

CALIFORNIA STATE PERSONNEL BOARD

DATE OF ISSUE: April 5, 1994

MEMO TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: Delegation of Function re: Involuntary Transfer -
Change in Class.

SPB File Reference; Personnel Management Policy and Procedures
Manual (PMPP). Should be kept and filed in
PMPP Manual Section 315, Transfers.

The involuntary transfer of an employee from one class to another has required preapproval by the Board's Executive Officer. Effective the date of this memorandum, appointing authorities no longer need to seek the approval of the SPB Executive Officer prior to involuntarily transferring an employee from one class to another subject to the following guidelines and post-audit by Board staff:

1. The class title of both the "to" and "from" classes are exactly the same except for a parenthetical designation; and

The "to" class must have exactly the same or within two steps higher maximum salary as the "from" class;

OR

2. The titles of the "to" and "from" classes are different and all the following criteria are met:
 - a. The "to" class must have exactly the same or within two steps higher maximum salary as the "from" class; and
 - b. The "to" and "from" classes must be in the same or a reasonably comparable occupational group or the prior employment history suggests the employee can competently and successfully perform in the "to" class; and
 - c. The employee must possess any required experience, license and/or certificates for the "to" class.

The above delegation decision and guidelines are based on the following Law and regulations:

G.C. Section 19050.4 which states "A transfer, as defined in Section 18525.3, may be accomplished without examination. The board may require an employee to demonstrate in an examination that he or she possess any additional or different requirements that are included in the minimum

qualifications of the class to which the employee is transferring."

G.C. Section 19050.5 which states "Notwithstanding Section 3517.6, an appointing power may transfer any employee under his or her jurisdiction to another position in a different class designated as appropriate by the board."

G.C. Section 18525.3 which states "transfer means both of the following: (a) The appointment of an employee to another position in the same class but under another appointing power. (b) The appointment of an employee to a position in a different class that has substantially the same level of duties, responsibility, and salary, as determined by board rule, under the same or another appointing authority."

G.C. Section 19997.8 which states "In lieu of being laid off an employee may elect demotion to: (a) any class with substantially the same or a lower maximum salary in which he or she had served under permanent or probationary status..."

2CCR434 which states "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."

2CCR431 which states "(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..."

Attorney General Opinion No. 80-402 June 24, 1980 which concludes that a state employee, subject to layoff, may elect demotion to a previously held class with the same or higher, but not substantially higher, salary than the class of layoff.

/s/

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