

MEMORANDUM

DATE: January 4, 2023

TO: Personnel Officers

FROM: /s/ **LORI GILLIHAN**
Lori Gillihan
Chief, Policy Division

SUBJECT: INTRA-AGENCY REASSIGNMENTS

Intra-agency reassignments refer to the assignment of an employee from one position to another position within the same state agency and same classification. These reassignments are governed by California Code of Regulations, title 2, section 82, which states that an intra-agency reassignment may include a change of work schedule or shift, or reporting location, unit, division, plant, facility, or equivalent.

The following policy outlines the correct use of intra-agency reassignments:

1. Intra-agency reassignments should be made to support the efficient and effective operation of the state agency.
2. Employees may be reassigned to a different position within their classification, provided that the position performs the same duties unless the applicable Memorandum of Understanding (MOU) is in conflict. In these instances, the guidelines outlined in the applicable MOU shall be controlling.
3. According to California Code of Regulations, title 2, sections 249.1, subdivision (e), and 250, subdivision (f), the state agency is exempt from advertising the position or conducting a competitive hiring process when selecting an employee for reassignment. However, if the positions do not perform the same duties, then the state agency shall advertise the position internally and conduct an internal, competitive hiring process to determine which eligible employee may be reassigned unless an applicable MOU provides an alternative process. In these instances, the guidelines outlined in the applicable MOU shall be controlling.
4. Employees should be notified in writing of any reassignment, and the reasons for the reassignment must be clearly stated.
5. Intra-agency reassignments must be documented in writing, and a copy of the documentation must be retained for at least five years from the reassignment date pursuant to California Code of Regulations, title 2, section 26. The documentation

must include justification for the reassignment.

6. Intra-agency reassignments may be approved by the appointing power with consideration of any applicable MOU between a recognized public employee organization and the state, as outlined in California Code of Regulations, title 2, section 250, subdivision (f).
7. Intra-agency reassignments may not be used as a form of disciplinary action. For disciplinary reassignments, refer to Government Code section 19570 et. seq.

The Board is presently exploring regulatory amendments to provide further clarity to the proper use and purpose of intra-agency reassignments.

Authorities

California Code of Regulations, title 2, section 82

California Code of Regulations, title 2, section 249.1

California Code of Regulations, title 2, section 250