



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814

NOTICE OF PROPOSED REPEAL OF REGULATIONS

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

DATE: February 3, 2000

TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: ARTICLE 5. DEMONSTRATION PROJECT-MANAGERIAL SELECTION AND CLASSIFICATION CONSOLIDATION AND BROADBANDING-SERVICEWIDE BY DEPARTMENTAL OPTION

AUTHORITY:

Under authority established in Sections 18701, 18702, and 19602, Government Code, the State Personnel Board (Board) has proposed to change Title 2 of the California Code of Regulations (CCR).

REFERENCE:

These regulations are repealed to implement, interpret, and/or make specific Sections 18701, 18702, and 19600-19607 of the Government Code.

PUBLIC HEARING:

Date and Time: March 7, 2000 from 1:45 p.m. to 2:15 p.m.
Place: Auditorium
801 Capitol Mall, Room 150
Sacramento, California
Purpose: To receive oral public comments about this action.

WRITTEN PUBLIC COMMENT PERIOD:

The public comment period for written comments will close March 6, 2000 at 5:00 p.m. This is to allow time for Board staff to provide copies of any written comments to Board members for their consideration at the time of the hearing. Any person may submit written comments about the proposed changes. To be considered by the Board, written comments must be received at the attention of Steve Unger at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, before the close of the written comment period.

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CONTACT PERSON:

Please direct any inquiries regarding this action to Steve Unger at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, or telephone (916) 654-0842.

IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE IMPACT ON SMALL BUSINESSES:

No adverse impact on small businesses is anticipated from the proposed deletion of regulations. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

COST ESTIMATES OF PROPOSED ACTION:

Costs or Savings to State Agencies:

No fiscal impact exists.

Determination of Mandate :

The Board has determined that the proposed deletion of regulations does not impose a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The proposed regulation deletion of regulations will not require local agencies or school districts to incur additional costs in complying with the proposal.

Impact on Housing Costs:

The proposal will not affect housing costs.

Impact on Businesses:

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Further, this proposed deletion of regulations contains no new reporting, recordkeeping and other compliance requirements that would result from the proposed action.

Cost Impact on Private Persons or Entities:

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State:

No impact.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed:

No costs to local agencies or school districts are required to be reimbursed.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies:

This proposal does not impose nondiscretionary costs or savings on local agencies.

ASSESSMENT:

The adoption of the proposed deletion of regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

DETERMINATION:

The Board must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected persons.

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AVAILABILITY OF PROPOSED TEXT

The text of the proposed deletion of regulations and other related material are available upon request directed to the Board's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, the Board will make the full text of the changed regulation(s) available for at least 15 days before the date the regulation amendment is permanently adopted.

LAURA M. AGUILERA, Chief
Personnel Resources and Innovations Division

Attachment: Text of Proposed Deletion of Regulations



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Regulations Governing Demonstration Projects

For this amendment, text deleted from the regulations is indicated by strikethrough.

Title 2. ADMINISTRATION

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

Subchapter 4. Demonstration Project and Performance Based Budget Pilot Project

~~Article 5. Demonstration Project Managerial Selection and Classification Consolidation and Broadbanding Servicewide by Departmental Option~~

~~§ 549.60. Definition of "Class" and Establishment of Minimum Qualifications; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.~~

~~For the demonstration project of Managerial Selection and Classification Consolidation and Broadbanding implemented pursuant to Sections 19600 et seq. of the Government Code, "class" means a consolidation of similar classes in the same occupational area into a broader and deeper grouping for which the same general title may be used to designate each position allocated to the class and which may include more than one specialty area within the general field of work.~~

~~In addition to the general minimum qualifications for each "class" identified in the class specification, other job-related qualifications will be required for particular positions within the class. The other job-related qualifications shall be described in the individual position description established for each position within the class.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

~~§ 549.61. Selection and Examinations; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.~~

~~Under State Personnel Board supervision, any department specifically approved by State Personnel Board action to be included in this demonstration project shall conduct a demonstration project, pursuant~~

~~to Sections 19600 through 19607 of the Government Code, affecting the examination process to select candidates for managerial positions. During this demonstration project, the participating departments shall conduct examinations for specified managerial positions pursuant to the procedures in Article 4 (Section 548.30) and Article 5 (Section 548.40 through 548.52) for Career Executive Assignments, with the following exceptions:~~

~~(a) The examinations may be either open or promotional.~~

~~(b) The examination announcements specified by Section 548.41 shall specify the minimum qualifications for the position as prescribed in the broadband class specification and the other job related qualifications described in the individual position description established for the particular position within the class.~~

~~(c) The appointing power shall be governed by Section 171.1 in determining whether an applicant has completed the minimum time required for the experience component of the minimum and other job related qualifications, if any.~~

~~(d) The examinations may be given on a position by position basis. No scores will be assigned to individuals participating in the examination. In addition to position by position examining, a "pool" list may be established for appointments to like positions within a participating department. Names may be added to a "pool" list on a continuous testing basis.~~

~~(e) A participating department may develop its own unique examination plan that shall be based on merit as ascertained in a competitive examination that is based on job related criteria. Departments shall develop specific job related evaluation criteria and selection procedures for each examination. Every examination will be conducted by comparing each candidate's knowledge, skills, and abilities against those listed in the class specification, the individual position description for the specific position being filled, and with all other candidates in the examination.~~

~~(f) The appointing power shall send a notification to all applicants for the position indicating which candidate has been selected. Any eligible employee may appeal to the State Personnel Board, pursuant to Section 548.49, within 30 days of the date of the notification.~~

~~(g) For each examination, the department shall be required to maintain an examination file that contains, among other things, the specific job related evaluation criteria and selection procedures~~

~~that were developed for the examination and documentation on how those criteria were applied to the candidate group.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

~~**§ 549.62. Appointment; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.**~~

~~All appointments to vacant positions included within this demonstration project shall be filled by transfer, reinstatement, training and development assignment or by appointing individuals who meet the minimum qualifications and the other job related qualifications described in the individual position description established for the position and who have demonstrated they are the best person for the job as determined by a competitive merit process open to all persons eligible and based on job related criteria.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

~~**§ 549.63. General Reemployment Lists; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.**~~

~~In the event of a layoff, General Reemployment Lists will not be established for the Broadband Managerial classes nor will the participating departments be required to use general reemployment lists that have been established for other managerial classes not included in the demonstration project to fill positions in the broadband demonstration project classes.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

~~**§ 549.64. Departmental or Subdivisional Reemployment Lists; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.**~~

~~Within the Managerial Broadband class there shall be maintained a separate departmental reemployment list identified by functional subdivision, recognizing individual position skill based requirements as indicated in the individual position description for each position and consisting of the names of persons employed within the department on the date of separation or demotion by reason of layoff. There shall also be maintained a separate subdivisional reemployment list within the department which shall consist of the names of persons employed in a subdivision of the department at the time of~~

~~separation if subdivisions for the department have been set up with the approval of the Department of Personnel Administration for layoff purposes.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

~~**§ 549.65. Probation; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.**~~

~~(a) A participating department may, with the consent of the employee, extend the length of the probationary period of an employee whose performance is less than satisfactory in any broadband class within the demonstration project. No extension shall exceed twelve (12) months or 1680 hours beyond the original prescribed probationary period for the class. A Job Improvement Plan (Plan) shall be developed for any employee who is subject to this extension of their probationary period. The Plan shall specify any formal training, practice sessions, on the job training or other alternative methods for job improvement that will be used to bring the employee's performance to an acceptable level. The employee must participate in the development of the plan and agree to follow it.~~

~~(b) A participating department may extend the probationary period of an employee in any broadband class within the demonstration project up to an additional 12 months or 1680 hours if the specific position requires more than the original 12 months to complete the full range of the essential duties of the position. To extend the probationary period of an individual in this circumstance, the individual position description shall define the essential duties of the position and the time frames expected to complete those essential duties. In this case, the probationary period may only be extended for the time period required to complete the essential duties and not to exceed 12 months in addition to the original 12-month probationary period.~~

~~(c) A request to extend an employee's probationary period under the provisions of (a) or (b) shall be submitted by the employee's Supervisor in writing to the Personnel Office, approved by the Appointing Authority of the participating department, and a copy given to the employee at least five working days prior to the completion of the initial 12-month probationary period.~~

~~(d) Performance evaluations shall be provided at four (4) month intervals and the employee may be passed or rejected at any time during the 12-month extension.~~

(e) ~~A rejection during the extended time period shall be considered the same as a rejection during the original probationary period and the employee shall retain all rights accorded by law or rule. Notice to the employee shall be in the manner prescribed by Government Code Section 19173.~~

(f) ~~The employee shall have the same rights to appeal a rejection during the extension of the probationary period as an employee who is rejected during the original probationary period.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

~~§ 549.66. Transfer Between Classes; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.~~

~~Voluntary transfer between the broadband classes established for this demonstration project and to other classes may be made pursuant to Sections 430 through 435 with the following exception:~~

~~The minimum and maximum salary to be used to determine transferability shall be the minimum and maximum established for the particular position within the broadband class and not the minimum and maximum established for the entire broadband class.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

~~§ 549.67. Compensation; Managerial Selection and Classification Consolidation and Broadbanding Demonstration Project.~~

~~With the approval of the Department of Personnel Administration, the appointing authority shall establish a salary range within the Managerial Broadband class for each individual position. The appointing authority may appoint an employee at any salary rate between the minimum and maximum of the salary range for the position as deemed appropriate. Employees in the Managerial Broadband classes are assigned a flat rate and may receive up to a 5 percent salary increase during any 12 month period based on pay for performance. Salary increases are awarded to only those employees whose performance is at or above the fully successful level. Technical detail for the administration of this regulation is to be provided by the Department of Personnel Administration.~~

~~Note: Authority cited: Sections 18701, 18702 and 19602, Government Code. Reference: Sections 18701, 18702 and 19600-19607, Government Code.~~

