



***Additional Appointments Review  
Summary Report  
for the  
Department of Food and Agriculture  
May 2013***

**Table of Contents**

**SUMMARY REPORT – DEPARTMENT OF FOOD AND AGRICULTURE – MAY 2013.....2**

**SUMMARY OF GENERAL FINDINGS ..... 2**

**CORRECTIVE ACTION PLAN ..... 3**

**CONCLUSION ..... 4**

## ***Summary Report – Department of Food and Agriculture May 2013***

California Department of Human Resources (CalHR) reviewed the documentation Department of Food and Agriculture (DFA), the San Joaquin Fair and the Antelope Valley Fair Association provided. In conducting the review, CalHR requested and reviewed the following documentation provided by DFA, San Joaquin Fair, Antelope Valley Fair Association and the State Controller's Office (SCO): 1) employment and pay history; 2) duty statements; 3) organizational charts; and 4) timesheets. CalHR held discussions with DFA, San Joaquin Fair and the Antelope Valley Fair Association to clarify specific individual employee appointments. At times, these discussions resulted in additional documentation clarifying the appointments and pay.

The review found that as of January 11, 2013, DFA had two employees (one supervisor and one in Bargaining Unit E25) who held additional appointments in a rank-and-file position or another E25 position. CalHR reviewed the proper use of these additional appointments and the accuracy of the salary paid.

In addition, CalHR also reviewed employees who are exempt from the Fair Labor Standards Act's (FLSA) overtime requirements in their primary position to determine whether their status as exempt employees was altered by the additional appointment.

CalHR's review of DFA's (San Joaquin Fair and the Antelope Valley Fair Association's) additional positions has not been completed. CalHR made several attempts to obtain necessary information to verify the employee was accurately paid. However, the San Joaquin Fair has been unable to provide CalHR with the required documentation to substantiate the employee's pay.

On May 8, 2013, a copy of CalHR's draft report and a detailed list of the additional appointments was provided to DFA, a copy of which is also attached to this report.

DFA was given 24 hours to identify any of their concerns with the draft report and to provide any supplemental information for CalHR's consideration prior to CalHR finalizing the report. Over the next sixty (60) days, CalHR will continue to work with DFA on their corrective action plan that is described in further detail below.

### ***Summary of General Findings***

The following is a summary of CalHR's findings incorporating DFA's responses to the pay inconsistencies as of January 2013:

- Both of the additional appointments identified in this report were proper because the additional appointment was to a distinctly different position than their primary position.

- One employee did not work in his additional position in 2012.
- One employee requires additional documentation to verify the accuracy of his pay.

A detailed list of the additional appointments reviewed can be found in Attachment A.

### ***Corrective Action Plan***

On May 16, 2013, DFA was provided a copy of CalHR's final report. A detailed list of the additional appointments reviewed was also provided to DFA and is attached to this report.

DFA was reminded to adhere to PMLs 2013-007 and 2013-015 and that they are not authorized to make any additional appointments for managers and supervisors. Further, DFA was instructed not to work managers and supervisors in additional positions they may currently hold. DFA was also advised that in order to separate a permanent employee from their additional appointment, the employee must voluntarily resign.

Options for DFA, San Joaquin Fair, and the Antelope Valley Fair Association to consider include:

- For extended periods of time and if specific conditions are met, Arduous Pay may be considered for supervisors and managers if the situation is covered in Pay Differential 62. Arduous Pay – Pay Differential 62 provides compensation to excluded employees that are exempt from FLSA who meet specific conditions and upon approval of the appointing authority (See PML 2013-006).
- Mandatory overtime for rank-and-file employees in the appropriate classifications may be utilized when funding permits.
- Limited-term appointments may be used when funding is available and there is a management need to address backlogs.
- Temporary reassignments of available employees in appropriate classifications to perform work in different program areas.
- Training and development (T&D) assignments may be considered when there is a management need to address work backlog and existing staffing is inadequate to meet those needs. T&D assignments require that the new assignment be outside of the employee's current promotional path. T&D assignments are limited to two years.

Summary Report – Department of Food and Agriculture  
May 2013

- Acting assignments may be authorized pursuant to State Personnel Board (SPB) Rule 302.3 to make emergency appointments on an acting basis to established positions for 20 to 60 working days. These appointments shall meet a specific and reasonable operational need and involve a substantial change in duties.

To minimize the error rates for appointments and payment of employees in the future, DFA's Chief of Human Resources is to ensure that all staff (including: San Joaquin Fair and the Antelope Valley Fair Association) are adequately trained and provided with periodic refresher training. DFA is to develop and implement internal audit programs to ensure standardized methods of personnel processing are used within its department and at the Fairs.

In addition, CalHR will continue to work with DFA and San Joaquin Fair to verify the employee was paid correctly. If there are any pay inconsistencies, DFA and the San Joaquin Fair will be directed to correct them.

DFA, San Joaquin Fair and the Antelope Valley Fair Association are reminded to utilize all available resources to ensure proper appointments are made according to civil service laws, rules and policies.

Suggested training topics include:

- Attendance Timesheet Documentation, Processing and Auditing
- Employment History Documentation and Processing
- Payroll Documentation and Processing

All corrective actions as discussed with DFA and outlined in the attached listing are due to be completed and reported to CalHR within 60 calendar days from the date of this report.

### ***Conclusion***

CalHR would like to express our thanks to all of the DFA, San Joaquin Fair and the Antelope Valley Fair Association staff for your cooperation.

Questions and all responses regarding this report should be directed to CalHR Personnel Services Branch, Kim Herlache at [kim.herlache@calhr.ca.gov](mailto:kim.herlache@calhr.ca.gov) or at 916-324-9411.

Attachment A – Additional Appointments Review Findings

CIVIL SERVICE EMPLOYEES WITH ADDITIONAL POSITIONS IN THE SAME DEPARTMENT, WHERE THE PRIMARY POSITION IS NOT RANK AND FILE  
 SORTED BY DEPARTMENT, FACILITY, PRIMARY POSITION  
 DATA AS OF 1/11/2013  
 AUDIT FINDINGS AS OF 4/15/2013

DEPARTMENT NAME	FACILITY	PSN SEQ	TIME BASE	APPT TENURE	CBID	WWG	PAY FREQ	PRIMARY PSN	POSITION NUMBER	CLASS TITLE	HOURLY RATE TOTAL	Proper Use of Additional Appointment	Why the Additional Appointment was Proper or Improper?	DID NOT WORK IN 2012	NO PAY DISCREPANCIES	PAY DISCREPANCIES - ESTIMATED GROSS UNDER PAYMENTS	PAY DISCREPANCIES - ESTIMATED GROSS OVER PAYMENTS	Unable to Verify - Additional Documentation Required
FOOD AND AGRICULTURE	SAN JOAQUIN	02	INT	P	S01	2	S	Y	014-000-9024-999	A SATLT FAC SUP	\$21.26							
FOOD AND AGRICULTURE	SAN JOAQUIN	01	INT	P	R15	2	S		014-000-1985-999	SECURITY GUARD	\$14.53	Yes	Additional appointment to a distinctly different classification.					X
FOOD AND AGRICULTURE	ANTELOPE VALLEY	02	INT	P	E25	2	S	Y	014-000-8098-999	SATLT WG FAC A/P C	\$12.54							
FOOD AND AGRICULTURE	ANTELOPE VALLEY	01	INT	P	E25	2	S		014-000-8099-999	SATLT WG FAC JAN	\$11.54	Yes	Additional appointment to a distinctly different classification.	x				