeding 120 days ²⁶ .	Pay Differential 100
Licensing Program Manager I	Licensing Program Manager II	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 101
Licensing Program Manager I	Licensing Program Manager II	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated. In addition, the employee was not compensated for one day of OOC pay while performing the duties at the higher level classification, resulting in the employee being underpaid.	Pay Differential 101

²⁶ According the Bargaining Unit 19, an employee may be assigned to work OOC for more than 120 consecutive days only with the approval of CalHR.

Classification	Out-of-Class Classification	Description of Finding	Criteria
Licensing Program Manager I	Licensing Program Manager II	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated. In addition, the employee was compensated for one day of OOC pay while not performing the duties at the higher level classification, resulting in the employee being overpaid.	Pay Differential 101
Office Technician (Typing)	Staff Services Analyst	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 91
Research Manager I (General)	Research Data Supervisor II	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 101
Staff Services Manager I (3 positions)	Staff Services Manager II	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 91
Staff Services Manager I	Staff Services Manager III	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated.	Pay Differential 101

Classification	Out-of-Class Classification	Description of Finding	Criteria
Staff Services Manager I	Staff Services Manager II	The 9.23 percent Personal Leave Program reduction was not taken into consideration when determining the OOC pay rate which resulted in the employee being overcompensated. In addition, the employee was not compensated for one day of OOC pay while performing the duties at the higher level classification, resulting in the employee being underpaid.	Pay Differential 101

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

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

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working

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

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

Cause: The DSS states that the OOC pay errors were made due to the DSS missing the updated notice from CalHR which added that OOC pay is subject to the 9.23% Personal Leave Program reduction.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.810 and Pay Differential 91, 100 and 101. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Leave

Positive Paid Employees

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

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days²⁷ worked and paid absences²⁸, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

Additionally, according to Government Code section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June), regardless of the number of state employers, without reinstatement, loss or interruption of benefits. However, Executive Order N-25-20, suspended the 960 work hour limitation from March 12, 2020, through July 1, 2021 due to the Covid-19 pandemic. Therefore, CRU's review of this area was informational only.

At the time of the review, the DSS had 153 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:

²⁷ For example, two hours or ten hours count as one day.

²⁸ For example, vacation, sick leave, compensating time off, etc.

Classification	Tenure	Time Frame	Time Worked
Administrative Law Judge II (Specialist), Department of Social Services	Retired	7/1/19-6/30/20	807.1
AGPA	Retired	7/1/19-6/30/20	959
AGPA	Retired	7/1/19-6/30/20	210.75
AGPA	Retired	7/1/19-6/30/20	887
Senior Accounting Officer (Specialist)	Retired	7/1/19-6/30/20	953
Staff Services Manager I	Retired	7/1/19-6/30/20	201.5
Staff Services Manager I	Retired	7/1/19-6/30/20	777
Staff Services Manager I	Retired	7/1/19-6/30/20	819
Staff Services Manager I	Retired	7/1/19-6/30/20	963.5
Staff Services Manager I	Retired	7/1/19-6/30/20	902.25
Seasonal Clerk	Temporary	10/1/19-9/30/20	1486
Seasonal Clerk	Temporary	5/31/19-5/31/20	1503.5
Seasonal Clerk	Temporary	5/31/19-5/31/20	1359.7
Seasonal Clerk	Temporary	8/30/19-8/31/20	1872
Seasonal Clerk	Temporary	5/31/19-5/31/20	1768
Seasonal Clerk	Temporary	5/1/19-4/30/20	1523.5
Seasonal Clerk	Temporary	5/31/19-5/31/20	1529.75
Seasonal Clerk	Temporary	5/31/19-5/31/20	1693.1
Seasonal Clerk	Temporary	5/1/19-4/30/20	1679
Seasonal Clerk	Temporary	10/31/19-10/31/20	1637.25
Seasonal Clerk	Temporary	1/1/20-12/31/20	1507
Seasonal Clerk	Temporary	7/31/19-7/30/20	1598
Student Assistant	Temporary	8/30/19-8/31/20	849
Student Assistant	Temporary	12/1/19-12/1/20	911.3
Student Assistant	Temporary	7/31/19-7/30/20	917.82

SEVERITY: SERIOUS	FINDING NO. 17 POSITIVE PAID EMPLOYEES' WORK EXCEEDED TIME LIMITATIONS
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Summary: The DSS did not consistently monitor the actual number of days and/or hours worked in order to ensure that positive paid employees did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period. This is the second consecutive time this has been a finding for the DSS in this area.

Specifically, the following employees exceeded the time limitations:

Classification	Tenure	Time Frame	Time Worked	Time Worked Over Limit
Seasonal Clerk	Temporary	5/31/19-5/31/20	1503.5	3.5
Seasonal Clerk	Temporary	8/30/19-8/31/20	1872	372
Seasonal Clerk	Temporary	5/31/19-5/31/20	1768	268
Seasonal Clerk	Temporary	5/1/19-4/30/20	1523.5	23.5
Seasonal Clerk	Temporary	5/31/19-5/31/20	1529.75	29.75
Seasonal Clerk	Temporary	5/31/19-5/31/20	1693.1	193.1
Seasonal Clerk	Temporary	5/1/19-4/30/20	1679	179
Seasonal Clerk	Temporary	10/31/19-10/31/20	1637.25	137.25
Seasonal Clerk	Temporary	1/1/20-12/31/20	1507	7
Seasonal Clerk	Temporary	7/31/19-7/30/20	1598	98

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: Serious. The number of days or hours an individual may work in a temporary appointment is limited in the state civil service. TAU

appointments are distinguished from other appointments as they can be made in the absence of an appropriate employment list.

Cause: The DSS states that the positive pay reports generated by the DSS Quality Assurance Team were not reviewed and errors were not corrected.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 265.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Administrative Time Off

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

During the period under review, January 1, 2021, through December 31, 2021, the DSS placed 2,232 employees on ATO. The CRU reviewed 40 of these ATO appointments to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Accountant Trainee	6/1/20-6/2/20	16 hours
Accountant Trainee	8/18/20	1.5 hours
Accounting Officer (Specialist)	9/14/20	1 hour
Accounting Officer (Specialist)	6/1/20-6/2/20	16 hours

Classification	Time Frame	Amount of Time on ATO
Accounting Officer (Specialist)	4/1/20-4/16/20	80 hours
Administrative Law Judge I, Department of Social Services	10/1/20-10/2/20	16 hours
Associate Accounting Analyst	11/3/20	2 hours
Associate Accounting Analyst	8/17/20-8/19/20	5 hours
AGPA	8/19/20-8/21/20	24 hours
AGPA	11/19/20	2 hours
AGPA	4/13/20-4/17/20	40 hours
AGPA	12/10/20-12/18/20	52 hours
Associate Personnel Analyst	6/3/20	4.5 hours
Attorney IV	11/3/20	8 hours
Disability Evaluation Analyst	6/1/20-6/2/20	16 hours
Executive Secretary I	9/2/20-9/10/20	42.5 hours
Information Technology Associate	1/13/20-1/30/20	100 hours
Investigator	5/1/20	8 hours
	5/5/20	2 hours
	5/8/20	8 hours
	5/15/20	8 hours
	5/22/20	8 hours
	5/29/20	8 hours
Licensing Program Analyst	10/22/20	4 hours
Licensing Program Analyst	3/13/20	2 hours
Licensing Program Analyst	5/18/20	2 hours
Licensing Program Analyst	8/24/20-8/28/20	40 hours
Licensing Program Analyst	6/1/20	8 hours
Licensing Program Analyst	6/1/20	8 hours

Classification	Time Frame	Amount of Time on ATO
Licensing Program Analyst	11/2/20-11/3/20	16 hours
Licensing Program Analyst	5/29/20-6/9/20	56 hours
Licensing Program Manager I	8/3/20-8/14/20	80 hours
Office Services Supervisor I (Typing)	6/1/20-6/2/20 6/22/20-6/24/20	16 hours 24 hours
Office Technician (Typing)	8/17/20-8/18/20	4 hours
Office Technician (Typing)	6/1/20	8 hours
Office Technician (Typing)	6/24/20	2 hours
Personnel Specialist	1/31/20 2/3/20 2/4/20	8 hours 8 hours 8 hours
Personnel Specialist	3/4/20	2 hours
Program Technician II	11/24/20-11/25/20 11/30/20-12/1/20	32 hours
Staff Services Analyst (General)	9/14/20	5 hours
Staff Services Analyst (General)	6/16/20	1 hour
Staff Services Analyst (General)	12/21/20-12/24/20	32 hours
Staff Services Analyst (General)	10/7/20 10/14/20	2 hours 2 hours
Staff Services Manager I	5/4/20-5/15/20	80 hours
Student Assistant	8/17/20-8/19/20	4.5 hours

SEVERITY: SERIOUS	FINDING NO. 18 ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED
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Summary: The DSS did not key three employee's ATO hours correctly into the Leave Accounting System. This is the second consecutive time this has been a finding for the DSS.

Criteria: Regardless of the length of ATO, appointing authorities must maintain thorough documentation demonstrating the justification for

the ATO, the length of the ATO, and the approval of the ATO. (Human Resources Manual Section 2121.)

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

Severity: Serious. Because an employee on ATO is being paid while not working, a failure to closely monitor ATO usage could result in costly abuse. The use of ATO is subject to audit and review by CalHR and other control agencies to ensure policy compliance. Findings of non-compliance may result in the revocation of delegated privileges.

Cause: The DSS states that due to new COVID regulations regarding ATO, Payroll received an abundance of ATO timesheets. This resulted in three timesheets were keyed incorrectly.

Corrective Action: Within 90 days of the date of this report, the DSS 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 19991.10 and Human Resources Manual Section 2121. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Leave Auditing and Timekeeping

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

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

records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*Ibid.*)

During the period under review, October 1, 2020, through December 31, 2020, the DSS reported 271 units comprised of 4,649 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
December 2020	021	18	18	0
December 2020	252	47	47	0
December 2020	811	87	85	0
December 2020	888	27	27	0
December 2020	946	36	36	0
December 2020	982	20	20	0
December 2020	994	7	7	0
December 2020	520	2	2	0
December 2020	524	8	8	0

SEVERITY: VERY SERIOUS	FINDING NO. 19 INCORRECTLY POSTED LEAVE USAGE AND/OR LEAVE CREDIT
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Summary: The DSS did not correctly enter 6 of 250 timesheets into the Leave Accounting System (LAS) during the December 2020 pay period. As a result, six employees retained their prior leave balance despite having used leave credits.

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

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

Cause: The DSS states that the Leave Management reports generated by the DSS Quality Assurance Team were not reviewed and errors were not corrected.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Human Resources Manual Section 2101. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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 considered to be 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.²⁹ (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.)

²⁹ Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, and 19997.4 and California Code of Regulations, title 2, sections 599.609, 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.776.1, 599.787, 599.791, 599.840 and 599.843 provide further clarification for calculating state time.

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees³⁰ 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, October 1, 2020, through March 31, 2021, the DSS had 27 employees with non-qualifying pay period transactions. The CRU reviewed 27 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	Number Reviewed
Qualifying Pay Period	Full Time	7
Non-Qualifying Pay Period	Full Time	20

IN COMPLIANCE	FINDING NO. 20 SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU determined that the DSS ensured employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRU found no deficiencies in this area.

³⁰ 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.

Policy and Processes

Nepotism

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (*Ibid.*) Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. (*Ibid.*) Personal relationships for this purpose include association by blood, adoption, marriage and/or cohabitation. (*Ibid.*) All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. (*Ibid.*)

IN COMPLIANCE	FINDING NO. 21 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU verified that the policy was disseminated to all staff and emphasized the DSS's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the DSS's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

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

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

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

SEVERITY: VERY SERIOUS	FINDING NO. 22 INJURED EMPLOYEE DID NOT RECEIVE CLAIM FORMS WITHIN ONE WORKING DAY OF NOTICE OR KNOWLEDGE OF INJURY
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Summary: Of the five workers' compensation claim forms reviewed by the CRU, one of them was not provided to the employee within one working day of notice or knowledge of injury.

Criteria: An employer shall provide a claim form and notice of potential eligibility for workers' compensation benefits to its employee within one working day of notice or knowledge that the employee has suffered a work related injury or illness. (Cal. Lab. Code, § 540.1, subd. (a).)

Severity: Very Serious. An injured employee was not provided the required form within the 24-hour time period. Providing the form within 24-hours of injury prevents any delay in treatment to which the employee is entitled. A work related injury can result in lost time beyond the employee's work shift at the time of injury and/or result in additional medical treatment beyond first aid.

Cause: The DSS states that DSS Risk Management was not notified timely that an injury occurred.

Corrective Action: Within 90 days of the date of this report, the DSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Labor Code, section 540.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Performance Appraisals

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

The CRU selected 84 permanent DSS employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines. These are listed below:

Classification	Number of Employees’ Files Reviewed
Accounting Administrator I (Specialist)	1
Administrative Law Judge I, Department of Social Services	2
Administrative Law Judge II (Specialist), Department of Social Services	2
Adoptions Supervisor I	2
Adoptions Specialist	2
Adoptions Supervisor II	2
Associate Accounting Analyst	1
AGPA	3
Associate Personnel Analyst	2
Attorney III	2
Business Service Assistant (Specialist)	1
Disability Evaluation Analyst III	3
Disability Evaluation Services Administrator I	1
Disability Evaluation Services Administrator II	1
Disability Evaluation Services Administrator III	1
Disability Evaluation Analyst	1
Executive Secretary I	1
General Auditor III	2
Information Officer I (Specialist)	1
Information Technology Associate	1
Information Technology Specialist I	2

Classification	Number of Employees' Files Reviewed
Information Technology Specialist II	2
Information Technology Supervisor II	3
Investigator	2
Legal Analyst	1
Licensing Program Analyst	2
Licensing Program Manager I	2
Licensing Program Manager II	1
Licensing Program Manager III	1
Management Services Technician	1
Nurse Evaluator II, Health Services	2
Office Services Supervisor I (Typing)	2
Office Services Supervisor II (General)	1
Office Assistant (Typing)	2
Office Technician (Typing)	2
Personnel Specialist	2
Personnel Supervisor II	1
Program Technician	1
Program Technician II	3
Research Data Specialist II	1
Special Investigator Assistant	2
Senior Accounting Officer (Specialist)	2
Senior Emergency Services Coordinator, Office of Emergency Services	1
Senior Legal Analyst	3
Staff Services Manager I	3
Staff Services Manager III	1
Staff Services Manager II (Supervisory)	4
Supervising Governmental Auditor I	1
Welfare Fraud Prevention Coordinator	1

SEVERITY: SERIOUS	FINDING NO. 23 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The DSS did not provide annual performance appraisals to 82 of 84 employees reviewed after the completion of the employee's

probationary period. This is the second consecutive time this has been a finding for the DSS.

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

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

Cause: The DSS states that during the review period, the DSS was heavily involved with the California fires, recruiting employees for the border response, establishing the Housing and Homeless Branch along with COVID-19 responses and transitioning 200 employees from CDE to DSS. Therefore, the DSS did not complete performance appraisals.

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

SPB REPLY

The DSS had 14 areas identified in this review which were also identified in a Compliance Review Report dated August 12, 2019, as being out of compliance. As such, the DSS must provide systemic and measurable corrective actions to achieve compliance in these areas. Within 90 days of the date of this report, the DSS must submit to the CRU a written

corrective action response, including documentation (policies, procedures, etc.) demonstrating implementation of the corrective actions specified.



October 13, 2021

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

Dear Ms. Ambrose:

Pursuant to Government Code Section 18661, the State Personnel Board's (SPB) Compliance Review Unit (CRU) conducted a compliance review of the California Department of Social Services' (CDSS) personnel practices in the areas of examinations, appointments, Equal Employment Opportunity, Personal Services Contracts, mandated training, compensation and pay, leave, and policy and processes. The CDSS has reviewed the draft report and prepared responses to the findings.

Finding No 1 – Job analysis were not developed or used for the examination process

Cause:

CDSS did not have a clear retention policy for the Job Analysis, therefore staff did not retain the Job Analysis for the appropriate retention time.

Remedy:

The CDSS has a current Job Analysis schedule in place to meet governmental mandates related to the development and use of a job analysis for the examination process. CDSS has also added this to the closing checklist of a Job Analysis and will provide staff with an annual Job analysis training. The Exam manager will sign off on the job analysis to ensure that the job analysis is a complete package.

Finding No 2 – Candidates who met the minimum qualifications were not admitted into the examination

Cause:

CDSS exams unit did not properly interpret the minimum qualifications as indicated in the classification specification and Critical Class Requirement-511B Definition of Terms.

Remedy:

CDSS has implemented a peer review process of all examination applications if there is a disagreement then the manager will review. CDSS exam unit will also have quarterly MQ training.

Finding No 3 – Examination Documentation was not kept for the appropriate amount of time

Cause:

CDSS did not have a clear retention policy in place, therefore the requested documents were not maintained accurately.

Remedy:

The CDSS has updated the exam flow chart to ensure steps are taken to retain copies of all exam correspondence. The examination procedures will be revised to include the retention policy. Training will be provided to the Examination team on how to retain copies of correspondence in the historical files. The Exam Manager will sign off on history files before placing them on the shelves.

Finding No 5 – Probationary evaluations were not provided for all appointments reviewed and those that were provided were untimely.

Cause:

During the review period, CDSS was heavily involved with the California fires, recruiting employees for the border response, establishing the Housing and Homeless Branch along with COVID-19 responses and transitioning 200 employees from CDE to CDSS. Therefore, the probationary reports were not completed timely.

Remedy:

CDSS agrees with the finding. HRSB makes a good faith effort to inform supervisors and managers regarding the requirements of completing probationary reports. CDSS will send a memo to the Human Resource Liaison to require regular and consistent reminders of deadlines. CDSS will implement a monthly report listing all employees nearing the probationary report due dates for the Executive Leadership team to hold supervisors and managers accountable for submitting the probation evaluations prior to the due dates. Additionally, at the time of new hires/appointments, CDSS will remind supervisors, managers, and attendance coordinators of the importance of completing probationary evaluations

Finding No 6 – Appointment documentation was not kept for the appropriate amount of time.

Cause:

CDSS acknowledges the importance of retention requirements for appointment documentation. The NOPAs were not retained due to established retention procedures not being followed.

Remedy:

CDSS will track NOPAs by retaining the unsigned copy in a pending NOPA file for 30 days, the Personnel Specialist will follow-up with the employee if a signed copy is not returned within 30 days. If a signed copy is not returned by the 45th day, the Personnel Specialist will notate that the employee did not return a signed copy and

file the unsigned copy in the employee's Official Personnel File (OPF). CDSS will send staff a reminder of the NOPA retention procedure and ensure that new staff are trained accordingly.

Finding No 7– Complainants were not notified of the reasons for delays in decisions within the prescribed time period.

Cause:

Sending out these letters was inadvertently missed due to human error. The Department did not have a process in place to ensure these errors were caught.

Remedy:

We have created an action plan to ensure investigators do not miss the 90-day letters. We have updated our database to send email reminders to the investigator and the supervisor to alert them when it is 80 days from the received date of a case with a bases of disability, medical condition, or denial of reasonable accommodation.

Finding No 8 – Unions were not notified of personal services contracts

Cause:

CDSS notified the Unions during the soliciation and original agreement, where the amendment option years were included. CDSS inadvertantly did not notice on the additional admendments.

Remedy:

Contracts branch will notify the union of all personal services contracts, except for inter agency agrrements. This will part of the supervisors review process.

Finding No 9 – Ethics training was not provided for all filers

Cause: CDSS recognizes the impotance of Ethics Training throughout the department. Despite the various methods used to inform and remind supervisors of this requirement, not all employees completed the training timely.

Remedy: CDSS Quality Assurance will provide a quarterly compliance report to the Bureau Chief that includes the employees required to take Ethics Training. The Payroll Bureau Chief will reach out to the Deputy Directors and Chief Deputy Directors to ensure accountability of CDSS employees.

Finding No 10 – Sexual harassment prevention training was not provided for all supervisors

Cause:

CDSS agrees with the findings and has made this a priority in the Department. During the review period CDSS' Learning Management System (LMS) was not fully

implemented to track and alert management and the Executive Office of individuals who were out of compliance.

Remedy:

CDSS' LMS is now fully implemented. Department is utilizing LMS to capture all CDSS employees to ensure that CDSS is in compliance. CDSS will reach out to the Deputy Director and the Chief Deputy Director to ensure accountability of CDSS managers and supervisors.

Finding No 11 – Incorrect applications of salary determination laws, rules, and CalHR policies and guidelines for appointment

Cause:

CDSS acknowledges the four findings in determining employee compensation. After a thorough review on the Compliance Audit, Payroll managers were made aware that the reports generated by the Quality Assurance Team were not reviewed and errors were not corrected.

Remedy:

CDSS will ensure that staff are properly trained on salary determination laws and rules. To mitigate further occurrences, salary determination calculations will not be keyed until reviewed and approved by a Payroll Supervisor or Manager. Additionally, the Payroll Supervisors will provide the Payroll Manager a monthly status report of corrected errors based on the QA report to ensure that the Payroll Supervisors are reviewing the monthly report and errors are corrected promptly.

Finding No 12 – Alternate range movements did not comply with civil service laws, rules, and CalHR policies and guidelines

Cause:

CDSS acknowledges and agrees with the four findings. After thorough review on the Compliance Audit, Payroll managers were made aware that the reports generated by the Quality Assurance Team were not reviewed and errors were not corrected.

Remedy:

The 335 transactions have been corrected and accounts receivables will be established to collect the overpayments. To mitigate further occurrences, the alternate range calculations will not be keyed until reviewed and approved by a Payroll Supervisor or Manager. Additionally, the Payroll Supervisors will provide the Payroll Manager a monthly status report of corrected errors based on the QA report to ensure that the Payroll Supervisors are reviewing the monthly report and errors are corrected promptly.

Finding No 14 – Incorrect authorization of bilingual pay

Cause:

There was an oversight in ensuring the current duty statement and bilingual certification were included with the RPA.

Remedy:

The duty statement has been corrected to include the Bilingual information. The CDSS is currently working on creating an electronic Service now RPA process with a mandatory upload of the necessary bilingual related documents.

Finding No 15– Incorrect authorization of pay differentials

Cause:

CDSS does not have a clear retention policy for pay differentials, therefore the required degrees were not retained.

Remedy:

CDSS will develop a spreadsheet of all differentials, track them and retain them in a designated location. Training will be provided to staff and managers to prevent this issue from re-occurring.

Finding No 16 – Incorrect authorization of Out-Of-Class pay

Cause:

CDSS agrees with the findings. The errors were made due to CDSS missing the updated notice from CalHR which added that the OOC pay is subject to the 9.23% PLP reduction.

Remedy:

CDSS has taken corrective action and will establish accounts receivables to collect the overpayments. To mitigate further occurrences, OOC pay will not be keyed until reviewed and approved by a Payroll Supervisor or Manager.

Finding No 17 – Positive paid temporary employees work exceeded time limitations

Cause:

CDSS agrees with the findings. After thorough review on the Compliance Audit, Payroll managers were made aware that the reports generated by the Quality Assurance Team were not reviewed and errors were not corrected.

Remedy:

CDSS recently implemented Service Now, an electronic time reporting system, that will encompass a component to track the intermittent hours worked and provide an alert when employees are nearing the limit. The Payroll Manager will ensure that the Payroll Supervisors are reviewing the Quality Assurance monthly reports and the errors are corrected promptly and the Payroll Supervisors will provide the Payroll Manager a monthly status report of corrected errors based on the QA report.

Finding No 18 – Administrative time off was not properly documented

Cause:

CDSS concurs with the findings and acknowledges the importance of keying ATO accurately and timely in the California Leave Accounting System (CLAS). Due to new COVID regulations regarding ATO, Payroll received an abundance of ATO timesheets and three were missed.

Remedy:

By January 1, 2022, HR is implementing an electronic mechanism to track ATO that will be utilized to audit and ensure ATO is accurately recorded on both the timesheet as well as in CLAS.

Finding No 19 – Incorrectly posted leave usage and/or leave credit

Cause:

CDSS acknowledges the importance of maintaining accurate leave usage records as well as monitoring and auditing timesheets to ensure correct leave usage is keyed into CLAS. After thorough review on the Compliance Audit, Payroll managers were made aware that the reports generated by the Quality Assurance Team were not reviewed and errors were not corrected.

Remedy

CDSS recently implemented Service Now, an electronic time reporting system. In the coming months, CDSS will export leave used by CDSS employees into a file that will interface with the State Controller's CLAS. The interface will automatically deduct leave used from employee leave balances which will help eliminate keying errors. Additionally, the Payroll Supervisors will provide the Payroll Manager a monthly status report of corrected errors based on the QA report to ensure that the Payroll Supervisors are reviewing the monthly report and errors are corrected promptly.

Finding No 22 – Injured employee did not receive claim forms within one working day of notice or knowledge of injury.

Cause:

Risk Management was not notified timely from program that an injury occurred.

Remedy

Program will be auto enrolled in the next Risk Management Training to ensure they understand the reporting requirements.

Finding No 23 – Performance appraisals were not provided to all employees

Cause:

During the review period, CDSS was heavily involved with the California fires, the recruiting employees for the border response, establishing the Housing and Homeless Branch along with COVID-19 responses and transitioning 200 employees from CDE to CDSS.

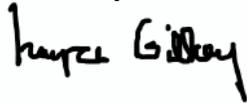
Remedy

HRB makes a good faith effort to inform supervisors and managers regarding the requirements of completing performance evaluations. CDSS will develop a policy for performance appraisals by January 1, 2022. Employees and supervisors will be responsible for reading and acknowledging their requirement to complete yearly evaluations. CDSS will ensure (through webinars and virtual performance appraisal training and utilizing the Learning Management System for tracking) that all supervisors and managers understand how to implement the policy, and the leadership team will emphasize the importance of completing performance appraisals.

The CDSS would like to thank the SPB Compliance Review team and appreciate the opportunity to respond to the findings. CDSS will continue to educate and train our staff to ensure compliance with the State's civil service system.

If you have any questions or additional information, please contact me at (916) 657-1766.

Sincerely,



TRAYCE GILKEY, Chief
Human Resource Services Branch
Administration Division