CALIFORNIA
STATE PERSONNEL BOARD

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Governor Edmund G. Brown Jr.

BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND FINDINGS BY THE SPB COMPLIANCE REVIEW UNIT OF THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

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 State Council on Developmental Disabilities submitted by SPB's Compliance Review Unit.

WHEREAS, the Report was prepared following a baseline review of the State Council on Developmental Disabilities' 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

STATE PERSONNEL BOARD

COMPLIANCE REVIEW REPORT
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
FINDINGS AND RECOMMENDATIONS
MARCH 3, 2014

Examinations

During the period under review, May 1 2011 through October 2012, the State Council on Developmental Disabilities (SCDD) conducted one examination, which is listed below:

Classification	Exam Component	Exam Type	No. of Eligibles
Community Program Specialist II	Qualifications Appraisal Panel (QAP[1])	Open	44

FINDING NO. 1 – SCDD Was Unable To Provide A Job Analysis for the Community Program Specialist II Examination

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 "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 (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 current sources; (4) job tasks be specified in terms of importance or criticality, and their

[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.

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.)

SCDD was unable to provide a copy of the job analysis created for the Community Program Specialist II examination. SCDD stated their job analysis binder for the Community Program Specialist II classification was inadvertently lost during an office renovation. By not having a copy of the job analysis, the SPB is unable to determine if the examination given for the Community Program Specialist II classification was developed utilizing job related examination procedures as required by the MSM. The eligibility for the Community Program Specialist II is only good for one year, as such the reviewed examination list has already expired. SCDD is currently in process of developing a new job analysis and administering examination again for the CPS II.

To correct this deficiency, SCDD must ensure future examinations for the Community Program Specialist II are developed using a job analysis that meets the requirements of the MSM. Within 60 days of the Board's Resolution adopting these findings and recommendations, SCDD must submit to the SPB a written report of compliance.

FINDING NO. 2 – The QAP Interviews for the Community Program Specialist II Examination Were Not Conducted by the Same QAP

California Code of Regulations, title 2, section 195 (Rule 195), requires:

> Qualifications appraisal interviews for an examination shall be conducted by the same interviewer or qualifications appraisal panel, except that if the executive officer finds that the needs of the state service require or it is necessary in order to fill urgent and immediate vacancies in the state service the executive officer may appoint more than one interviewer or qualifications appraisal panel to conduct interviews simultaneously or in different locations.

SCDD administered the Community Program Specialist II examination from November 14th, 2011, through November 29th, 2011, by way of QAP interviews. A total of six QAP interviews were conducted, two in Glendale and four in Sacramento, California. The interviews were not given simultaneously but were done on six different days. All

the interviews were conducted by a QAP composed of three panel members, one of whom was also the chairperson. The same QAP, however, did not conduct each interview. Instead, each interview had a different composition of panel members, although for five of the six panels the member acting as the chairperson was the same.

As a result, SCDD did not conduct the interviews for the Community Program Specialist II examination with the same QAP, as required by Rule 195. There was no evidence that the different panel configurations impacted the validity of the examination results.

It is thus recommended that within 60 days of the Board's Resolution adopting these findings and recommendations SCDD submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Rule 195 in future examinations.

FINDING NO. 3 – SCDD Did Not Have Rating Sheets Signed By The Panel Members

California Code of Regulations, title 2, section 199 (Rule 199) mandates that panel members rate each applicant on forms prescribed by the Board's executive officer. The panel members are also required to sign the forms. The panel members for the Community Programs Specialist II examination did not sign any of the rating sheets.

It is therefore recommended that within 60 days of the Board's Resolution adopting these findings and recommendations SCDD submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Rule 199 in future examinations.

Appointments

During the compliance review period, SCDD made 12 appointments. The SPB reviewed each of those appointments, which are listed below:

Classification	Appointment Type	Number
Community Program Specialist II	Certification List	5
Office Technician	Certification List	1
Staff Services Manager I	Certification List	1
Staff Services Manager II	Certification List	1
Community Program Specialist I	Temporary Authorized (TAU)	1

Classification	Appointment Type	Number
Associate Information Systems Analyst	Transfer	1
Office Technician	Transfer	2

FINDING NO. 4 – SCDD 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).)

For the list appointments pertaining to the Community Program Specialist II and Office Technician, SCDD utilized screening criteria, verified each applicant was reachable on a hiring certification list, conducted hiring interviews, and selected the best candidate for the positions. As to the three transfer appointments pertaining to Associate Information System Analyst and Office Technician, SCDD utilized screening criteria, conducted hiring interviews, and selected the best candidate for each position.

The limited-term appointments pertaining to Staff Services Manager I and II, were properly made for temporary staffing needs. (Gov. Code § 19080.3.) Additionally, for both appointments, SCDD correctly stated the duration of the position on the request for certification. (Gov. Code, § 19080.)

Generally, when no employment list exists from which a position may be filled, an appointing power may fill the position by temporary appointment. (Gov. Code, § 19058.) A Temporary Authorization (TAU) appointment shall not exceed nine months in a 12-month period. (Cal. Const., art. VII, § 5.) In addition, when a temporary appointment is made to a permanent position, an appropriate employment list shall be established for each class to which a temporary appointment is made before the expiration of the appointment. (Gov. Code, § 19058.)

SCDD verified there was no eligible list for the Community Program Specialist I TAU appointment. The Community Program Specialist I is also a SCDD specific classification and no other eligible lists could be used as an appropriate classification. SCDD properly considered all required and applicable recruitment options prior to making the appointment.

Accordingly, SCDD complied with civil service laws and Board rules as to all the appointments made during the compliance review period.

Equal Employment Opportunity

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

FINDING NO. 5 – The SCDD Does Not Have a Disability Advisory Committee (DAC)

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.)

Each state agency must also 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).)

SCDD's EEO program that was in effect during the compliance review period provided employees with information and guidance on the EEO process, including instructions on how to file such claims. The EEO officer reports to the director of the department. In addition, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. SCDD provided evidence of its efforts to promote equal employment opportunity in its hiring and employment practices, to increase its hiring of disabled persons, and to offer upward mobility opportunities for its entry-level staff.

SCDD does not have a DAC. Accordingly, SCDD must invite all employees to serve on a DAC 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. No later than 30 days after the Board's Resolution adopting these findings and recommendations, SCDD must invite all its employees to serve on the DAC, and no later than 90 days after the Board's Resolution adopting these findings and recommendations, SCDD must establish the DAC and submit to the SPB a written report of compliance.

DEPARTMENTAL RESPONSE

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

SPB REPLY

Based upon SCDD's written response, SCDD's exam analyst is attending exam training. The SPB recommends the exam analyst attend all selection analyst training offered by CalHR. SCDD is also addressing the other findings related to holding exam panels, processing rating sheets, and establishing a DAC.

It is recommended that SCDD comply with the afore-stated recommendations 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 SCDD during this compliance review.

STATE OF CALIFORNIA
Edmund G. Brown Jr.
Governor

State Council on Developmental Disabilities

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DATE: **January 16, 2014**

TO: **State Personnel Board (SPB)**

FROM: **Roberta Newton, Interim Executive Director** RLNewton

RE: **SCDD Compliance Review Report Response**

Below is the SCDD's response to the SPB Compliance Review Report of the Community Program Specialist (CPS) II exam from 2011.

Finding Number 1:
In 2011, the Analyst that handled all exams for the SCDD was out on State Disability Insurance (SDI) and did not return to work. The SCDD is a very small department (87 employees statewide) this Analyst was the only employee to handle exams. The former Executive Director (who resigned in 2012) instructed another SCDD Analyst to perform the CPS II exam by January 2012. This is did not leave enough time for the Analyst to attend all the necessary exam trainings offered through CalHR.

The Analyst did attend Examination Planning and Scoring Models on November 10, 2011 and Chairing Interview Examination on January 14-16, 2008. A job analysis was completed to the best of the Analyst's ability. Unfortunately this job analysis was misplaced during an office renovation. The attached knowledge, skills, and abilities were used for the CPS II exam.

At this time the Analyst conducting exams has attended Examination Planning through CalHR on December 2, 2013 and is enrolled to attend Job Analysis training on February 27-28, 2014 and Pass Point setting on June 18, 2014.

Finding Number 2:
The reason the QAP interviews were conducted by different panel members is because panel members were unavailable to interview for several consecutive days. The SCDD is a small department and it can be a difficult for the SCDD Area Board offices when an Executive Director is serving as a panel member and is out of the office and unavailable for several consecutive days. In the future, interviews will be conducted with the same panel.

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

CALIFORNIA SCDD State Council on Developmental Disabilities

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January 16, 2014

Finding Number 3:
Rating sheets were not signed by the panel members but they did write their name on the rating sheets. In the future, rating sheets will be signed by each panel member.

Finding Number 4:
SCDD properly complied with Civil Service Laws and Board rules for all appointments made during the compliance review period.

Finding Number 5:
The SCDD has invited all employees to serve on the Disability Advisory Committee (DAC) and the first meeting will take place in February 2014. Minutes will be taken at each DAC.

Through this process the Analyst was assisted by Kamal Atwal and John Southworth of SPB. SPB provided knowledge and guidance to make this a successful exam. The SCDD has hired some of their best CPS II employees statewide, from using this CPS II list. We hope that we can continue to conduct our own exams, with the proper training from CalHR

State Council on Developmental Disabilities
Community Program Specialist II Examination
November 2011

Knowledge, Skills and Abilities (KSA)

A Community Program Specialist (CPS) II employed by the State Council on Developmental Disabilities may work at the Council Headquarters office or at one of the Council's thirteen Area Board offices. A CPS II may be responsible for activities including, but not limited to: 1) Advocacy to assure the rights of persons with developmental disabilities; 2) collaboration with community organizations and agencies to improve services and expand resources; 3) education and training for people with developmental disabilities and their families on disability issues; and, 4) research and reporting to ensure compliance with federal and state mandates and contract requirements. Sincerely

Knowledge of:

1. Needs and concerns of people with developmental disabilities and their families.
2. California's developmental disabilities service system and state and federal laws applicable to people with developmental disabilities and their families.
3. Lanterman Act

Skills to:

1. To act as a leadperson over a small group of lower level positions, under direction as an independent journeyperson, or assist a Community Program Specialist III.
2. Serve as a liaison between the Department and regional centers on all program and fiscal matters.
3. Conduct the monitoring and evaluating of community programs and regional center case files.
4. Recruit, interview, screen, train, match, and support and supervise volunteers to provide advocacy services for residence of different Developmental Centers who do not have family or conservators.
5. Interact extensively with Developmental Center management, staff and committees, regional centers, community service providers and families to resolve problems.
6. The skill to deal effectively, tactfully, impartially and yet firmly with the public.

Ability to:

1. Analyze and apply complex rules, policies, procedures, and regulations to arrive at logical, objective conclusions.
2. Communicate complex information, both written and oral, to a variety of audiences in a manner sensitive to cultural and intellectual differences.
3. Develop and conduct effective outreach, education, and training activities for a variety of audiences.
4. Develop and maintain cooperative and collaborative working relationships.

5. Apply problem solving and conflict resolution techniques to complex situations.
6. Assist others to manage their work assignments and improve their performance.
7. Use computers, laptops, and programs to input data, create documents, and conduct research.
8. Process multiple tasks and information to organize, plan, and complete assignments accurately and timely.
9. Apply effective research techniques, including interviewing.
10. Use discretion in situations that include discussions of sensitive and/or confidential information.
11. Work independently, with minimum supervision.
12. Analyze situations accurately and take effective action.

The Council is looking to fill CPS II vacancy at Headquarters and all thirteen offices, as needed.