

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW UNIT OF
THE COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of March 3, 2014, carefully reviewed and considered the attached Compliance Review Report of the Commission on Peace Officers Standards and Training submitted by SPB's Compliance Review Unit.

WHEREAS, the Report was prepared following a baseline review of the Commission on Peace Officers Standards Training's personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.


SUZANNE M. AMBROSE
Executive Officer

**COMPLIANCE REVIEW REPORT
COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
FINDINGS AND RECOMMENDATIONS
MARCH 3, 2014**

Examinations

During the period under review, the Commission on Peace Officer Standards and Training (POST) conducted 19 examinations including 1 Career Executive Assignment (CEA) examination. The SPB reviewed 15 of the civil service examinations and the CEA examination, which are listed below:

Classification	Examination Type	Examination Components	Number of Eligibles
Law Enforcement Consultant I	Open	Qualification Appraisal Panel ¹	11
Law Enforcement Consultant II	Open	Qualification Appraisal Panel	7
Business Service Officer II (Specialist)	Promotional	Education & Experience ²	1
Staff Programmer Analyst (Specialist)	Promotional	Education & Experience	2
Personnel Selection Consultant II	Promotional	Education & Experience	2
Senior Instructional Systems Engineer	Promotional	Education & Experience	1

¹ The qualification appraisal panel (QAP) interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

² In an Education and Experience (E&E) examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

Associate Governmental Program Analyst	Promotional	Qualification Appraisal Panel	5
Senior Law Enforcement Consultant	Promotional	Supplemental ³ and Qualification Appraisal Panel	11
Office Technician (Typing)	Promotional	Education & Experience	2
Graphic Designer III	Promotional	Education & Experience	3
Staff Services Manager I	Promotional	Qualification Appraisal Panel	8
Accounting Administrator I (Supervisor)	Promotional	Education & Experience	2
Senior Instructional Designer (Technology)	Open	Education & Experience	2
Senior Accounting Officer (Specialist)	Promotional	Education & Experience	1
CEA II, Assistant Executive Director	Open	Supplemental	11

FINDING NO. 1 – POST Was Unable to Provide a Job Analysis for Twelve of the Examinations That Were Conducted During the Compliance Review Period

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. A "[j]ob 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 (Oct. 2003), § 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) that 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 analytic data be collected from a variety of

³ In a Supplemental application examination, applicants are not required to present themselves in person at a predetermined time and place. Supplemental applications are in addition to the regular application and must be completed in order to remain in the examination. Supplemental applications are also known as "rated" applications.

current sources; (4) job tasks be specified in terms of importance or criticality, and their frequency of performance; (5) and job tasks must be sufficiently detailed to derive the requisite knowledge, skills, abilities (KSAs), and personal characteristics that are required to perform the essential tasks and functions of the job classification. (MSM, § 2200, pp. 2-3.)

While a job analysis was not required for the CEA examination that POST administered, a job analysis was required for each of the civil service examinations. POST provided a job analysis that properly evaluated the job duties for the Law Enforcement Consultant I and Law Enforcement Consultant II classifications; however the job analysis for those classifications was created in 2006 and has not been recently reviewed by POST to ensure that the job analysis accurately reflects the current duties and tasks performed by an Enforcement Consultant I and II. In addition, POST did not develop job analyses for the remaining civil service examinations that were reviewed. Without copies of the job analyses to review, the SPB is unable to determine if those examinations were administered utilizing job-related examination procedures as required by the MSM. The exams for the fourteen classifications have expired.

Prior to POST administering any future examinations, POST must create and develop each examination based upon a job analysis that meets the requirements of the MSM.

Furthermore, the Compliance Review Division (CRD) finds the appointments that were made from the examinations that were administered without a Job Analysis were made in good faith, are over a year old and did not merit being voided.

It is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations, the POST submit to the SPB a written corrective action plan describing what steps will be taken to develop job analyses for any new examinations that POST conducts in the future.

Appointments

During the compliance review period, POST made 48 civil service appointments. The SPB reviewed 43 of the 48 appointments, which are listed below:

Classification	Appointment Type	Tenure (Status)	Time Base	Number of Appointments
Office Technician (Typing)	Certification List	Permanent	Full Time	3
Staff Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	1
Senior Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	1
Data Processing Manager III	Certification List	Permanent	Full Time	1
Systems Software Specialist II (Supervisory)	Certification List	Permanent	Full Time	1
Staff Program Analyst (Specialist)	Certification List	Permanent	Full Time	2
Associate Systems Software Specialist (Technical)	Certification List	Permanent	Full Time	1
Graphic Designer III	Certification List	Permanent	Full Time	1
Senior Instructional System Engineer	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	2
Business Service Officer II (Specialist)	Certification List	Permanent	Full Time	1
Personnel Selection Consultant II	Certification List	Permanent	Full Time	3
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	4
Law Enforcement Consultant I	Certification List	Permanent	Full Time	1
Law Enforcement Consultant II	Certification List	Permanent	Full Time	6
Senior Law Enforcement Consultant	Certification List	Permanent	Full Time	5

Accounting Technician	Certification List	Permanent	Full Time	1
Program Technician III	Certification List	Permanent	Full Time	1
Personnel Selection Consultant I	Transfer	Permanent	Full Time	1
Program Technician III	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	1
Staff Information Systems Analyst (Specialist)	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Business Service Officer I (Specialist)	Transfer	Permanent	Full Time	1
Personnel Selection Consultant II	Transfer	Permanent	Full Time	1

FINDING NO. 2 – POST Properly Complied with Civil Service Laws and Board Rules For All Appointments Made During the Compliance Review Period

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.) Except as provided by law, appointments to vacant positions shall be made from employment lists. (*Ibid.*) Appointments made from eligible lists, by way of transfer, or by way of reinstatement, must be made on the basis of merit and fitness, which requires consideration of each individual's job-related qualifications for a position, including his or her knowledge, skills, abilities, experience, and physical and mental fitness. (Cal. Code Regs., tit. 2, § 250, subd. (a).)

POST measured each list and transfer applicant's ability to perform the duties of the job by conducting hiring interviews and selecting the best suited candidates. Regarding the transfer appointments, POST verified the transfer eligibility of each candidate to the appointed class. POST complied with civil service laws and Board rules in making these appointments.

For each of the 43 list and transfer appointments, POST ordered a certification list of candidates ranked competitively. After properly clearing the SROA⁴ and reemployment list, the selected candidates were appointed based on eligibility attained by being reachable within the first three ranks of the certification list. Accordingly, as to those list and transfer appointments, POST complied with civil service laws and Board rules.

The SPB thus found that all the appointments POST made during the compliance review period satisfied civil service laws and Board rules.

DEPARTMENTAL RESPONSE

POST was provided a copy of the initial report to review. A copy of POST's response is attached as Attachment 1.

SPB REPLY

Based upon POST's written response, POST has job analysis development work plans for future examinations that will be administered.

It is recommended that POST comply with the afore-stated recommendation within 60 days of the Board's resolution and submit to the SPB a written report of compliance.

The SPB appreciates the professionalism and cooperation of POST during this compliance review.

⁴ The State Restriction of Appointments (SROA) Program is intended to prevent the layoff and separation of skilled and experienced employees from State service. The SROA Program assists in placing affected employees by temporarily restricting the methods of appointment available to appointing powers. Employees on SROA lists are granted preferential consideration over all other types of appointments except appointments from reemployment lists and mandatory reinstatements.

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



POST

EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

February 14, 2014

Ms. Casey Martino
Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, California 95811

Subject: Response to Compliance Review Finding and Recommendation

Dear Ms. Martino:

Thank you for the Compliance Review Report provided to the Commission on Peace Officer Standards and Training (POST) on February 11, 2014. POST agrees with the finding and thanks the Compliance Review Division (CRD) for the opportunity to respond.

CRD found that POST was not able to provide a job analysis for examinations administered during the period under review. The Merit Selection Manual (MSM), which is incorporated in the California Code of Regulations, Title 2, Section 50, mandates the development and use of a job analysis for the examination process.

In response to the finding, effectively immediately, POST will perform job analyses for all examinations, prior to administration. POST will create and develop each examination based upon a job analysis that meets the requirements of the MSM. POST will utilize the job analysis information provided online by CalHR to ensure appropriate and timely analyses are completed.

Thank you for the opportunity to respond to the finding identified in the compliance review of our examinations. Should you have any questions, please do not hesitate to contact me at (916) 227-3907 or darla.engler@post.ca.gov.

A handwritten signature in cursive script that reads "Darla Engler".

Darla Engler, Chief
Administrative Services Bureau
Commission on Peace Officer Standards and Training