



Proposed Text of Regulations

Text added to the Board's regulations is shown in underline.
Text deleted from the Board's regulations is shown in ~~strikethrough~~.

TITLE 2. ADMINISTRATION
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 1.3. Classifications, Examinations, and Appointments
Article 8. Examinations

§ 170. Civil Service Examinations and Announcements.

(a) Civil service examinations shall be held at such times and places, and in a format or manner, including online and web-based, as the Department or designated appointing power may determine is appropriate for the classification that is the subject of the examination. The Department shall direct the preparation of every examination. Examinations may contain any combination of components, including, but not limited to, oral panel tests, written tests, physical tests, and performance tests. The type and scoring methods of examinations to be administered shall be determined by the Department or designated appointing power.

(b) Announcements for civil service examinations ~~shall comply with Government Code section 18933. In addition, each announcement shall state~~ provide all of the following information: title, salary range, preferred or desirable qualifications, and any additional information the Department deems proper.

(1) The date and place of the examination.

(2) Title of the classification.

(3) Salary range.

(4) Minimum qualifications and preferred or desirable qualifications, if any.

(5) General scope of the examination.

(6) Relative weight of the examination's several parts, if more than one type of test is utilized.

(7) A statement that informs applicants that dates printed on envelopes by mobile barcodes or equivalent mobile print technology are not acceptable proof of the date the application and any other required documents or materials were filed.

Proposed Text of Regulations

(8) Clear instructions for filing application forms and any other required documents or materials.

(9) Equal employment opportunity and drug free statements to conform with applicable federal and state laws, including executive orders.

(10) Any additional information the Department or designated appointing power deems proper.

(c) Where the civil service examination is taken in person and the agency giving the examination prefers applicants to apply by way of the online application system, the agency shall not prohibit applicants from applying by way of U.S. mail or in person. In such a circumstance, the announcement may state or use words to the effect of the following: "Using the online application system as specified in the announcement is the preferred method of applying for this civil service examination; however, applicants may instead apply by way of U.S. mail or in person, as set forth in this announcement."

(d) Nothing specified in this section shall be construed to prevent appointing powers from requiring applicants to file certain required documents or materials via U.S. mail, where appropriate (e.g., certified transcripts directly from a school, college, or university, completed fingerprints, certified court documents, or rehabilitation documents).

~~(e)~~ (e) A civil service examination may be canceled by the Department or designated appointing power at any time prior to the establishment of the employment list.

Note: Authority cited: Sections 18502, 18660 and 18701, Government Code. Reference: Sections 18930 and 18933, Government Code.

§ 174. Applications for Civil Service Examinations.

(a) For online examinations, the Department or designated appointing power may require that only application forms submitted online shall be accepted, except those documents and materials specified in section 170, subdivision (d). For all other examinations, the Department or designated appointing power shall allow applicants the option to file an application form along with any other required documents or materials, except those documents and materials specified in section 170, subdivision (d), by way of an online application system, U.S. mail, or in person.

(b) Whenever the Department or designated appointing power receives an application form that is filed online for an examination, the Department or designated appointing power shall do all of the following, in accordance with Government Code section 18934:



Proposed Text of Regulations

(1) Provide the electronic communication address of the Department or the electronic communication address of the designated appointing power to the applicant.

(2) Contact the applicant using electronic communication instead of postal mail, unless the applicant specifically requests otherwise.

(3) Inform the applicant that he or she will be provided with employment inquiry notifications and his or her score and rank on the examination using electronic communication, unless the applicant specifically requests to be notified using postal mail.

(a) (c) All applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement. Unless otherwise set forth in this Article, applications failing to satisfy any of these criterion shall not be accepted. A separate application shall be filed for each examination unless otherwise specified in the examination announcement. All applications shall be available and accepted free of any charge to the applicant. Under no circumstances will shall applications for examinations in progress or testing materials for examinations be returned to applicants. The names of applicants shall not be made public.

(d) This section shall become operative on July 1, 2017.

(d) The Department or designated appointing power may require all applicants to provide their employment history on the application form rather than attaching a resume to the form, if the application instructions clearly state this requirement. If the application instructions do not include such a requirement, attaching a resume to the application form shall be sufficient for purposes of providing employment history.

(e) Where an applicant properly completes, certifies, and files the application form by way of the online application system, his or her handwritten signature is not required on the paper version of the application form. The applicant's digital certification of the application form shall have the same legal effect as if the applicant hand signed the paper version of the application form.

(b) (f) Filing an application "within the time" shall mean: that the application is postmarked by the postal service, or date stamped at one of the Department's offices or at the appropriate office of the agency administering the examination no later than the final filing date specified on the examination announcement.



Proposed Text of Regulations

(1) Postmarked by the United States Postal Service (USPS) no later than the final filing date specified on the examination announcement; or

(2) Date stamped at one of the Department's offices or at the appropriate office of the agency administering the examination no later than the final filing date specified on the examination announcement; or

(3) Electronically transmitted no later than 11:59 p.m. Pacific Time on the final filing date specified on the examination announcement.

(g) For purposes of determining whether an application has been filed within the time as set forth in subdivision (f)(1), any dates printed on mobile barcodes or equivalent mobile print technology shall not be considered postmarks and, as such, are not acceptable proof of the date the application was filed.

~~(e)~~ (h) An application not timely filed as specified in subdivision ~~(b)~~ (f) shall be accepted if one of the following conditions applies:

(1) The application was delayed due to a verified error on the part of the staff of the Department or other agency conducting the examination or through a documented administrative error by postal authorities.

(2) An application for an examination is filed in error to the wrong agency and was postmarked by the postal service or date stamped by the receiving agency on or before the final filing date specified on the examination announcement.

(3) For a promotional examination, the appointing power verifies distribution problems with the examination announcement that prevented timely notification to an employee seeking to take the examination. Posting in a centralized location of each branch, district, institution, region, or office of the appointing power shall constitute notification of the promotional examination to employees.

(4) The appointing power verifies that the employee seeking to take a promotional examination failed to receive timely notice of the examination because the employee was away from his or her place of work during the entire examination announcement period due to a work assignment, vacation, sick leave, or leave of absence.

Note: Authority cited: Sections 18502, 18660 and 18701, Government Code. Reference: Section 18934, Government Code.



Proposed Text of Regulations

Article 10. Appointments

§ 249.4. 249. Standard Measurement Criteria.

Before the hiring process begins, the appointing power shall develop standard measurement criteria for assessing and comparing the qualifications of candidates based upon job-related information about each candidate, such as information provided on applications, interviews, or, where appropriate, reference and background checks.

NOTE: Authority cited: Sections 18660 and 18701, Government Code. Reference: Sections 19050 and 19702.2, Government Code.

§ 249.1. Advertising For Job Vacancies.

(a) Except as provided in subdivisions (c) and (d), advertising for job vacancies shall comply with section 249.1.1. Advertising may include any or all of the following methods for publishing or posting job announcements:

(1) Non-electronic printed media, such as newspapers, newsletters, magazines, flyers, or other types of non-electronic printed publications.

(2) Bulletin boards or job boards at work locations of eligible employees.

(3) Bulletin boards or job boards at career centers, career fairs, or academic institutions.

(4) Physical locations designed to provide fair, equitable notice to eligible candidates.

(b) Advertising may be limited to geographic areas within which qualified job seekers could reasonably be expected to accept the opportunity without a change of residence. A broader area for advertisement may also be used where the appointing power determines that a broader advertising area is necessary to obtain an adequate qualified applicant pool or the appointing power determines that an adequate candidate group of persons with disabilities does not exist within the afore-stated geographic areas.

(c) Alternatives to the advertising process set forth in subdivisions (a) and (b) may be allowed where the Executive Officer or appointing power finds that such alternatives are at least as effective as the prescribed process in meeting established goals related to affirmative action for persons with disabilities and upward mobility.

(d) Reassignments pursuant to section 250, subdivision (f) shall be exempt from the provisions of subdivision (a). Transfers and temporary assignments shall also be

Proposed Text of Regulations

exempt from the provisions of subdivision (a) when any of the following circumstances are applicable:

(1) The assignment is intended to remedy a particular employee's performance deficiency that has been identified through the performance evaluation process conducted pursuant to Government Code sections 19172 or 19992.2.

(2) Provides a modified work assignment that is necessary to continue the employment of an injured or disabled employee.

(3) Involves an assignment between positions under the same appointing power that falls within the same occupational group and level of responsibilities as the employee's classification and is done for purposes of affirmative action of persons with disabilities or achieving upward mobility goals.

(4) The assignment is necessary to avoid the layoff or demotion of an employee or involuntary transfer of an employee to another classification or geographic location that would require a change of the employee's residence.

(5) The assignment is needed to continue the employment of an individual hired through the Career Opportunity Development Program established by the Welfare Reform Act of 1971.

Note: Authority cited: Sections 18502, 18701, 19050, 19050.3 and 19050.8 Government Code. Reference: Sections 19050, 19050.8 and 19230, Government Code.

§ 249.1.1. Job Announcements.

(a) Each job announcement shall provide all of the following information:

(1) Title of classification.

(2) Salary range.

(3) Minimum qualifications and preferred or desirable qualifications, if any.

(4) A statement informing applicants that dates printed on envelopes by mobile barcodes or equivalent mobile print technology are not acceptable proof of the date the application and any other required documents or materials were filed.

(5) Clear instructions for filing application forms and any other required documents or materials.

Proposed Text of Regulations

(6) Equal employment opportunity and drug free statements to conform with applicable federal and state laws, including executive orders.

(7) The final filing date for applications and any other required documents or materials. Internal cutoff periods or dates are prohibited.

(8) Equal employment opportunity and drug free statements to conform with applicable federal and state laws, including executive orders.

(9) Any additional information the appointing power deems proper.

(b) Job vacancy announcements may state or use words to the effect of the following: "Using the online application system as specified in the announcement is the preferred method of applying for civil service job opportunities; however, applicants may instead apply by way of U.S. mail or in person, as set forth in this announcement."

(c) Where job announcements advertise a vacancy or vacancies that have been allocated as limited-term positions with the possibility of converting to permanent status at a later date and the position or positions are subsequently converted to permanent status, the limited-term employee may be appointed to the position as a permanent civil service employee without a new selection process. If the announcement does not include such notice, the appointing power shall conduct a fair and competitive selection process in accordance with civil service laws and rules. Nothing herein shall be construed as requiring the appointing power to hire a limited-term employee as a permanent employee.

(d) Nothing specified in this section shall be construed to prevent appointing powers from requiring applicants to file certain required documents or materials via U.S. mail, where appropriate (e.g., certified transcripts directly from a school, college, or university, completed fingerprints, certified court documents, or rehabilitation documents).

Note: Authority cited: Sections 18502, 18660, 18701 and 19050, Government Code.
Reference: Section 19050, Government Code.

§ 249.1.2. Job Applications.

(a) Except as otherwise specified in section 249.1.1, subdivision (d), appointing powers shall allow applicants the option of filing application forms for civil service employment, along with any other required documents or materials, by way of U.S. mail or in person. Appointing powers may also allow applicants to file application forms by way of an online application system.

Proposed Text of Regulations

(b) All applications for civil service employment and any other required documentation or materials must be filed at the place, within the time, in the manner, and on the form or forms specified in the job announcement. Unless otherwise set forth in this Article, applications failing to satisfy any of these criterion shall not be accepted. All applications shall be available and accepted free of any charge to the applicant.

(c) Where an applicant seeking civil service employment has previously filled out an application form for a civil service examination that satisfies the information required for the employment application form, the appointing power shall allow the applicant to file a copy of the application he or she completed for the civil service examination.

(d) Appointing powers may require all job applicants to provide their employment history on the application form rather than attaching a resume to the form, if the application instructions clearly state this requirement. If the application instructions do not include such a requirement, attaching a resume to the application form shall be sufficient for purposes of providing employment history.

(e) Where an applicant properly completes, certifies, and files the application form by way of the online application system, his or her handwritten signature is not required on the paper version of the application form. The applicant's digital certification of the application form shall have the same legal effect as if the applicant hand signed the paper version of the application form.

Note: Authority cited: Sections 18502, 18660, 18701 and 19050, Government Code.
Reference: Section 19050, Government Code.

§ 249.1.3. Timely Filing of Job Applications.

(a) Filing a job application "within the time" shall mean:

(1) Postmarked by the United States Postal Service (USPS) no later than the final filing date specified on the job vacancy announcement; or

(2) Date stamped at the appropriate office of the appointing power no later than the final filing date specified on the job vacancy announcement; or

(3) Electronically transmitted no later than 11:59 p.m. Pacific Time on the final filing date specified on the job vacancy announcement.

(b) For purposes of determining whether a job application has been filed within the time as set forth in subdivision (a)(1), dates printed on mobile barcodes or equivalent mobile print technology shall not be considered postmarks and, as such, are not acceptable proof of the date the application was filed.



Proposed Text of Regulations

(c) A job application not timely filed as specified in subdivision (a) shall be accepted if one of the following conditions applies:

(1) The job application was delayed due to a verified error on the part of the appointing power or through a documented administrative error by postal authorities.

(2) The job application is filed in error to the wrong agency and was postmarked by the USPS or date stamped by the wrong agency on or before the final filing date specified on the job vacancy announcement.

Note: Authority cited: Sections 18502, 18660, 18701, and 19050, Government Code. Reference: Section 19050, Government Code.

§ 249.8. Job Applications.

~~(a) All job applications must be filed at the place, within the time, in the manner, and on the form specified in the job vacancy announcement.~~

~~(b) Filing a job application "within the time" shall mean that the job application is electronically transmitted, or postmarked by the postal service, or date stamped by the appointing power no later than the final filing date specified on the job vacancy announcement.~~

~~(c) A job application not timely filed as specified in subdivision (b) shall be accepted if one of the following conditions applies:~~

~~(1) The job application was delayed due to a verified error on the part of the appointing power or through a documented administrative error by postal authorities.~~

~~(2) The job application is filed in error to the wrong agency and was postmarked by the postal service or date stamped by the wrong agency on or before the final filing date specified on the job vacancy announcement.~~

~~Note: Authority cited: Sections 18502 and 18701, Government Code. Reference: Section 19050, Government Code.~~

§ 249.8. Holds On Employees.

(a) Where an employee has accepted a lateral transfer or a voluntary demotion in the same or different classification within the same or different appointing power, the current appointing power may hold the employee no more than 30 calendar days after the



Proposed Text of Regulations

employee provides written notice of the transfer or voluntary demotion. The impacted supervisors should negotiate a reasonable start date.

(b) Where an employee has accepted a promotion within the same or different appointing power, the current appointing power may hold the employee for no more than 14 calendar days after the employee provides written notice of the promotion. The impacted supervisors should negotiate a reasonable start date.

Note: Authority cited: Sections 18502 and 18701, Government Code. Reference: Sections 18951, 19050 and 19050.3, Government Code.

Article 11. Limited-term Appointments

§ 280.1. Written Justification for Limited-term Positions.

(a) Except for job examination appointments made by way of a limited-term appointment pursuant to section 547.58, Article 28 (Limited Examination and Appointment Program), whenever an agency creates a limited-term position or converts an existing position into a limited-term position, the agency shall document, with specificity and factual information, the reasons why the position satisfies the requirement that limited-term positions shall be used only for temporary staffing needs. If the limited-term position may convert to a permanent position, the written justification shall also explain the reasons why the position may convert to a permanent position.

(b) The written justification shall be signed by a person who is authorized by the agency to do so and who signs based on his or her personal knowledge, information, or belief that the written justification correctly reflects the reasons for the limited-term position and, if applicable, the reasons the position may convert to a permanent position. The date of signing, the representative's name, title, address, e-mail address, and telephone number shall be included and legible.

(c) The agency shall maintain the written justification in accordance with the record retention requirements of section 26. The retention period begins on the date the job vacancy announcement is first posted online.

NOTE: Authority cited: Sections 18502 and 19083, Government Code. Reference: Section 19080.3 and 19083, Government Code.

Article 19. Transfer

§ 425. To Another Agency.

Proposed Text of Regulations

~~A transfer of an employee from a position under one appointing power to a position under another appointing power may be made, if the transfer is to a position in the same class or in another class with substantially the same salary range and designated as appropriate by the executive officer. The effective date of such transfer shall be no later than 30 calendar days after receipt of a written request from the agency requesting the employee's service to the appointing power by whom the employee is employed, unless an earlier or later date of transfer is agreeable to both appointing powers. No other type of transaction which has the same general effect as a transfer, such as reinstatement following resignation, shall be used to circumvent the above provisions.~~

~~NOTE: Section 19050.4, Government Code.~~

§ 425. Definitions.

(a) The following definitions shall apply to salary and class level comparisons made under this Chapter:

(1) "Salary Rate" means:

(A) Any one of the full dollar amounts found within the salary ranges established by the Department for employees compensated on a monthly basis.

(B) Any one of the dollar and cents amounts found within the salary range established by the Department for employees compensated on a daily or hourly basis.

(2) "Salary range" means the range of salary rates between and including the minimum and maximum salary rates currently authorized for the classification.

(3) "Substantially the same salary range or salary level" means the maximum salary rate of the salary range of one class or, if applicable, the maximum salary rate of the alternate range of one class, is less than two steps higher than or is the same as the maximum salary rate of the salary range of another class or, if applicable, the maximum salary rate of the alternate range of another class.

(4) "Promotional salary relationship, range or level" means the maximum rate of the salary range of one class or, if applicable, the maximum salary rate of the alternate range of one class, is at least two steps higher than the maximum rate of the salary range of another class or, if applicable, the maximum salary rate of the alternate range of another class.

(5) Unless otherwise provided by resolution of the Board, "step" means:

Proposed Text of Regulations

(A) A five percent differential above or below a salary rate that is rounded to the nearest dollar for employees compensated on a monthly basis. Where the five percent differential is calculated and results in a dollar amount with .50 cents or above, the resulting dollar amount shall be rounded up to the nearest dollar, and where the cents are .49 or less, the resulting dollar amount shall be rounded down to the nearest dollar.

(B) A five percent differential above or below a salary rate rounded to the nearest dollar and cents amount for employees compensated on a daily or hourly basis.

(6) "Class series" means any vertically related group of classes, covering the same occupational specialty and same program area, which constitute a primary promotional pattern for a specifically identifiable group of employees.

(7) "Current class" means the class currently held by the employee, and for purposes of transfers, includes an employee's highest permanent list appointment.

(8) "Current position" means the position currently held by the employee.

(9) "Deep class" means a single classification in which every position allocated to that classification can be assigned any duty within the class concept. Deep classes include alternate ranges.

(10) "Alternate range" or "alternate salary range" are used interchangeably and mean an additional range of pay established for a classification.

(11) "Established upward mobility pattern" means classifications that provide a pattern of upward mobility for employees in low-paying occupations, as required by Government Code section 19400 et seq.

Note: Authority cited: Sections 18502, 18701 and 19050, Government Code. Reference: Sections 18525.3, 19050 and 19050.4, Government Code.

§ 426. Temporary Assignments or Loans.

~~Temporary assignments or loans of employees in accordance with Section 19050.8 of the Government Code may be made with the approval of the executive officer, provided that such assignments shall be documented by a written statement containing the following information:~~

~~(a) The duration and duties of the assignment.~~

~~(b) Certification that a layoff by reason of such assignment or loan will not become necessary in the appointing agency.~~

Proposed Text of Regulations

~~(c) If the assignment is for training and development purposes, a description of the training to be accomplished.~~

~~(d) If the temporary assignment is for compelling management need purposes, a description of the management need and the staff expertise required; justification that the agency's needs cannot be met through the existing organizational structure; certification that the employee possesses the required expertise; and certification that the employee has voluntarily consented to the assignment.~~

~~(e) If the temporary assignment is to facilitate the return of an injured employee to work, justification of the need of such an assignment and medical verification of the employee's condition.~~

~~Any participating agency or employee may terminate the assignment at any time for any reason or the executive officer may terminate it if it is being carried on contrary to or in a manner inconsistent with the Government Code or these regulations. An employee participating in such an arrangement shall be considered for all purposes of the Government Code and regulations as an employee of the agency from which loaned or assigned except that the employee's salary may be paid in any proper manner agreed upon by the participating agencies.~~

~~The board shall be notified upon termination of any temporary assignment.~~

~~Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

§ 426. Calculating the Steps of Salary Levels.

(a) One step higher is calculated by multiplying the salary rate by 1.05. One step lower is calculated by dividing the rate by 1.05. For example: (1) to determine one step higher than a salary rate of \$2,300, the following calculation applies: $\$2,300 \times 1.05 = \$2,415$. (2) to determine one step lower than \$2,300, the following calculation applies: $2,300/1.05 = 2,190$.

(b) Two steps higher is calculated by multiplying the salary rate by 1.05 and then multiplying the resulting figure by 1.05. For example, to determine what salary rate is two steps higher than \$2,300, the following calculation applies: $\$2,300 \times 1.05 = \$2,415 \times 1.05 = \$2,536$.

Note: Authority cited: Section 18502, 18701 and 19050, Government Code. Reference: Sections 18525.3, 19050 and 19050.4, Government Code.

Proposed Text of Regulations

~~§ 427. Interjurisdictional Employee Exchange.~~

~~A state appointing power may with the concurrence of an employee assign or loan the employee to another jurisdiction, or may receive an employee from another jurisdiction, in accordance with Government Code Section 19050.8, except as otherwise provided by law, provided that the following conditions are met:~~

~~(a) The state appointing power determines that the assignment or loan is of benefit to the state and is for either training purposes or for compelling management need purposes as specified in Section 442.~~

~~(b) The other jurisdiction is governmental in character. It may be federal, state, or local, including other countries, public colleges and universities, and other instrumentalities, and may be in or outside of California.~~

~~(c) No layoff of state personnel is necessary.~~

~~(d) Both appointing authorities approve a written document containing, as a minimum, a statement that the assignment or loan is subject to this rule, the period and duties and conditions of the assignment or loan, the training or compelling management need to be accomplished, and provision for either continuing or substituting alternatives for all rights and benefits to which the employee of the agency or jurisdiction is otherwise entitled.~~

~~(e) Any necessary authorizations for funds or travel are obtained from the Departments of Finance, General Services, or other appropriate authority.~~

~~Employees from other jurisdictions gain no status in the California state service through such temporary assignments or loans.~~

~~For the purposes of administering the state civil service laws and regulations, a state employee participating in such an arrangement shall be considered an employee of the state agency from which loaned or assigned, except the employee's work and activities shall be subject to the direction of the jurisdiction to which loaned or assigned.~~

~~Either appointing authority or the employee may terminate the assignment at any time for any reason or the executive officer may terminate it if it is being carried on contrary to or in a manner inconsistent with the Government Code or these regulations. The employee's salary and benefits may be paid in any proper manner agreed upon by the appointing authorities of the participating agency and jurisdiction.~~

~~Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

Proposed Text of Regulations

§ 427. Salary Calculations and Comparisons.

(a) Unless otherwise provided by resolution of the Board or subdivision (b), the maximum rate of the lowest salary range currently authorized for a classification shall be used to make salary calculations and comparisons for purposes of this Chapter.

(b) For deep classes, each alternate salary range shall be treated as if they were separate classes and the highest alternate salary range attained by the employee shall be used for purposes of salary calculations and comparisons.

Note: Authority cited: Sections 18502, 18701, 19050 and 19050.4, Government Code. Reference: Sections 18525.3 and 19050, Government Code.

§ 428. Voluntary Transfers In General.

(a) Employees in state civil service shall be eligible for appointment to positions in state civil service by way of transfer, without examination, only as set forth in this Article.

(b) Classes that are substantially the same salary range or salary level shall be considered to involve substantially the same level of duties, responsibility, and salary for purposes of a transfer without an examination, except the Board or Executive Officer may prohibit transfer between such classes based on a finding that the classes are in a promotional relationship.

(c) The Board or Executive Officer may prohibit transfers from classes that have been established for limited duration positions.

(d) The Board or Executive Officer may allow transfer without an examination when deemed to be in the best interest of the State.

(e) Employees who have passed probation and attained permanent status in more than one classification may use the class which has the highest salary range for purposes of transfer eligibility.

Note: Authority cited: Sections 18502, 18701, 19050, 19050.3, and 19050.4, Government Code. Reference: Sections 18525.3 and 19050, Government Code.

§ 429. Voluntary Transfers Between Classes.

(a) Unless otherwise prohibited in Article 19, appointing powers may allow employees to voluntarily transfer between classes when the employee possesses any licenses,

Proposed Text of Regulations

certificates, or registration required in the “to” class and satisfies the minimum qualifications of the “to” class. The following criteria shall also apply:

(1) The salary range of the “to” class is exactly the same or any amount lower than the “from” class; or

(2) The salary range of the “to” class is any amount higher than the “from” class, provided that all of the following shall apply:

(A) A promotional salary range for the candidate does not result from the transfer.

(B) The “to” and “from” classes are in a different class series, unless the Board specifically provides that transfers are allowed within the class series.

(C) The transfer does not preclude a future transfer that is part of the established upward mobility pattern through which the employee is moving.

(D) The “from” and “to” classifications are not in positions that have a supervisory-subordinate relationship under the appointing power making the transfer.

(b) If the employee, without a break in continuity of state service, either (1) previously passed probation and achieved permanent status in the “to” classification or (2) had probationary status in the “to” classification and satisfies the minimum qualifications of the “to” classification, the reinstatement standards set forth in Government Code section 19140 shall apply.

Note: Authority cited: Sections 18502, 18701, 19050 and 19050.4, Government Code. Reference: Sections 18525.3 and 19050, Government Code.

§ 430. General.

~~Classes meeting the criteria established by this article shall be considered to involve substantially the same level of duties, responsibility and salary for the purposes of Government Code Section 19050.4; provided that the board or the executive officer may prohibit transfer between such classes based on a specific finding that they are in a promotional relationship.~~

~~The board or executive officer may also prohibit transfers from classes that have been specifically established for limited duration positions.~~



Proposed Text of Regulations

~~Note: Authority cited: Section 18701, Government Code. Reference: Section 19050.4, Government Code.~~

§ 430. Appointments Not Permitted to Transfer.

(a) The following types of appointments shall not be made by way of transfer:

(1) An appointment from a rank and file classification to a supervisory or management classification.

(2) An appointment from a supervisory classification to a management classification.

Note: Authority cited: Sections 18502, 18701, 19050 and 19050.4, Government Code. Reference: Sections 18525.3 and 19050, Government Code.

~~§ 431. Salary and Class Level Comparisons.~~

~~(a) The following definitions shall apply to salary and class level comparisons made under this chapter:~~

~~(1) "Substantially the same salary range or salary level" means the maximum rate of the salary range of one class is less than two steps higher than or is the same as the maximum rate of the salary range of another class.~~

~~(2) "Promotional salary relationship, range or level" means the maximum rate of the salary range of one class is at least two steps higher than the maximum rate of the salary range of another class.~~

~~(3) "Salary range" means the range of rates between, and including, the minimum and maximum rate currently authorized for the class.~~

~~(4) "Rate," for employees compensated on a monthly basis, means any one of the full dollar amounts found within the salary ranges established by the Department of Personnel Administration and, for employees compensated on a daily or hourly basis, means any one of the dollar and cents amounts found within the salary range.~~

~~(5) Unless otherwise provided by resolution of the board, "step," for employees compensated on a monthly basis, means a five percent differential above or below a salary rate, rounded to the nearest dollar and, for employees compensated on a daily or hourly basis, means a five percent differential above or below a rate rounded to the nearest dollar and cents amount.~~

Proposed Text of Regulations

~~(A) Pursuant to (5), one step higher is calculated by multiplying the rate by 1.05. One step lower is calculated by dividing the rate by 1.05 (e.g., $\$2,300 \times 1.05 = \$2,415$, one step higher; $2,300 \div 1.05 = 2,190$ one step lower).~~

~~(B) Pursuant to (1) and (2), two steps higher is calculated by multiplying the rate by 1.05 and then multiplying the product by 1.05 (e.g., $\$2,300 \times 1.05 = \$2,415 \times 1.05 = \$2,536$, two steps higher).~~

~~(b) Unless otherwise provided by resolution of the board, the maximum rate of the lowest salary range currently authorized for a class is used to make salary comparisons for the purposes of this chapter.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 18807 and 19050.4, Government Code.~~

§ 431. Employees with Temporary or Limited-Term Status.

(a) Temporary or limited-term status in a classification shall not be used as a basis for transfer eligibility.

(b) If an employee who is currently in a temporary or limited-term position previously passed probation and had permanent status in the same or another classification as the temporary or limited-term position classification, the employee may use his or her permanent status in that classification as a basis for transfer eligibility, as long as all the rules related to transfer apply and are followed. Where the temporary or limited-term employee has previously passed probation and had permanent status in more than one classification, section 428, subdivision (d) shall apply.

(c) If an employee with temporary or limited-term status, who has had no break in continuity of state civil service, seeks to move to a permanent position in a classification in which he or she either (1) previously passed probation and had permanent status in that classification or (2) had probationary status and satisfies the minimum qualifications of the classification, the reinstatement standards set forth in Government Code section 19140 shall apply.

Note: Authority cited: Sections 18502, 18701, 19050 and 19050.4, Government Code. Reference: Section 18525.3 and 19050, Government Code.

§ 432. Class Series.

Proposed Text of Regulations

~~For the purpose of this article, a class series is any vertically related group of classes, covering the same occupational specialty and same program area, which constitute a primary promotional pattern for a specifically identifiable group of employees.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Section 19050.4, Government Code.~~

§ 432. Salary Loss Upon Transfer to a Deep Class.

Where an employee will incur a salary loss upon transfer to a deep class, exceptions to the application of Department rules and policies related to deep class salaries is within the discretion and authority of the Department.

Note: Authority cited: Section 18502, 18701, 19050 and 19050.4, Government Code. Reference: Sections 18500 and 19050, Government Code.

~~§ 433. Voluntary Transfers Between Classes.~~

~~Unless specifically prohibited pursuant to Section 430 or the provisions of 433.1, appointing powers may allow employees to voluntarily transfer between classes when the employee possesses any licenses, certificates, or registration the minimum qualifications required in the “to” class provided that either:~~

~~(a) The salary range of the “to” class is exactly the same or any amount lower than that of the “from” class.~~

~~Or~~

~~(b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:~~

~~(1) It is not a promotional salary range; and~~

~~(2) The two classes are in different class series unless the board specifically provides for transfer within a series; and~~

~~(3) There is no class in the “to” series that is exactly the same in salary as the “from” class; and~~

~~(4) The “to” class is the class in its series that is immediately higher in pay than the “from” class; and~~

Proposed Text of Regulations

~~(5) The transfer does not preclude a future transfer that is part of the established upward mobility pattern through which the employee is moving; and~~

~~(6) The two classes do not contain positions that have a supervisory-subordinate relationship under the appointing power making the transfer.~~

~~In applying these criteria, separate salary ranges within a class shall be treated as if they were separate classes when a board resolution allows salary ranges other than the lowest range for the class to be used for salary comparison purposes.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Section 19050.4, Government Code.~~

~~§ 433.1. Voluntary Transfers Between Classes – Bargaining Unit 10 Employees.~~

~~Unless specifically prohibited pursuant to Section 430, appointing powers may allow employees to voluntarily transfer between classes when the employee possesses any licenses, certificates, or registration required in the “to” class provided that either:~~

~~(a) The salary range of the “to” class is exactly the same or any amount lower than that of the “from” class; and, for any class assigned to State Bargaining Unit 10, excluding the following listed classes, the employee shall meet the minimum education requirement as identified in the respective class specification: Energy Analyst, Energy Resources Specialist I and II; Hazardous Materials Specialist, Associate Hazardous Materials Specialist and Senior Hazardous Materials Specialist (Technical); Associate Energy Specialist (Efficiency) and Energy Commission Specialist I, II, and III (Efficiency); Associate Energy Specialist (Forecasting) and Energy Commission Specialist I, II, and III (Forecasting); Associate Energy Specialist (Technology Evaluation and Development) and Energy Commission Specialist I, II, and III (Technology Evaluation and Development); Assistant and Associate Geologist and Senior Geologist (Specialist); Associate Geophysicist; Health and Safety Program Specialist I, II, and III; Assistant and Associate Meteorologist; Senior Meteorologist; Water Resources; Microbiologist Intern; Petroleum Geologist; Integrated Waste Management Specialist and Senior Integrated Waste Management Specialist; and Pest Prevention Assistant I, II, and III (Various Projects).~~

~~Or~~

~~(b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:~~

~~(1) It is not a promotional salary range; and~~

Proposed Text of Regulations

~~(2) The two classes are in different class series unless the board specifically provides for transfer within a series; and~~

~~(3) There is no class in the “to” series that is exactly the same in salary as the “from” class; and~~

~~(4) The “to” class is the class in its series that is immediately higher in pay than the “from” class; and~~

~~(5) The transfer does not preclude a future transfer that is part of the established upward mobility pattern through which the employee is moving; and~~

~~(6) The two classes do not contain positions that have a supervisory-subordinate relationship under the appointing power making the transfer; and~~

~~(7) For any class assigned to State Bargaining Unit 10, excluding the following listed classes, the employee shall meet the minimum education requirement as identified in the respective class specification: Energy Analyst, Energy Resources Specialist I and II; Hazardous Materials Specialist, Associate Hazardous Materials Specialist and Senior Hazardous Materials Specialist (Technical); Associate Energy Specialist (Efficiency) and Energy Commission Specialist I, II, and III (Efficiency); Associate Energy Specialist (Forecasting) and Energy Commission Specialist I, II, and III (Forecasting); Associate Energy Specialist (Technology Evaluation and Development) and Energy Commission Specialist I, II, and III (Technology Evaluation and Development); Assistant and Associate Geologist and Senior Geologist (Specialist); Associate Geophysicist; Health and Safety Program Specialist I, II, and III; Assistant and Associate Meteorologist; Senior Meteorologist, Water Resources; Microbiologist Intern; Petroleum Geologist; Integrated Waste Management Specialist and Senior Integrated Waste Management Specialist; and Pest Prevention Assistant I, II, and III (Various Projects).~~

~~In applying these criteria, separate salary ranges within a class shall be treated as if they were separate classes when a board resolution allows salary ranges other than the lowest range for the class to be used for salary comparison purposes.~~

~~Note: Authority cited: Sections 18211, 18213 and 18701, Government Code.
Reference: Section 19050.4, Government Code.~~

§ 433. Effective Date of Voluntary Transfers.

(a) The effective date of a voluntary transfer shall be no later than 30 calendar days after the appointing power receives a written notice from the hiring agency stating that



Proposed Text of Regulations

the employee has been selected for appointment, unless an earlier or later date of transfer is agreeable to both agencies.

(b) No other type of appointment that has the same general effect as a transfer, such as a reinstatement following resignation from civil service, shall be used to circumvent the provisions of subdivision (a).

Note: Authority cited: Sections 19050, 19050.3 and 19050.4, Government Code. Reference: Sections 18525.3 and 19050, Government Code.

§ 434. Involuntary Transfer Between Classes.

~~When the transfer between classes is not voluntary on the part of the employee, the class to which the employee is transferred must have prior executive officer approval.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Section 19050.4, Government Code.~~

§ 434. Involuntary Transfers.

(a) For purposes of this section, an “involuntary transfer” means a transfer that is not voluntary on the employee’s part.

(b) Prior approval of the Board or Department is not required for an involuntary transfer. The appointing power shall document the reasons for the involuntary transfer and maintain the documentation pursuant to section 26.

(c) The involuntary transfer of an employee with permanent status may be to a different classification, provided that one or both of the following conditions is satisfied:

(1) The employee satisfies the minimum qualifications of the “to” class and the “to” class has substantially the same salary range or salary level as the employee’s current class.

(2) The employee had previously passed probation and achieved permanent status in the “to” classification.

(d) For employees currently in temporary or limited-term positions, regardless of whether they previously had permanent status in civil service or not, an appointing power shall not transfer them involuntarily to a different class under the same or different appointing power.



Proposed Text of Regulations

Note: Authority cited: Sections 18502, 18701, 19050 and 19050.5, Government Code. Reference: Sections 18525.3 and 19050, Government Code.

§ 435. Consecutive Transfer.

~~Consecutive transfers shall not be permitted when their combined result would be inconsistent with the provisions of this article or Government Code Section 19050.4.~~

~~NOTE: Authority cited: Section 18701, Government Code. Reference: Section 19050.4, Government Code.~~

§ 435. Consecutive Transfers.

Consecutive transfers without examination shall not be permitted where the combined effect of the transfers results in a promotional salary level.

Note: Authority cited: Sections 18502, 18660, 18701, 19050 and 19050.4, Government Code. Reference: Cal. Const. art. VII, § 1; Section 18525.3 and 19050, Government Code.

§ 436. Movement Between Alternate Ranges.

The criteria set forth in Article 19 for transfers does not apply to the movement of employees between alternate ranges in deep classes. Movement between alternate ranges shall be in accordance with Department rules and policies.

Note: Authority cited: Sections 18502, 18701, 19050 and 19050.4, Government Code. Reference: Sections 18500 and 19050 Government Code.

§ 438. Temporary Assignments for Training and Development.

~~(a) Eligibility for training and development assignments shall be limited to:~~

~~(1) employees who have permanent status in their present class; or~~

~~(2) employees who have probationary status and who previously have had permanent status and who, since such permanent status, have had no break in service due to a permanent separation.~~

~~(b) Employees shall be allowed to accept training and development assignments involving the duties of a different class only as outlined below under (1), (2), or (3):~~

Proposed Text of Regulations

~~(1) The training and development class is a class with substantially the same salary to which the employee could voluntarily transfer under the provisions of this article.~~

~~(2) The training and development class has a promotional salary range provided that:~~

~~(A) The higher salaried class is the class in the desired occupational area nearest in salary to the employee's current class that will provide an appropriate training experience; and~~

~~(B) When the training and development class is more than three steps higher than the employee's current class, the intent of the training and development assignment is to prepare the employee for a permanent move to the training and development class or to a closely related class, and the employee will meet minimum qualifications for the higher salaried class by the conclusion of the training and development assignment; and.~~

~~(C) The training and development class is not in the same class series as the employee's present class.~~

~~(3) The training and development class has a demotional salary range provided that:~~

~~(A) It is the class in the desired occupational area nearest in salary to the employee's current class that will provide the appropriate training experience; and~~

~~(B) Any assignments to classes that are more than three steps lower than the employee's status class are approved in advance by the executive officer; and~~

~~(C) The purpose of the training and development assignment is to prepare for future service in a class that has a salary range that is substantially the same or promotional in comparison to the salary range of the employee's current classification.~~

~~(D) The assignment will provide experience that differs from the duties that the employee has previously performed.~~

~~Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

~~§ 439. Status Requirement.~~

~~NOTE: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

Proposed Text of Regulations

~~§ 440. Promotions.~~

~~Employees may be promoted during a training and development assignment provided that:~~

~~(a) There is a vacant position to which the employee could be promoted if the employee were not on the training and development assignment; and~~

~~(b) The appointing power certifies that the employee would have been its first preference for appointment to the vacancy if he/she had not been on the training and development assignment; and~~

~~(c) No more than one person on a training and development assignment is promoted for each available vacancy; and~~

~~(d) The promotion will not result in a layoff at the termination of the training and development assignment.~~

~~The promotion and training and development assignment may be simultaneous provided that conditions of (a) through (d) above are met.~~

~~Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

~~§ 441. Consecutive Temporary Assignments.~~

~~Prior executive officer approval shall be required for any temporary assignment as defined in Government Code Section 19050.8 that results in an employee spending more than 24 months of any 36-month period on such temporary assignments. Such assignments shall not be approved when the executive officer determines that they constitute a continuation of the employee's previous temporary assignment.~~

~~NOTE: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

~~§ 442. Temporary Assignment to Meet Compelling Management Needs.~~

~~(a) Eligibility for compelling management needs assignments shall be limited to:~~

~~(1) employees who have permanent status in their present class; or~~

Proposed Text of Regulations

~~(2) employees who previously have had permanent status and who, since such permanent status, have had no break in service due to a permanent separation.~~

~~(b) Subject to the approval of the executive officer, the appointing power may make temporary assignments pursuant to Government Code Section 19050.8 to meet program or departmental needs of limited duration that have a broad and significant impact on departmental operations and efficiency. Such needs must be urgent and nonrecurring and may involve either:~~

~~(1) Special projects or assignments that require a breadth and depth of demonstrated expertise or a level of response that cannot be obtained under normal staffing procedures; or~~

~~(2) Staffing situations that require temporary reassignments to prevent or alleviate a negative impact upon departmental operations and efficiency.~~

~~(c) Temporary assignments shall not be made or continued under this section where there is a reasonable basis for utilizing or pursuing other personnel management options, such as transfer, list appointment, classification plan changes, adverse action, layoff, probationary rejection, or medical termination. Other staff shall not be laid off, demoted, or similarly displaced as a result of temporary assignments made under this section.~~

~~(d) Employees placed on temporary assignments to meet a compelling management need shall remain in their current classifications for all purposes of the Act and these regulations. The duties and responsibilities of the position associated with the compelling management need may vary from those of the employee's appointment classification. Such assignments may only be made with the voluntary consent of the employee.~~

~~(e) An employee in a Career Executive Assignment may be placed in a temporary assignment to meet a compelling management need in accordance with the provisions of this section so long as such reassignment does not generate the need for an additional appointment to the Career Executive Assignment position. Prior executive officer approval shall be required.~~

~~(f) Either the employee or the appointing power may terminate the temporary assignment at any time for any reason, or the executive officer may terminate it, if it is determined to be inconsistent with the Government Code or board regulations.~~

~~(g) Within 30 days of approving any assignment under this section, the appointing power shall provide written notification of such assignment to the Department of Personnel Administration.~~

Proposed Text of Regulations

~~NOTE: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

~~§ 443. Temporary Assignments for Injured Employees.~~

~~(a) Eligibility for returning injured employees to work assignments shall be limited to:~~

~~(1) employees who have permanent or probationary status in their present class; or~~

~~(2) employees who previously have had permanent or probationary status and who, since having had such status, have had no break in service due to a permanent separation.~~

~~(b) This section specifies when injured employees may receive temporary assignments involving duties of a class other than the one to which they are appointed. Temporary assignments involving duties that fall within the employee's appointment class may be made without respect to this section.~~

~~(c) For the purpose of Government Code Section 19050.8(c) an "injured" employee is an eligible employee with a medically verified disability, injury, or illness, whether job or nonjob related, that requires the employee to be reassigned to duties outside his/her current classification in order to remain productive.~~

~~(d) Eligibility for temporary assignments shall be limited to injured employees who, based on medical opinion, are unable to perform the essential duties of their current classification.~~

~~(e) When the employee and appointing power agree, an injured and eligible employee, including a career executive, may be placed in a temporarily modified work assignment involving duties not within the employee's current class for up to two years provided that:~~

~~(1) Such assignments shall not involve the duties of a class that has a promotional relationship to the employee's appointment class; and~~

~~(2) The assignments may involve the duties of a class that has a demotional relationship to the employee's appointment class only to the extent that such a demotional assignment is required in order to provide a productive work assignment that is within the employee's capability; and~~



Proposed Text of Regulations

~~(3) Such assignments for career executive employees require prior approval by the executive officer.~~

~~(4) Such assignments for career executive employees do not generate the need for an additional appointment to the Career Executive Assignment position.~~

~~(f) A probationary employee who is placed on a temporary assignment as defined in Government Code Section 19050.8(c) shall be considered temporarily absent from his/her appointment classification, and shall be subject to the probationary period extension provisions of Section 321.~~

~~(g) Either the employee or the appointing power may terminate the temporary assignment at any time for any reason, or the executive officer may terminate it, if it is determined to be inconsistent with the Government Code or board regulations.~~

~~NOTE: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.~~

TITLE 2. ADMINISTRATION

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

Subchapter 1.3. Classifications, Examinations, and Appointments

Article 19.1. Temporary Assignments or Loans.

§ 437. Definitions.

(a) "Coaching" means a manager, supervisor, or peer acts as a guide and tutor for the employee. Coaching involves demonstration, instruction, discussion, feedback, encouragement, objective evaluation, and correction where appropriate.

(b) "Committee assignment" or "working group assignment" means the employee is assigned to be a member of a committee or working group that is tasked with problem solving and making recommendations.

(c) "Cross training" means under appropriate guidance and supervision an employee performs the duties and functions of another position within the same or different classification.

(d) "Job rotation" means under appropriate guidance and supervision an employee changes positions on regular intervals within the same classification and appointing power and eventually returns to his or her original position. A job rotation allows the employee to gain broader and/or more specialized competencies.

Proposed Text of Regulations

(e) “On-the-job training” or “OJT” means an employee learns a job by actually performing the duties and tasks of the job under appropriate guidance and supervision.

(f) “Special project assignment” means an individual or collaborative enterprise that the employee is to perform and accomplish over a fixed period of time and may include certain other limitations.

(g) “Appropriate training experience” means that for purposes of training and development assignments the level of duties, functions, and responsibilities of the “to” classification shall provide a reasonable opportunity for the employee to achieve the purpose(s) of the training and development assignment.

(h) “Consecutive temporary assignment or loan” means that within 12 months of the conclusion of the temporary assignment or loan the employee is reassigned or loaned to perform the same level of duties and responsibilities as the temporary assignment or loan previously concluded, without regard to location or reporting structure.

(i) “Former position” shall have the same meaning as in Government Code section 18522.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Sections 18522 and 19050.8, Government Code.

§ 438. Temporary Assignments or Loans In General.

(a) The temporary assignment or loan of an employee shall be for any of the following purposes:

(1) Provide training and development through such methods as defined in section 430 or through other types of training and development methods, such as apprenticeship programs.

(2) Enable an agency to obtain expertise needed to meet a compelling program or management need.

(3) Facilitate the return of an injured employee to work.

(b) The temporary assignment or loan of an employee may be within an agency, between agencies, or between jurisdictions.

Proposed Text of Regulations

(c) Any temporary assignment or loan of an employee made for the purpose specified in subdivision (a)(2) shall only be made with the voluntary consent of the employee.

(d) Employees in career executive assignments are excluded from training and development assignments.

(e) Each agency shall include training and development assignments in the upward mobility program of the agency.

NOTE: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Sections 19050.8 and 19401, Government Code.

§ 438.1. Period of Time for the Temporary Assignment or Loan.

(a) The temporary assignment or loan of employees within an agency or between agencies shall be for an aggregate period of not more than 24 months in any 36-month time period.

(1) Normal leave time (e.g., vacation, holidays, and sick leave) shall count toward the 24 months in any 36-month time period.

(2) Employees who work less than full-time time per month (e.g., an employee works 20 hours per week for a total of 80 hours per month) may be in the temporary assignment or loan until they reach the equivalent of working full-time for 24 months in any 36-month time period. For purposes of this rule, 173.33 hours equals one month of full-time work. The equivalent of working full-time for 24 months in any 36-month time period shall be 4,159.92 (173.33 x 24) hours within a 6,239.88 (173.33 x 36) hour time period.

(b) Notwithstanding subdivision (a), a temporary assignment within an agency or between agencies may be extended beyond the 24 months in any 36-month time period for up to an additional 24 months beyond the 36-month timeframe where the employee requires additional time to complete an apprenticeship program.

(c) The temporary assignment or loan of employees between jurisdictions shall be for an aggregate period not to exceed four years or 48 months.

(d) If an appointing power approves an employee on a temporary assignment or loan to take a leave of absence for more than 20 continuous working days, the employee shall be reinstated to his or her former position upon returning to work, unless the appointing power determines that it is in the best interests of the state to allow the employee to continue his or her assignment or loan. No later than 10-working days after the approval to take a leave of absence, the appointing power shall inform the employee in writing of

Proposed Text of Regulations

whether the employee will be reinstated to his or her former position or continue in the assignment or loan. Where the former position is with a different appointing power, that appointing power shall also be informed in writing of the decision within the 10-working day timeframe set forth herein.

(e) Consecutive temporary assignments are prohibited.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Sections 18500 and 19050.8, Government Code.

§ 438.2. Employment Relationship and Salary.

(a) Where an employee accepts a temporary assignment or loan to an appointing power different than his or her current appointing power, the following employment relationships shall be created:

(1) The employee shall be considered the employee of his or her “from” appointing power for purposes of salary, benefits, seniority, and tenure.

(2) The employee shall be considered the temporary employee of the “to” appointing power. The temporary employee’s work and activities shall be subject to the direction and control of the “to” appointing power.

(3) Where the temporary employee has violated any term or condition of the temporary assignment or civil service laws, the “from” or “to” appointing power may take appropriate action, including corrective or disciplinary action. If it is determined that corrective or disciplinary action should be taken, the appointing powers shall collaborate to determine which agency will take the action. All such actions shall comply with applicable laws and rules.

(b) The employee’s salary may be paid in any proper manner agreed upon by the participating agencies.

~~(c) Employees serving in temporary assignments or loans shall continue to receive the same salary rate as the salary rate of the classification.~~

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 438.3. Prior Approval of the Board or Department.

Approval by the Board or Department prior to selecting an employee for a temporary assignment or loan is not required.



Proposed Text of Regulations

Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 438.4. Recordkeeping Requirements for Temporary Assignments or Loans.

(a) Appointing powers shall ensure that the following information is documented and maintained in accordance with section 26:

(1) The purpose, duration, and duties of the assignment or loan.

(2) If the assignment is for training and development purposes, a description of the duties and goals of the training and the training and development method or combination of methods used.

(3) If the temporary assignment is for a compelling management need, all of the following:

(A) A description of the management need and the staff expertise required to meet that need.

(B) Justification that the agency's management needs cannot be met through the existing organizational structure.

(C) Certification that the employee possesses the required expertise.

(D) Certification that the employee has voluntarily consented to the assignment.

(4) If the temporary assignment is to facilitate the return of an injured employee to work, justification of the need of such an assignment and medical verification of the employee's condition.

Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 438.5. Termination and Corrective Action by Executive Officer.

(a) Any participating agency or employee may terminate the temporary assignment or loan at any time for any reason or the Executive Officer may order corrective action, including termination of the temporary assignment or loan, if the assignment or loan is determined to be conducted in a manner contrary to or inconsistent with applicable civil service laws and/or regulations.

Proposed Text of Regulations

(b) Any employee whose temporary assignment or loan is terminated under this section shall have the absolute right to return to his or her former position.

Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 438.6. Use of Out-of- Class Experience.

(a) For purposes of this section, out-of-class experience shall have the same meaning as used in section 212.

(b) Where out-of-class experience in a temporary assignment or loan is gained in a manner not described in Article 19.1, the employee may use that experience to satisfy the minimum requirements of promotional and open examinations only if the experience is verified as specified in section 212. The good faith of the employee is presumed to exist if the provisions of section 212 are satisfied.

Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 438. 7. Salary Calculations and Comparisons.

Where during the period of a temporary assignment or loan, an employee seeks appointment to a class that is different than the “from” class he or she held prior to the temporary assignment or loan, the “from” class, not the temporary assignment or loan class, shall be used for any required salary calculations and comparisons. If the employee receives the appointment to a different class than the “from” class, the personnel transaction(s) shall reflect that the new appointment is from the “from” class and not the temporary assignment or loan.

§ 439. Purpose of Training and Development Assignments.

(a) Training and development assignments shall be designed to provide employees the opportunity to obtain any or a combination of the following:

(1) Experience necessary to satisfy the experience component of the minimum qualifications of the training and development classification and/or gain competencies

Proposed Text of Regulations

for the preferred or desirable qualifications of the training and development classification.

(2) Broader or more specialized competencies that will improve the employee's performance in his or her current position and classification.

(3) Prepare the employee for future promotion.

(4) Facilitate the employee's entry into a new occupational or career-related field.

(b) Where an employee has been selected for appointment to a deep class by way of a voluntary transfer and the employee will incur a loss in salary, exceptions to the application of Department rules and policies related to deep class salaries is within the authority and discretion of the Department and may include the temporary use of training and development assignments.

Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 439.1. Eligibility for Appointment to a Training and Development Assignment.

(a) Eligibility for appointment to a training and development assignment requires that the employee have permanent status in his or her current classification. The employee may, but is not required, to satisfy the minimum qualifications of the training and development classification; except, the employee shall possess any licensure, certificate, or similar credential that is a component of the minimum qualifications.

(b) An employee may apply for and be appointed to a training and development assignment without the prior approval of his or her current appointing power.

Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 439.2. Training and Development Classification.

(a) Subject to the eligibility criteria of section 431.1, training and development assignments may be made to any of the following classifications:

(1) The same classification as the employee's current classification, but a different position.

(2) A different classification with substantially the same salary range as the employee's current classification.

Proposed Text of Regulations

(3) A different classification with a promotional salary range provided that all of the following apply:

(A) The higher salaried class is the class in the employee's desired occupational area that will provide the appropriate training experience.

(B) There is not another class nearer in salary to the employee's current class that will provide the appropriate training experience. If such a class exists, that class shall be used for purposes of the training and development assignment.

(C) The higher salaried class is not in the same class series as the employee's current class, unless the training and development assignment involves an apprenticeship program approved by the Department of Industrial Relations, Division of Apprenticeship Standards.

(4) A different classification with a demotional salary range provided that the assignment to the lower class is not used where other action, such as voluntary demotion, medical demotion, corrective action, or disciplinary action, is relevant to the employee's situation.

Note: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 439.3. Selection Process for Training and Development Assignments.

(a) The opportunity for training and development assignments shall be advertised in accordance with section 249.1, unless otherwise exempted therein, and competitive, unless all employees in the unit and same classification are given the same training and development assignment (e.g., cross training or job rotation of the employees). To be competitive, the selection process shall involve interviews that use job-related criteria and any other selection instrument or procedure designed to objectively and fairly evaluate and compare the candidates.

(b) When filling vacancies for permanent, temporary, or limited-term positions, appointing powers may consider broadening recruitment for the position by advertising the position as a possible training and development assignment.

Note: Authority cited: Sections 18502, 18660 and 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 439.4. Successful Completion of a Training and Development Assignment.

Proposed Text of Regulations

(a) After successful completion of a training and development assignment that was not in the position the employee held prior to the assignment, the employee shall have the right to return to his or her former position.

(b) Notwithstanding subdivision (a), an employee who successfully completes a training and development assignment in a different position, regardless of whether the classification is the same or different or whether the appointing power is the same or different, may be appointed to the same position in which he or she served the training and development assignment provided that all of the following apply:

(1) The appointment is by way of transfer or demotion.

(2) The employee satisfies the minimum qualifications of the classification.

(3) The employee competed for the assignment pursuant to section 439.3.

(c) If an employee is appointed pursuant to subdivision (b), the employee shall serve the applicable probationary period.

(d) The experience and training earned in the training and development assignment may be used by the employee to satisfy minimum qualifications for promotional and open examinations.

Note: Authority cited: Section 18502, 18701 and 19050.8, Government Code.

Reference: Section 19050.8, Government Code.

§ 440. Temporary Assignments to Meet Compelling Program or Management Needs, In General.

(a) An appointing power may select an employee for a temporary assignment or loan to meet compelling program or management needs where any or all of the following apply:

(1) The assignment requires a breadth and depth of expertise or certain specialized competencies.

(2) Current staffing levels are low or insufficient to timely, efficiently, and successfully complete a special project, special investigation, or a new process and procedure.

(3) Current staffing levels are low or insufficient to timely, efficiently, and effectively satisfy the mission of the agency or a program within the agency.

Proposed Text of Regulations

(4) Current staffing levels are low or insufficient to timely, efficiently, and effectively satisfy the daily or routine operational duties and functions of the agency or a program within the agency.

(b) Before selecting an employee for a temporary assignment to meet compelling program or management needs, the appointing power should consider other management options, such as devising and implementing new workflow, workload, or staffing strategies or hiring by way of transfer, reinstatement, or list appointment.

(c) An employee in a Career Executive Assignment may be placed in a temporary assignment to meet compelling management needs in accordance with the provisions of Article 19.1, so long as the reassignment does not result in another employee being appointed to the Career Executive Assignment position during the term of the temporary assignment.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 440.1. Eligibility for Temporary Assignments to Meet Compelling Program or Management Needs.

(a) Eligibility for temporary assignments or loans to meet compelling program or management needs shall be limited to employees who have permanent or probationary status in their current class.

(b) If the temporary assignment is to a classification different than the employee's current classification, the appointing power shall ensure that the employee satisfies the minimum qualifications of the classification.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 440.2. Advertising for Available Temporary Assignments to Meet Compelling Program or Management Needs.

(a) Advertising for available temporary assignments to meet compelling program or management needs shall be posted on the Department's designated website and in physical locations designed to provide fair, equitable notice to eligible candidates. An appointing power may also post the announcement on other websites or by other electronic means designed to provide fair, equitable notice to eligible candidates.

Proposed Text of Regulations

(b) All announcements for available temporary assignments to meet compelling program or management needs shall be advertised for a minimum period of three working days.

Note: Authority cited: Sections 18502, 18660 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 440.3. Hiring Process for Temporary Assignments to Meet Compelling Program or Management Needs.

(a) The hiring process for temporary assignments to meet compelling program or management needs may include interviews, standardized performance tests, written tests, role-plays, simulations, as well as any other selection instrument or procedure designed to objectively and fairly evaluate and compare each employee's qualifications to be successful in the assignment.

(b) The appointing power shall document the reasons why the selected employee was hired for the temporary assignment or loan and maintain that documentation pursuant to section 26.

Note: Authority cited: Sections 18502, 18660 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 440.4. Successful Completion of Temporary Assignments to Meet Compelling Program or Management Needs.

If the temporary assignment to meet compelling program or management needs is successfully completed, the experience earned in the assignment may be used by the employee to satisfy minimum qualifications for promotional and open examinations. In addition, the employee shall have the absolute right to return to his or her former position.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Sections 18500 and 19050.8, Government Code.

§ 441. Definition of Injured Employee.

An "injured" employee means an employee with a medically verified disability, injury, or illness, whether job or non-job related, that requires the employee to be temporarily assigned to duties and functions that are outside of the job specification for his or her current classification.

Proposed Text of Regulations

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 441.1. Eligibility for Temporary Assignments of Injured Employees.

(a) Eligibility for returning injured employees to temporary assignments shall be limited to:

(1) Employees who have permanent or probationary status in their current class; or who previously had permanent or probationary status and who, since having had such status, have had no break in civil service due to a permanent separation; and

(2) Employees who, based on medical opinion provided to the appointing power, are unable to perform the essential functions and duties of their current classification.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 441.2. Temporary Assignments for Injured Employees In Different Classifications.

(a) Temporary assignments for eligible injured employees that involve functions and duties falling within the employee's current classification may be made without respect to this section. This section only applies when eligible injured employees are temporarily assigned to perform the functions and duties of a class different than their current class.

(b) When the employee and appointing power mutually agree, an eligible injured employee, including those in career executive assignments, may be placed in a temporary assignment that involves functions and duties not within the employee's current class, provided that:

(1) The temporary assignment shall not involve the functions and duties of a class that is in a promotional relationship to the employee's current class.

(2) The temporary assignment may involve the duties of a class that has a demotional relationship to the employee's current class only to the extent that the assignment is required for productivity and is within the employee's capability to successfully perform.

(3) If the temporary assignment is for an eligible injured employee who is in a career executive assignment, the temporary assignment does not result in the need for appointing another employee to the career executive assignment position.

(c) A probationary employee who is placed on a temporary assignment pursuant to this section shall be considered temporarily absent from his or her appointment

Proposed Text of Regulations

classification and shall be subject to Board regulations concerning extensions of probationary periods. The experience in the temporary assignment shall count for purposes of counting experience toward satisfying minimum qualifications.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

§ 442. Interjurisdictional Employee Exchange.

(a) An appointing power may with the concurrence of the employee assign or loan him or her to a different jurisdiction or receive an employee from a different jurisdiction, provided that the following conditions are satisfied:

(1) The assignment or loan benefits the state and is for the purpose of training and development or compelling management needs. The provisions of Article 19.1 related to training and development and compelling management needs shall apply.

(2) The other jurisdiction, regardless of whether it is in or outside of California, is a public entity at the federal, state, local, or international level, including public colleges and universities, and public entities in other countries.

(3) The exchange will not result in a layoff of employees with permanent or probationary civil service status.

(4) Both the appointing power and other jurisdiction approve and maintain a written document that complies with Section 430.4.

(5) Any authorizations that are necessary for funds or travel are obtained from the Departments of Finance, Department of General Services, or other appropriate authority. The authorization(s) shall be maintained in accordance with Section 26.

(b) Employees from other jurisdictions who work for the state in an interjurisdictional employee exchange gain no status in state civil service.

(c) For the purposes of state civil service laws and regulations, an employee assigned or loaned in an interjurisdictional employee exchange shall be considered an employee of the appointing power from which loaned or assigned, except the employee's work and activities shall be subject to the direction and control of the jurisdiction to which he or she is assigned or loaned.

(d) The employee's salary and benefits may be paid in any proper manner agreed upon by the employee's current appointing power and other jurisdiction.

Proposed Text of Regulations

(e) The termination of the assignment or loan shall be in accordance with Section 430.5.

Note: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.

Reference: Section 19050.8, Government Code.

~~§ 444. Publication and Screening.~~

~~(a) Unless exempted under subsection (b), all transfers and training and development assignments that result in an employee moving to a position that is covered by an affirmative action or upward mobility goal established pursuant to Government Code Sections 19232, 19402, or 19790 shall be subject to the following posting and screening requirements.~~

~~(1) Advance notice of the opportunity for such movement shall be posted for at least seven days at the worksites of eligible departmental employees. Posting may be limited to geographic areas within which employees could reasonably be expected to accept the opportunity without a change of residence. The executive officer may specify a broader area of notice consistent with recruitment patterns for the class when she/he determines that an adequate affirmative action candidate group does not exist within the area specified above.~~

~~Alternatives to this posting process may be allowed when the executive officer finds that such alternatives are at least as effective as the prescribed process in meeting established affirmative action and upward mobility goals.~~

~~(2) The advance notice shall describe the opportunity and its duration and location and shall state that the opportunity is being offered consistent with State laws and Executive Orders ensuring equal opportunity for employment regardless of an applicant's sex, race, religion, ancestry, disability, age, or sexual orientation.~~

~~(3) All applicants must be considered based on published standards and criteria that have been made available to them during the application filing period. The consideration may consist of an application evaluation, oral interview, or similar civil service selection techniques.~~

~~(4) All applicants shall be informed of the results of the screening process. When the results will be used to select employees for future vacancies or training opportunities, the applicants shall be informed of their eligibility for such future selection.~~

~~(b) Transfers and training and development assignments shall be exempt from the requirements specified in section (a) when they:~~



Proposed Text of Regulations

- ~~(1) Involve movement of an employee between positions that are within the same classification and appointing power.~~
- ~~(2) Are intended to remedy a particular employee's performance deficiency that has been identified through the performance evaluation process conducted pursuant to Government Code Sections 19172 or 19992.2; or~~
- ~~(3) Provide a modified work assignment that is necessary to continue the employment of an injured or disabled employee; or~~
- ~~(4) Involve movement of an employee between positions under the same appointing power that fall within the same occupational and level category for affirmative action and upward mobility goal-setting purposes; or~~
- ~~(5) Are necessary to avoid the need to layoff or demote an employee, or involuntarily transfer an employee to another classification or to another geographic location that would require an employee to change his or her place of residence; or~~
- ~~(6) Are needed to continue the employment of an individual hired through the Career Opportunity Development Program established by the Welfare Reform Act of 1971.~~

Note: Authority cited: Sections 18701, 19792 and 19050.3, Government Code.
Reference: Sections 19233, 19406 and 19792, Government Code.

TITLE 2. ADMINISTRATION

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

Subchapter 2. Career Executive Assignment Rules

Article 9. Transfers and Demotions

§ 548.95. Transfer or Demotion of Employee.

~~With the approval of the executive officer, an~~ An appointing power may transfer or demote an employee from one career executive assignment position to another career executive assignment at substantially the same or lower level of salary. Such transfers or demotions may, with the written approval of all parties, be made between appointing powers. Transfers and demotions between positions in different ~~Career Executive Assignment levels and assignments~~ career executive assignments shall be governed by the standards contained in Sections 430, 431, 432, 433 and 435 for transfer Board regulations ~~between general civil service classifications~~ covering transfers and demotions in the general civil service.



Proposed Text of Regulations

Note: Authority cited: Sections 18502, 18701, 19889 and 19889.2, Government Code.
Reference: Sections 18546, 18547, and 19050.4, 19889.2, Government Code.