



California Department of Human Resources
and the
State Personnel Board

Additional Appointments

Executive Summary

May 2013

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Introduction

The California Department of Human Resources (CalHR) is responsible for, among other programs, administering the State's civil service classification plan, salary program and the leave program. In order to expedite decision-making and increase system efficiency, CalHR partially delegated position allocation decisions and pay responsibility to line departments. The delegation was previously given with the expectation that line departments would maintain the integrity of the State's overall classification and pay system and engage in sound personnel management practices.

The State Personnel Board (SPB) is charged with, among other responsibilities, enforcing and administering the merit civil service statutes, prescribing probation periods and classifications, and adopting regulations. SPB may review an appointing authority's personnel practices to ensure compliance with merit system laws, rules and policies.

Purpose of Review

CalHR's Personnel Management Division, CalHR's Personnel Services Branch and SPB's Compliance Review Division recently conducted a review of eleven departments' personnel policies and practices related to supervisory or managerial employees who concurrently held an additional appointment in a rank-and-file position on January 11, 2013.

Specifically, CalHR reviewed the proper use of the additional positions and the affected employees' pay; SPB reviewed the departments' compliance with civil service laws, rules and policies. The review is intended to ensure that departments are adhering to the applicable laws, rules, policies, procedures, and personnel management principles associated with additional appointments.

Review Process

On January 30, 2013, CalHR issued Personnel Management Liaison Memorandum (PML) 2013-007, which stated that, effective immediately, departments are no longer authorized to make any new additional appointments without CalHR's authorization. The PML further advised that CalHR would review any additional appointments and would work with individual departments to determine appropriateness of the additional appointments. Concurrently SPB initiated special investigations into the departments' compliance with merit system laws, rules and policies.

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On April 25, 2013, CalHR issued PML 2013-015, stating, effective immediately, departments are no longer authorized to make any additional appointments for managers and supervisors.

On February 1, 2013, eleven departments were identified as having additional appointments. In order to review the additional appointments for the 2012 calendar year, CalHR contacted the departments and asked them to provide information related to the employees' primary and additional positions to include: duty statements, organizational charts, salary, and timesheets for the period of January 2012 through January 2013. CalHR reviewed the documentation provided and reviewed employment and payment history from the State Controller's Office.

CalHR reviewed the additional appointments, including their appropriateness, the accuracy of the salary paid, and the type of appointment; while SPB reviewed documents related to procedures that were used to fill the additional appointments.

The same civil service laws, rules and policies apply to all appointments regardless of their status as a primary appointment or an additional appointment, unless expressly exempted from civil service. Generally, those laws and rules require hiring departments to ensure a competitive and fair selection process that includes: advertising for the vacancy; determining whether an eligible list for the classification exists; collecting applications; and conducting hiring interviews.

An appointment by way of transfer or reinstatement must be determined by candidate performance in selection procedures, including, but not limited to: hiring interviews; reference checks; background checks; and any other procedures assessing job-related qualifications. Selection procedures must be designed and administered to select only those individuals who best meet the selection need.

In addition, CalHR 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 appointments.

Meetings were held with the departments to explain and discuss the initial findings and recommendations. These departments were provided copies of the draft reports from CalHR and SPB and a detailed listing of the additional appointments findings. The departments were given time to review the draft reports and submit a written response to CalHR and SPB. CalHR and SPB carefully reviewed the departments' responses before finalizing the attached reports.

The joint review of the eleven departments' additional appointments is now complete. CalHR and SPB will continue to follow-up with departments that have corrective action plans. Attached are the eleven departments' detailed reports.

CalHR and SPB appreciate the professionalism and cooperation of the departments involved during this process.

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Links to the Reviews

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