

NOTICE OF EFFECTIVE DATE OF REGULATION CHANGE

California Code of Regulations Title 2, Administration Division 1, Administrative Personnel

DATE: May 10, 2002

TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND
MEMBERS OF THE GOVERNOR'S CABINET

SUBJECT: AMENDMENT OF SPB RULE 433, VOLUNTARY TRANSFERS
BETWEEN CLASSES, AND ADOPTION OF RULE 433.1, VOLUNTARY
TRANSFERS BETWEEN CLASSES-BARGAINING UNIT 10
EMPLOYEES

The purpose of this memorandum is to inform you that an amendment to California Code of Regulations (CCR) § 433 became effective on February 5, 2002. Additionally, new CCR § 433.1 was approved and became effective on May 7, 2002. The text of the final regulations, as adopted by the five-member State Personnel Board (Board), is attached. These regulations are published in the CCR, Title 2, Division 1, §§ 433 and 433.1.

BACKGROUND:

A hearing was held by the Board on November 6, 2001, to provide an opportunity for State Personnel Board (SPB) staff, the California Association of Professional Scientists (CAPS), and other interested parties to present their comments on a proposal to restrict transfers into Bargaining Unit (BU) 10 rank and file classes unless employees met the minimum qualifications or education requirements identified in the respective class specification.

Following the Board hearing, SPB staff and CAPS reached agreement on a revised proposal that would limit transfers into BU 10 rank and file classes to those employees who met the minimum education requirements as identified in the class specification. Thirty-eight (38) BU 10 classes were exempted from this transfer restriction.

A second hearing was conducted by the Board on January 8, 2002, to provide an opportunity for comment on the revised proposal. On January 23, 2002, the Board approved the revised proposed resolution to amend CCR § 433 and adopt CCR § 433.1. Subsequent to the second hearing, SPB staff and CAPS agreed to add the Energy

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Analyst classification to the list of classes exempted from the transfer restriction, as identified in subsections 433.1(a) and (b)7. On May 7, 2002, the Board adopted the addition of the Energy Analyst class as shown in CCR § 433.1 pertaining to voluntary transfers into BU 10 classes.

CONTACT PERSON:

Please direct inquiries regarding this action to Margaret Serenity at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010 or (916) 651-0108, TDD (916) 653-1498. Questions regarding the regulatory process in conjunction with these regulations should be directed to Steve Unger at (916) 651-8461 or TDD (916) 653-1498.

Mike Willihnganz
Chief, Policy Division

Attachment: Text of Final Regulations

Regulations Governing Voluntary Transfers Between Classes

All new text is indicated by underline.

Title 2. ADMINISTRATION

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

§ 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 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

(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; Land and Water Use Analyst and Associate Land and Water Use Analyst; Assistant and Associate Meteorologist; Senior Meteorologist, Water Resources; Microbiologist Intern; Petroleum Geologist; Textile Chemist I and II; 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

(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; Land and Water Use Analyst and Associate Land and Water Use Analyst; Assistant and Associate Meteorologist; Senior Meteorologist, Water Resources; Microbiologist Intern; Petroleum Geologist; Textile Chemist I and II; 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.

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