

**OFFICE OF ADMINISTRATIVE LAW**

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DEBRA M. CORNEZ  
Director

**MEMORANDUM**

TO: Jeanne Wolfe  
FROM: OAL Front Desk *JW*  
DATE: December 18, 2015  
RE: Return of Rulemaking Materials  
OAL Matter Number 2015-1113-05  
OAL Matter Type File and Print Only (FP)

OAL hereby returns the rulemaking record your agency submitted for review regarding "Career Executive Assignments and Vacant Classes."

If this is an approved matter, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

**Please note this new requirement:** Unless an exemption applies, Government Code section 11343 now requires:

1. Section 11343(c)(1): Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. Section 11343(c)(2): Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at [postedregslink@oal.ca.gov](mailto:postedregslink@oal.ca.gov).

**NOTE ABOUT EXEMPTIONS.** Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; or regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

**DO NOT DISCARD OR DESTROY THIS FILE**

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq. regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2015-1113-05-FP</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California State Personnel Board			AGENCY FILE NUMBER (if any)

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

DEC 14 2015

3:54 PM

2015 NOV 13 P 1:38

OFFICE OF  
ADMINISTRATIVE LAW

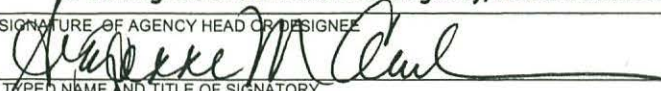
### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Career Executive Assignments and Vacant Classes		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0616-02	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>		ADOPT Sections 5.1, 5.2, 90, 248, 548.2, 548.5	
		AMEND	
TITLE(S) 2		REPEAL Section 548.77	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2016</b> <span style="float: right;">CT</span>
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Jeanne R. Wolfe	TELEPHONE NUMBER 916-651-1043	FAX NUMBER (Optional) 916-653-1280	E-MAIL ADDRESS (Optional) jeanne.wolfe@spb.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 11/13/15
TYPED NAME AND TITLE OF SIGNATORY Suzanne M. Ambrose, Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

DEC 14 2015

Office of Administrative Law

## FINAL TEXT OF REGULATIONS

### TITLE 2. ADMINISTRATION Division 1. Administrative Personnel Chapter 1. State Personnel Board Subchapter 1. General Civil Service Article 1. Definitions

#### § 5.1. CEA.

"CEA" means a career executive assignment as specified in Government Code section 18547.

NOTE: Authority cited: Sections 18502 and 18701, Government Code.  
Reference: Sections 18547 and 19889, Government Code.

#### § 5.2. Retired Annuitant.

A "retired annuitant" refers to a former employee of the State who is receiving a retirement allowance from the Public Employees' Retirement System (PERS) and is reinstated temporarily in a civil service classification or CEA category, to which he or she is eligible, as specified in Government Code section 19144, and which is subject to Government Code sections 21223 and 21224.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference:  
Sections 19144, 21223, and 21224, Government Code.

**TITLE 2. ADMINISTRATION**  
**Division 1. Administrative Personnel**  
**Chapter 1. State Personnel Board**  
**Subchapter 1.3 Classifications, Examinations, and Appointments**  
**Article 2. Classifications**

§ 90. Continuously Vacant Classifications.

(a) For any classification that has been vacant continuously for twenty-four months, the Department shall prepare a written notice and proposed recommendation for classification action to combine, alter, or abolish the classification within 30 days of the 24-month vacancy.

(b) The Department shall provide the written notice and proposed recommendation for classification action to all interested parties. Within 30 days of the written notice and proposed recommendation for classification action, any interested party may file written comments on the recommendation.

(c) Within 30 days of the end of the comment period, the Department shall submit its recommendation for classification action to the Board unless the recommendation is to abolish the classification and the Department received no opposition to taking this action during the comment period. In such an instance, the classification shall be abolished without further Board action.

(d) On an annual basis, the Department shall report to the Board the number of classifications that were abolished under this section.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Sections 18800 and 18802, Government Code.

**TITLE 2. ADMINISTRATION**  
**Division 1. Administrative Personnel**  
**Chapter 1. State Personnel Board**  
**Subchapter 1.3. Classifications, Examinations, and Appointments**  
**Article 10. Appointments**

§ 248. Appointments and Classification Plan.

A person, including a retired annuitant, shall only be appointed to a civil service classification or CEA that is appropriate for the functions, duties, and responsibilities of the position the person is hired to perform.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Sections 18523, 18800, 19051, 19144, and 19889, Government Code.

**TITLE 2. ADMINISTRATION**  
**Division 1. Administrative Personnel**  
**Chapter 1. State Personnel Board**  
**Subchapter 2. Career Executive Assignment Rules**  
**Article 1. General**

§ 548.2. Appointment to a CEA Position.

Appointment of any person, including a retired annuitant, to a CEA position is permitted only when the position has been properly approved by the Board pursuant to section 548.5.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Section 19889.

**TITLE 2. ADMINISTRATION**  
**Division 1. Administrative Personnel**  
**Chapter 1. State Personnel Board**  
**Subchapter 2. Career Executive Assignment Rules**  
**Article 2. Position Assignment**

§ 548.5. Creation or Revision of CEA Positions.

(a) Before a position may be allocated for inclusion in the CEA category, an appointing power shall submit to the Department a notice and report of the CEA proposal. For a period of 30 calendar days, the Department shall post the notice and report on the Department's website. The report shall set forth with specificity the reasons for the CEA proposal. The Department may require the report to contain any other information or documentation it deems relevant.

(b) If the appointing power seeks to substantially revise an existing CEA position, the proposal shall be posted as specified in subdivision (a).

(c) During the public notice period specified in subdivision (a), any interested party may submit to the Department an opposition to the appointing power's CEA proposal. Any interested party submitting an opposition shall also simultaneously submit a copy of the



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opposition to the appointing power. The Department may require that oppositions be on a form that is designated by the Department. If an opposition(s) is submitted, the Department will take appropriate steps to analyze the CEA proposal. CEA proposals that the Department recommends for Board approval shall be placed on the Board agenda.

(d) If no opposition is timely submitted to the Department, the CEA proposal shall become effective without Board action.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Section 19889.



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**TITLE 2. ADMINISTRATION**  
**Division 1. Administrative Personnel**  
**Chapter 1. State Personnel Board**  
**Subchapter 2. Career Executive Assignment Rules**  
**Article 7. Appointments**

~~§ 548.77. Report of Appointment.~~

~~The appointing power shall report of each appointment to the executive officer within 30 days of the effective date of the appointment and on forms and by procedures established by the executive officer.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19889 and 19889.2, Government Code.~~