

CALIFORNIA STATE PERSONNEL BOARD

Date of Issue: December 20, 1994

TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: Promotional Eligibility of Certain Non-Civil Service Employees

Government Code Section 18990(a) provides that persons employed by the Legislature for two or more consecutive years are eligible to apply for promotional civil service examinations (including CEA). Questions have been raised recently about whether Legislative employees continue to have promotional eligibility for civil service examinations after they have left the employ of the Legislature. This memorandum is intended to clarify that issue.

With some specific exceptions described below, legislative employees do not have promotional eligibility in civil service examinations after they leave the Legislature. Legislative employees who leave the Legislature are to be treated the same as civil service employees who resign. They must relinquish any promotional list eligibility, and an employee who is competing in a promotional examination and resigns on or before the date the eligible list is established does not attain list eligibility.

Subsequent amendments to Section 18990 specified a broader benefit to legislative employees who terminated during a specified window period (Jan 1, 1991 - Jan 1, 1992), and employees of the Auditor General's Office or the Legislative Analyst's Office who terminated during the window period of Jan 1, 1992 - Jan 1, 1994. The additional benefit afforded individuals so situated, was that they would retain eligibility to take promotional civil service examinations for three years following their termination. Consequently, they could remain in the promotional examination process, or on the eligible list even if they terminated. Legislation proposed in 1994 (AS 1487, Burton) would have extended the broader benefit to all legislative employees, however, this bill was vetoed by the Governor.

Please note also that recently released Selection Manual Section 6200 contains a paragraph on page 6200.36 that could be misleading. The section at the bottom of the page entitled "Retention of Eligibility on Promotional Lists" explains GC 18990(e), and could be interpreted as applying to all legislative employees. However, it applies only to employees specified in subsection (c), i.e. employees who meet the window period of 1/1/91 to 1/1/92. A clarification will be made to the Selection Manual.

Although every attempt is being made to respond to questions from departments on these matters, the recent large volume of such

inquiries has made it difficult to always respond as quickly as the caller would desire. Questions can be directed to Marion Rutkauskas, (916) 657-2485; Kathy Smith, (916) 653-1020; or Pat Embly, (916) 657-2389.

/s/
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