

BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND FINDINGS BY THE SPB COMPLIANCE REVIEW UNIT OF THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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 California Department of Resources Recycling and Recovery submitted by SPB's Compliance Review Unit.

WHEREAS, the Report was prepared following a baseline review of the California Department of Recycling and Recovery'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
CALIFORNIA DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY
FINDINGS AND RECOMMENDATIONS
MARCH 3, 2014**

Examinations

During the period under review, May 1, 2011 through October 31, 2012, the California Department of Resources, Recycling and Recovery (CalRecycle) conducted 25 examinations. The SPB reviewed six of those examinations, which are listed below:

Classification	Exam Type	Exam Component	No. of Eligibles
Associate Management Auditor	Promotional	Qualifications Appraisal Panel ¹	10
CEA III, Deputy Director, Waste Permitting, Compliance and Mitigation Division	CEA	Application and Resume Review	9
Recycling Specialist II	Open	Supplemental Application	21
Research Program Specialist I	Promotional	Education and Experience ²	3
Supervising Integrated Waste Management Specialist II	Promotional	Written and QAP	21
Waste Management Engineer	Open	Supplemental Application	46

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 examination, one or more raters review an applicant's Standard 678 application form and scores and ranks him or her based upon a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

FINDING NO. 1 – CalRecycle Properly Complied with Civil Service Laws and Board Rules for All Examinations That Were Conducted During the Compliance Review Period

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.) Every applicant for examination shall file a formal signed application the office of the department or a designated appointing power within a reasonable length of time before the date of examination. (Gov. Code, § 18934.) Generally, 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.)

For all examinations that CalRecycle administered during the compliance review period, CalRecycle properly advertised the examinations, and received and reviewed applications. The examinations were conducted with security measures, and no discrepancies were found in the manner of scoring or rating results. Accordingly, the examinations were given in compliance with civil service laws and Board rules.

Appointments

During the compliance review period, CalRecycle made a total of 283 appointments. The SPB reviewed 48 of those appointments, which are listed below:

Classification	Appointment Type	Number
Accounting Administrator I (Supervisor)	List	1
Associate Governmental Program Analyst	List	8
Communications Director, Office of Public Affairs	List	1
Information Officer II	List	1
Information Systems Technician	List	5
Integrated Waste Management Specialist	List	1
Loan Officer	List	2
Office Technician (Typing)	List	2

Classification	Appointment Type	Number
Senior Integrated Waste Management Specialist	List	2
Senior Personnel Specialist	List	1
Budget Technician I	Mandatory Reinstatement	1
Senior Information Systems Analyst	Mandatory Reinstatement	1
Recycling Specialist II	Permissive Reinstatement	1
Staff Services Management Auditor	Permissive Reinstatement	1
Associate Personnel Analyst	Temporary Authorized (TAU)	1
LEAP	TAU	2
Seasonal Clerk	TAU	7
Supervising Integrated Waste Management Specialist II	TAU	1
Accounting Officer	Transfer	1
Associate Governmental Program Analyst	Transfer	2
Integrated Waste Management Specialist	Transfer	1
Integrated Waste Management Specialist	Transfer	1
Recycling Specialist II	Transfer	1
Research Program Specialist II	Transfer	1
Senior Integrated Waste Management Specialist II	Transfer	1
Staff Services Management Auditor	Transfer	1

FINDING NO. 2 – CalRecycle Did Not Retain Applications for All the Appointments Reviewed

In relevant part, civil service laws require that the employment procedures of each state agency shall conform to the federal and state laws governing employment practices. (Gov. Code, § 18720.) State agencies are required to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received. (Gov. Code, § 12946.)

CalRecycle failed to maintain applications for 15 of the 48 appointments. Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CalRecycle submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of Government Code section 12946.

Equal Employment Opportunity

The SPB reviewed CalRecycle's EEO policies, procedures, and programs that were in effect during the compliance review period. In addition, the SPB interviewed appropriate CalRecycle staff.

FINDING NO. 3 – CalRecycle's EEO Program Complied with Civil Service Laws and Board Rules

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 equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with CalHR by providing access to all required files, documents and data. (*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).) In a state agency with less than 500 employees, like CalRecycle, the EEO officer may be the personnel officer. (*Ibid.*)

Further, each state agency shall 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. (*Ibid.*) 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).)

CalRecycle's EEO policies, procedures, and programs that were in effect during the compliance review period provide employees with guidance on the EEO process, including instructions on how to file discrimination claims. The EEO policy also outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer is the personnel officer and reports directly to the director of CalRecycle. CalRecycle provided evidence showing its efforts to promote equal employment opportunity in its hiring and employment practices, to increase its hiring of persons with disabilities, and to offer upward mobility opportunities for its entry-level staff. The documentation that CalRecycle provided included a list of two employees who are currently participating in CalRecycle's upward mobility program and a copy of an employee's individual development plan for future job performance. In addition,

CalRecycle has an established Disability Advisory Committee (DAC). Accordingly, CalRecycle's EEO program complied with civil service laws and Board rules.

DEPARTMENTAL RESPONSE

CalRecycle provided additional documentation at the exit conference on December 10th, 2013 in response to Finding No. 1. CalRecycle agrees with Finding No. 2 and will comply with the recommendations. (Attachment 1)

SPB REPLY

After carefully reviewing CalRecycle's response, Finding No. 1 has been changed to reflect the additional documentation provided to show compliance.

For Finding No. 2, CalRecycle is advised to provide proof of compliance to the SPB within 60 days of the Board's Resolution adopting the report's findings and recommendations. SPB thanks CalRecycle for their commitment to developing an action plan to ensure their compliance in future reviews.

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



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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December 16, 2013

Michael Brunette,
Compliance Review Manager
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Dear Mr. Brunette,

Thank you for taking the time to meet with me on December 10, 2013, to conduct an exit conference for the Compliance Review that the State Personnel Board (SPB) conducted on the Department of Resources Recycling and Recovery (CalRecycle) beginning in November 2012.

The Compliance Review Report specified three findings:

Finding No. 1 – CalRecycle did not have interview sheets signed by the interviewers

This finding does not require response since the supporting documentation had not been transmitted initially and was provided during our December 10, 2013 meeting.

Finding No. 2 – CalRecycle did not retain applications for all the appointments reviewed

CalRecycle agrees with this finding and will comply with statutory requirements to maintain any and all applications for appointment transactions for a minimum period of two years.

CalRecycle has an existing policy that requires hiring managers and supervisors to maintain applications in accordance with statutory requirements, so we will reiterate the expectation and periodically conduct internal audits to ensure that we are in compliance with our policy and statutory requirements.



Michael Brunette
December 16, 2013
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Finding No. 3 – CalRecycle’s EEO program complied with civil service laws and Board rules

This finding does not require response because CalRecycle was in compliance with required laws and regulations.

We thank you for the opportunity to improve our practices and processes. Please contact me at (916) 341-6648 or Kellie.Schneider@CalRecycle.ca.gov if you have any questions or require any additional information.

Sincerely,



Kellie Schneider
Chief, Administrative Services Branch

Enclosures

cc: Carol Mortensen, Director
Department of Resources Recycling and Recovery