

Human Resources Memorandum

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| SUBJECT: Compliance Review Audit Findings | NUMBER: HR 16-031 |
| | DATE ISSUED: November 18, 2016 |
| DISTRIBUTION: All CDFW Managers and Supervisors Classification & Pay/Examination Analysts Personnel Specialists | EXPIRES: N/A |

In order to ensure the California Department of Fish and Wildlife's (CDFW) compliance with the State of California's Civil Service Merit System, the State Personnel Board (SPB) conducted a compliance review of the department's personnel practices. The purpose of the review was to ensure CDFW's hiring practices are in compliance with all applicable merit related laws, rules and policies.

The following is a summary of SPB's findings, criteria and course of action that must be implemented immediately.

1. Finding - Equal Employment Opportunity (EEO) Questionnaires Were Not Separated From Applications

Summary:

SPB conducted a random sampling of 934 hiring applications (STD. 678) and found that CDFW failed to remove a significant number of EEO questionnaires making the applicants' protected classes visible. This subjects the CDFW to a potential liability.

Criteria:

Government Code Section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating in any way suggesting or pertaining to any protected category listed in Government Code section 12940, (e.g., a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age sexual orientation, or military and veteran status).

Required Course of Action:

While CalHR uses this information, the CDFW does not use it for any purpose; therefore EEO questionnaires must be removed and destroyed in a confidential manner.

2. Finding - Applications Were Not Date Stamped and/or Accepted After the Final Filing Date

Summary:

The SPB found that some applications were not date stamped and/or applications were date stamped after the final file date.

Criteria:

California Code of Regulations, title 2, section 174 requires timely filing of applications: all applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement. Filing an application 'within the time' shall mean postmarked by the postal service or date stamped at one of the department's offices by the date specified.

Required Course of Action:

All applications must be date stamped. It is recommended that staff retain the envelope attached to the application. Applications postmarked after the final filing date cannot be accepted.

3. Finding - Probationary Evaluations Were Not Provided for All Appointments

Summary:

The SPB found that CDFW did not prepare, complete and/or retain required Report of Performance for Probationary Employees (STD. 636) for new and promoted CDFW staff.

Criteria:

Government Code section 19171 requires that a probationary period be completed: (a) when an employee enters or is promoted in the state civil service by permanent appointment from an employment list, (b) upon reinstatement after a break in continuity of service resulting from a permanent separation, or (c) after any other type of appointment situation not specifically exempted from the probationary period requirement by statute or by State Personnel Board rule. This probationary period is considered part of the selection process. Government Code section 19172 requires a hiring supervisor to regularly evaluate the work and efficiency of the probationer. It is important that this evaluation be in writing.

Required Course of Action:

The Report of Performance for Probationary Employees (STD. 636) must be completed each one-third of the probationary period. It is recommended that calendar reminders be created through Microsoft Outlook for all three probationary report due dates.

Rejections on Probation (ROP) are supported by the CDFW's written notice of performance to the employee in question. Employees on probation must be provided an opportunity to correct the identified areas of needed improvement prior to being subjected to a rejection. Failure to complete the Probationary Reports is both a disservice to the employee and the CDFW, resulting in a decrease of the quality of service provided by state government.

PLEASE NOTE:

California Code of Regulations, Section 26 has been updated. This section requires that merit, selection and appointment records (applications, application screening criteria, interview questions, and interview scoring or rating sheets) now be retained for five (5) years.

We appreciate your cooperation in complying with the State's civil service merit system. Please direct any questions to your assigned Personnel Analyst.