



## 2013 REPORT TO THE LEGISLATURE

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## PERSONNEL MANAGEMENT POLICY AND PROCEDURES MANUAL SUMMARY

Prepared by

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### **PERSONNEL MANAGEMENT POLICY AND PROCEDURES MANUAL SUMMARY**

#### **I. Introduction**

Government Code section 19212 provides, “By November 30, 2013, the State Personnel Board shall submit a report to the Joint Legislative Budget Committee and the fiscal committees of the Legislature that review the policies and practices included in the Personnel Management Policy and Procedures Manual (PMPPM). At a minimum, the report shall include a summary of existing policies included in the PMPPM, the date of each policy’s adoption, the agency responsible for enforcement of the policy, and, if a policy is no longer in use, the date of and reasons for discontinuing that policy. The report required under this section shall be submitted pursuant to Section 9795.”

#### **II. Background**

The PMPPM was created in the 1970s to provide general guidance to departments in developing classification proposals and making appointments as authorized by civil service laws and rules. The manual was last updated in 2000.

This report contains a summary of the sections of the PMPPM, the dates the sections were originally adopted and last revised, and information as to the current use of the sections. The current use of the sections was determined through a survey of state departments facilitated through several state human resource forums. We had 43 respondents from 31 state departments.



### III. Manual Summary

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
100	10/79	11/86	Changing the Classification Plan: Establishing and Revising Classes	<p><i>Each position in state civil service is allocated to a classification based on its duties and responsibilities. The classifications provide a uniform structure for the State's compensation plan and examining process.</i></p> <p>This section provides information on the State's Classification Plan and guidance through the State's personnel process for establishing and revising classes.</p>	SPB establishes classification rules and policy. CalHR recommends changes to the Classification Plan to the Board for approval.	64% of survey respondents reported using section 100. Those not using section 100 stated that they do not use section 100 as they have not been involved in changing the Classification Plan or that CalHR's Classification and Pay (C&P) Guide superseded section 100 in the 1980s.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
101	7/88	8/95	Class Specification Guide	<p><i>A class specification is the legal and official description of a class which has been adopted by the Board. It includes class title, definition, typical tasks performed, the minimum qualifications required, and special personal characteristics.</i></p> <p>This section provides information on the uses and format of a class or class series specification. It also provides guidance, with examples, on how to format the various segments of a class specification.</p>	SPB establishes classification rules and policy. CalHR recommends establishment, revision, or abolishment of class specifications to the Board for approval.	75% of survey respondents reported using section 101. Those not using section 101 stated that they do not use section 101 as they have not been involved in developing a class specification or that CalHR's C&P Guide superseded section 101 in the 1980s.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
110	5/81	12/90	Movement by Board Action: Split Off	<p><i>In maintaining the State's Classification Plan, it is sometimes necessary to establish a new class or classes which consist of duties that are currently within the scope of an existing class. This process is called split off. In these cases, a determination needs to be made regarding the status of affected employees and their eligibility for appointment to positions in the new class(es) without further examination.</i></p> <p>This section provides guidance and procedures for proposing a split-off.</p>	SPB establishes split off rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR prepares new classification proposals, determines employee statuses, and submits to the Board for approval.	15% of survey respondents reported using section 110. Those not using section 110 stated that they do not use section 110 as they have not been involved in a split off or that CalHR's C&P Guide superseded section 110.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
111	1/84	4/91	Recommendations and Resolutions	<p><i>The Board conducts the majority of its business through the approval or denial of recommendations and resolutions presented to it by SPB or CalHR staff. These proposals may be initiated by departments, employees and their representatives, or CalHR staff. The majority of the recommendations and resolutions presented to the Board are classification items. Recommendations and resolutions become legal instruments when approved by the Board.</i></p> <p>This section describes the use and format of recommendations and resolutions prepared for presentation to the Board for adoption.</p>	CalHR staff prepares recommendations and resolutions for submission to the Board for approval, most are related to changes in classifications or CEA allocation proposals.	59% of survey respondents reported using section 111. Those not using section 111 stated that they do not use section 111 as they have not been involved in preparing recommendations or resolutions for the Board.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
200	10/86	10/86	Casual Employment	<p><i>All casual employment appointments are made to skilled trades classifications. The "Skilled Trades Journey person (Casual Employment)" specification describes the concept of the class and its limited duration nature. Casual employment classes were established to provide skilled tradespersons to appointing authorities on short notice for construction and maintenance projects of short duration. In order to facilitate recruitment on short notice, a compensation plan based on local trade rate was established so that hiring from local union halls would be possible. The classes are designated as nontesting so that temporary appointment utilization (TAU) hiring is possible.</i></p> <p>This section provides standards and prohibitions for use of casual employment trades classes, time limits for their use, and the status of employees assigned to such classes.</p>	SPB establishes casual employment appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR is responsible for consultation to departments and for granting exceptions to the six-month time limit for casual employment. CalHR also has jurisdiction over compensation and benefits for casual employment.	46% of survey respondents reported using section 200. Those not using section 200 stated that they do not use section 200 as their department has not used casual employment.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
210	Unknown	1/88	Special Consultants	<p><i>Special Consultant is a nontesting class used almost exclusively to make TAUs to meet short-term needs for highly specialized services that cannot be accommodated within the regular civil service classification and examining structure. In rare instances and with the approval of both the CalHR and the SPB Executive Officer, it may also be used to make a temporary appointment pending the filling of an exempt position.</i></p> <p>This section outlines the background and appropriate use of the class of Special Consultant.</p>	SPB establishes appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and requires that the use of Special Consultants is preapproved.	72% of survey respondents reported using section 210. Those not using section 210 stated that they do not use section 210 as their department has not used Special Consultants, that section 210 has been superseded by the C&P Guide, or that current laws and rules provide governing information and that this section provides nothing substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
211	8/88	8/88	New Programs Consultant	<p><i>New Programs Consultant is a TAU class used exclusively to meet the need to immediately staff a highly specialized new program in situations which cannot be accommodated within the usual civil service classification and examining systems.</i></p> <p>This section describes the TAU class of New Programs Consultant and the processes involved in its use.</p>	<p>SPB establishes appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and requires that the use of New Programs Consultants is preapproved. CalHR also coordinates the creation of new classifications and develops examinations to hire employees to permanently staff the new program.</p>	<p>10% of survey respondents reported using section 211. Those not using section 211 stated that they do not use section 211 as their department has not used New Programs Consultants.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
300	12/79	10/86	Employee Status (General)	<p><i>Employee "status" in civil service refers to the rights and privileges that employees gain from successful competition in an examination followed by an appointment to the class examined for and the assumption of its duties. Status rights include, but are not limited to, employee tenure, reinstatement, seniority, and leaves of absence. Since the Constitution requires that permanent civil service appointments and promotions be based on merit, all status rights must tie back to some original competitive exam. Also, since status often involves rights that employees hold in relation to each other, such as seniority, any status determination for one employee must involve consideration of how the rights of other employees will be impacted.</i></p> <p>This section provides guidance on determining employees' status-related rights.</p>	<p>SPB establishes tenure and reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over seniority and layoff, salary step movement, and leave of absences. Individuals can appeal tenure and reinstatement issues to SPB and seniority and layoff, salary step movement, and leave of absences issues to CalHR.</p>	<p>88% of survey respondents reported using section 300. Those not using section 300 stated that they do not use section 300 as current laws and rules provide governing information and that this section does not provide anything substantive.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
311	10/86	8/94	Permissive Reinstatements	<p><i>Persons who have probationary or permanent status have permissive reinstatement privileges back to the classification where they were serving probation or achieved permanent status. Permissive reinstatement allows a former employee the opportunity to be reemployed without having to recompute in an examination. Permissive reinstatement is at the department's discretion; therefore, the department may exercise other options such as hiring by transfer or from an employment list.</i></p> <p>This section describes an employee's permissive reinstatement privileges in the state civil service.</p>	<p>SPB establishes permissive reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over records and seniority to determine reinstatement rights. Individuals can appeal reinstatement issues to SPB.</p>	<p>91% of survey respondents reported using section 311. Those not using section 311 stated that they do not use section 311 as current laws and rules provide governing information and that this section does not provide anything substantive or that they use materials provided during training.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
312	10/86	10/88	Mandatory Reinstatements	<p><i>A mandatory reinstatement right entitles the employee (following the termination of a temporary or limited-term appointment; a leave of absence; industrial disability, nonindustrial disability, or military leave; and also, following a rejection during probation, demotion from a managerial position pursuant to Government Code section 19590, medical termination and disability retirement) to return to his/her former position with all of the status and rights that he/she had before vacating it.</i></p> <p>This section provides information regarding the authority and eligibility for mandatorily reinstating an employee to his or her former position.</p>	<p>SPB establishes mandatory reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over records and seniority to determine reinstatement rights, leaves, and layoffs and mandatory transfers caused by reinstatement. Individuals can appeal reinstatement issues to SPB.</p>	<p>90% of survey respondents reported using section 312. Those not using section 312 stated that they do not use section 312 as current laws and rules provide governing information and that this section does not provide anything substantive or that they use materials provided during training.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
313	7/87	8/90	Mandatory Reinstatement After Exempt Appointment	<p><i>Terminated exempt employees can have as many as three reinstatement options, which include mandatory reinstatement to the employee's former position; improved permissive appointment eligibility which allows the employee to compete in certain deferred examinations; and improved mandatory reinstatement rights which include both mandatory reinstatement to the employee's former position and the ability to compete in certain deferred examinations.</i></p> <p>This section provides guidance on reinstatement rights after an exempt appointment.</p>	SPB establishes exempt employee reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over records and seniority to determine reinstatement rights. Individuals can appeal reinstatement issues to SPB.	83% of survey respondents reported using section 312. Those not using section 312 stated that they do not use section 312 as current laws and rules provide governing information and that this section does not provide anything substantive or that they use CalHR's "Rights and Options Upon Termination of an Exempt or CEA Appointment" booklet.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
314	10/86	8/98	Reinstatement Following Termination from a Career Executive Assignment (CEA)	<p><i>Terminated CEA employees can have as many as three reinstatement options, which include mandatory reinstatement to the employee's former position; improved permissive appointment eligibility which allows the employee to reinstate to a certain positions at higher levels than the employee's former position; and improved mandatory reinstatement rights which allows the employee to reinstate to a certain positions at higher levels than the employee's former position or reinstatement to the employee's former position.</i></p> <p>This section provides guidance on reinstatement rights after a CEA appointment.</p>	SPB establishes CEA reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over records and seniority to determine reinstatement rights. CalHR also specifies procedures for terminating CEAs and compensating individuals terminated from CEA positions. Individuals can appeal reinstatement issues to SPB.	83% of survey respondents reported using section 312. Those not using section 312 stated that they do not use section 312 as current laws and rules provide governing information and that this section does not provide anything substantive or that they use CalHR's "Rights and Options Upon Termination of an Exempt or CEA Appointment" booklet or materials provided during training.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
315	Unknown	4/92	Transfer	<p><i>A transfer is the movement of an employee from one position to another position in the same class but under another appointing power, or movement of an employee to a position in a different class that has substantially the same level of duties, responsibility, and salary. Transfers are discretionary on the part of management and can be either voluntary or involuntary on the part of the employee. Transfers do not require competition in a new exam, since the employees' present status is presumed qualifying for status in the new class. Written and/or oral transfer exam may be requested by the appointing power or required by SPB when significantly different skills, knowledge, and abilities are required in the new class.</i></p> <p>This section outlines the legal requirements and policies on the transfer of civil service employees between different classes and/or appointing powers.</p>	<p>SPB establishes transfer rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments. In addition, CalHR has jurisdiction over transfers between positions in the same class or between work locations under the same appointing power. Individuals can appeal different class transfer issues to SPB and transfers between positions in the same class or between work locations under the same appointing power to CalHR.</p>	<p>93% of survey respondents reported using section 315. Those not using section 315 stated that they do not use section 315 as current laws and rules provide governing information and that this section does not provide anything substantive.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
316	4/86	2/90	Voluntary Demotion	<p><i>A voluntary demotion is a movement of an employee to a class with a lower salary range upon the request or concurrence of an employee.</i></p> <p>This section provides guidance on voluntary demotions, including eligibility and procedures.</p>	SPB establishes voluntary demotion rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	93% of survey respondents reported using section 316. Those not using section 316 stated that they do not use section 316 as current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
317	10/86	6/91	Transferring of Functions Between Jurisdictions: Blanketing Into Civil Service	<p><i>From time to time, the State assumes the responsibility for work performed by another governmental agency; typically, the personnel who previously performed those functions which are being transferred to the State are blanketed into state civil service by resolution adopted by the Board. The Board resolution also defines precisely how the employees qualify to continue in their positions in state civil service.</i></p> <p>This section provides standards and procedures for jurisdictional transfers.</p>	SPB establishes jurisdictional transfer rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR makes classification, status, salary, seniority, and leave determinations for affected employees and prepares a resolution for submission to the Board for approval.	23% of survey respondents reported using section 317. Those not using section 317 stated that they do not use section 317 as their department has not been involved in an Interjurisdictional transfer.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
320	1/86	6/91	Probationary Periods	<p><i>A probationary period is a period of specified time at the beginning of an appointment that is used for close review of an employee's performance prior to granting the employee permanent status. It is the final step in the selection process. If the probationer's performance is deemed unsatisfactory, the appointing power may remove the probationer by "rejection during probation."</i></p> <p>This section outlines the purposes and use of probationary periods.</p>	<p>SPB establishes probationary periods and probationary period rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR prepares recommendations for changes to probationary periods and for extensions of probationary periods for Board approval. In addition, CalHR has jurisdiction over probationary reports. Individuals can appeal rejections on probation to SPB.</p>	<p>95% of survey respondents reported using section 320. Those not using section 320 failed to state the reason why they do not use section 320.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
330	2/88	11/91	Temporary Authorization Appointment (TAU)	<p><i>A temporary appointment may be made to a position for which there is no employment list. No person may serve in one or more TAU positions longer than nine months in twelve consecutive months.</i></p> <p>This manual section provides information on the duration constraints of TAU appointments.</p>	SPB establishes TAU rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and must preapprove the use of TAUs in most cases.	95% of survey respondents reported using section 330. Those not using section 330 failed to state the reason why they do not use section 330.
331	1/84	3/00	Appointment and Status: Limited-Term Appointment	<p><i>Limited-term appointments are made from civil service employment lists, by reinstatement, or transfer for periods up to one year or less (and up to two years with exceptions) to meet various limited-term staffing needs.</i></p> <p>This section outlines the legal provisions and personnel management standards pertaining to the use of limited-term appointments and the civil service status and rights of limited-term employees.</p>	SPB establishes limited-term appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	95% of survey respondents reported using section 331. Those not using section 331 failed to state the reason why they do not use section 331.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
332	Unknown	10/86	Emergency Appointments	<p><i>Emergency appointments allow departments to hire staff for short periods without respect to employment lists in order to respond to true emergencies such as fire or flood; perform unusual, short-duration work for 30 days or less; or to fill temporary vacancies in established positions for 20 to 60 days.</i></p> <p>This section provides information on the legal basis and eligibility for emergency appointments.</p>	SPB establishes emergency appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	51% of survey respondents reported using section 332. Those not using section 332 stated that they do not use section 332 as their department has not made emergency appointments.
333	11/85	5/88	Intermittent Appointments	<p><i>Intermittent employment is irregular or recurring, hourly employment that is less than full time each year. It is used to provide a trained work force available on an "on-call" basis to supplement a department's full-time staff in handling peak workloads.</i></p> <p>This section provides information on the legal basis and eligibility for intermittent appointments.</p>	SPB establishes intermittent appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	90% of survey respondents reported using section 333. Those not using section 333 stated that they do not use section 333 as their department has not made intermittent appointments.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
335	10/86	10/86	Exempt Appointments	<p><i>A civil service employee who accepts an exempt appointment may or may not have reinstatement rights to the general civil service depending on the type of appointment he/she accepts.</i></p> <p>This section provides information regarding appointment to the positions that are exempt from the provisions of state civil service and their differing reinstatement rights.</p>	SPB establishes exempt employee reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR administers the exempt program and provides consultation to departments.	81% of survey respondents reported using section 335. Those not using section 335 stated that they do not use section 335 as current laws and rules provide governing information and that this section does not provide anything substantive or that they consult with CalHR and the Governor's Office regarding exempt appointments.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
340	1/84	3/94	Training and Development Assignments	<p><i>Training and development (T&amp;D) assignments are temporary assignments of up to two years for the purpose of employee training. T&amp;Ds may involve the performance of duties of a classification other than the employee's appointment class. They may be made within or between departments and they are always voluntary.</i></p> <p>This section provides guidelines for the use of T&amp;D assignments and information on employee status and rights.</p>	SPB establishes T&D rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	93% of survey respondents reported using section 340. Those not using section 340 stated that they do not use section 340 as current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
341	Unknown	6/89	Interjurisdictional Exchange	<p><i>Under certain circumstances, a state appointing power may with the concurrence of an employee assign or loan the employee to another jurisdiction or may receive an employee from another jurisdiction for a limited period of time.</i></p> <p>This section provides the legal requirements, standards, and procedures on interjurisdictional exchanges of civil service employees.</p>	SPB establishes interjurisdictional rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	32% of survey respondents reported using section 341. Those not using section 341 stated that they do not use section 341 as their department has not been involved in interjurisdictional exchanges or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
342	10/86	3/94	Compelling Management Needs Assignment	<p><i>Compelling management needs assignments allow departments to meet compelling management needs by temporarily reassigning staff who possess needed skills but whose present classifications do not cover the work to be performed. Such needs could be associated with new program implementation, major study projects, task forces, review or restructuring of existing programs, feasibility studies, and interdisciplinary projects. The employee(s) selected should have specialized education or experience that is required in the assignment, but that is not reasonably available through normal staffing procedures.</i></p> <p>This manual section provides the legal requirements, standards, guidelines, and procedures for making temporary assignments to meet compelling management needs.</p>	SPB establishes compelling management needs rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and must be notified of compelling management needs assignments.	83% of survey respondents reported using section 342. Those not using section 342 stated that they do not use section 342 as their department has not made appointments to meet compelling management needs.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
343	10/86	8/94	Temporary Assignments for Injured Employees	<p><i>Departments may place injured employees on temporary assignments involving duties of a class other than the one to which they are appointed in order to facilitate their return to work.</i></p> <p>This section outlines the legal requirements, standards and procedures for placing injured employees on temporary assignments.</p>	SPB establishes temporary assignments for injured employees rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	63% of survey respondents reported using section 343. Those not using section 343 stated that they do not use section 343 as their department has not made temporary assignments for injured employees or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
350	Unknown	10/86	Additional Appointments	<p><i>Additional appointment is the term used when a state civil service employee is appointed to a second position in state service. The term is descriptive only since the fact that an appointment is held as an additional appointment does not change the civil service law and rule provisions that would otherwise apply to it.</i></p> <p>This section describes the merit-related rights and privileges associated with such appointments.</p>	SPB establishes appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over the classification, supervisory relationship, compensation, and leave aspects of additional appointments.	78% of survey respondents reported using section 350. Those not using section 350 stated that they do not use section 350 as their department has not used additional appointments, that section 350 has been superseded by a CalHR policy memo, or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
360	1986	6/92	Retired Annuitants	<p><i>Persons retired under the provisions of the Public Employees' Retirement System (PERS) statutes may be appointed to a civil service position if certain requirements are met.</i></p> <p>This section discusses discretionary retired annuitant (RA) appointments only. Mandatory reinstatement from disability retirement is covered in Section 420.</p>	<p>SPB establishes RA appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over the appropriate classification and compensation of RAs, including RAs serving in CEA positions. CalHR also ensures that RA appointments to Service Employees International Union – Local 1000 positions are limited to circumstances deemed mission critical.</p>	<p>85% of survey respondents reported using section 360. Those not using section 360 stated that they do not use section 360 as section 360 had been superseded by a CalHR policy memo or that current laws and rules provide governing information and that this section does not provide anything substantive.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
370	8/88	3/94	The Immigrant Reform and Control Act (IRCA)	<p><i>The United States IRCA of 1986 (Public Law. 99-603) states that employers should hire only United States citizens or aliens who are authorized to work in the United States. The law also requires employers to verify the employment eligibility of all persons hired on or after November 7, 1986, and to complete and retain a one-page form (Federal Form I-9).</i></p> <p><i>Noncitizens that are authorized to work in the United States may be employed in all classifications except peace officer classifications.</i></p> <p>This section is to provide information on the employment eligibility requirements of IRCA and the use of Form I-9.</p>	SPB establishes citizenship rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	26% of survey respondents reported using section 370. Those not using section 370 stated that they do not use section 370 as current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
371	8/88	3/91	Citizenship	<p><i>Citizenship is not required for employment in any state classifications, except peace officer classifications, provided that the employment is consistent with the noncitizen's status under IRCA which states that employers should hire only United States citizens or aliens who are authorized to work in the United States. The law also requires employers to verify the employment eligibility of all persons hired on or after November 7, 1986, and to complete a Form I-9.</i></p> <p>This section describes the citizenship requirements for employment in state civil service.</p>	SPB establishes citizenship rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	56% of survey respondents reported using section 371. Those not using section 371 stated that they do not use section 371 as current laws and rules provide governing information and that this section does not provide anything substantive or that they refer to the I-9 booklet.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
372	8/88	8/88	Oath of Allegiance	<p><i>An Oath of Allegiance is required of all citizens before they can enter into their duties as state employees. Noncitizens are not required to take the Oath, but are required to verify their eligibility to work in the United States.</i></p> <p>This manual section describes the Oath of Allegiance requirement for employment in state civil service.</p>	SPB establishes Oath of Allegiance rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	72% of survey respondents reported using section 372. Those not using section 372 stated that they do not use section 372 as current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
375	8/87	4/96	Medical Clearances	<p><i>Before an employee may perform the duties of a civil service position, certain conditions of employment must be met. One of these is requirement for medical clearance.</i></p> <p>This section outlines the procedures for obtaining medical clearance.</p> <p><b>This section was rescinded on 12/00 and Form 375 was revised in order to comply with the Fair Employment and Housing Act related to pre-employment medical inquiries.</b></p>	CalHR establishes medical clearance rules and policy and provides consultation to departments. SPB hears appeals from disqualified candidates.	72% of survey respondents reported using section 372. Those not using section 372 stated that they do not use section 372 as their department has not provided medical clearances, the section has been superseded by an SPB policy memo, that current laws and rules provide governing information and that this section does not provide anything substantive, or that they use the State Administrative Manual.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
376	4/91	5/93	Psychological Screening	<p><i>Before a candidate may be appointed to a Peace Officer Standards and Training certified civil service peace officer position, he or she must be psychologically evaluated and cleared for appointment.</i></p> <p>This section discusses the procedures for obtaining psychological clearance.</p>	CalHR establishes psychological screening rules and policy and provides consultation to departments. SPB hears appeals from disqualified candidates.	54% of survey respondents reported using section 376. Those not using section 376 stated that they do not use section 376 as their department has not provided psychological screenings or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
377	7/89	7/89	Applicant Drug Testing	<p><i>Some classifications are designated as drug testing classes based on the minimum qualifications required for the job.</i></p> <p>This section describes the standard for departmental applicant drug testing and the SPB process for approval and oversight of such testing.</p>	SPB establishes pre-employment drug testing rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and regulates drug testing based on reasonable suspicion.	50% of survey respondents reported using section 377. Those not using section 377 stated that they do not use section 377 as their department has not provided applicant drug testing or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
380	10/86	4/91	Time Base	<p><i>Time base controls the basic amount of work time to which the employee is entitled to receive compensation. If a list appointment is involved, these concerns are addressed through standards and guidelines regarding list appointments. Time base changes which do not involve list appointments are controlled by rules to ensure that they are consistent with the overall competitive process through which civil service jobs are obtained.</i></p> <p>This section provides guidance related to time base changes that occur independent of list appointment.</p>	SPB establishes time base change rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments.	95% of survey respondents reported using section 380. Those not using section 380 failed to state why they do not use section 380.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
395	12/83	3/89	Illegal Appointments	<p><i>From time to time, appointments are made that are inconsistent with applicable laws and rules. When it is discovered that an individual who has been appointed might not have had eligibility for appointment to the class or particular "deep" class alternate range, SPB must be informed of the situation. Only the SPB can void an appointment and that can occur only after the individual has been given due process.</i></p> <p>This section provides standards and guidelines to facilitate staff investigations of the legality and appropriateness of appointments, and the correction of those found to be illegal.</p>	<p>SPB establishes appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and now investigates possible illegal appointments and implements corrective action. SPB hears appeals from individuals impacted by an illegal appointment.</p>	<p>93% of survey respondents reported using section 395. Those not using section 395 stated it has been superseded by a CalHR policy memo.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
400	2/88	2/88	Adverse Actions	<p><i>"Adverse action" is defined as dismissal, demotion, suspension, or other disciplinary action. The laws implementing the State's adverse action process vest employees with substantive and procedural protections. Adverse actions taken against State employees by the appointing authority are subject to legally established requirements of just cause and due process, including the right of appeal by the employee.</i></p> <p>This section outlines the statutory provisions regulating the adverse action process and the procedures required to effect discipline.</p>	SPB administers the laws governing adverse actions against state civil service employees and adjudicates appeals arising from such actions.	80% of survey respondents reported using section 400. Those not using section 400 stated it has been superseded by a SPB policy memo, it has been superseded by a CalHR policy memo, that current laws and rules provide governing information and that this section does not provide anything substantive, or that they use other resources, including CalHR's Supervisor's Guide to Progressive Discipline and materials provided during training.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
420	7/88	2/89	Actions Based Upon Employee's Medical Condition and Return Rights	<p><i>There are situations when an employee is no longer able to perform the duties of his or her position and it is suspected that this inability is due to a medical condition.</i></p> <p>This section provides information on industrial disability leave, nonindustrial disability leave, regular leaves for medical reasons, medical transfers, medical demotions, medical terminations, disability retirements (as they are impacted by these actions), and reinstatements following these actions.</p>	<p>SPB establishes appointment and reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over employee leave, workers' compensation, and disability retirement. SPB hears appeals from individuals whose appointments are impacted by a medical issue.</p>	<p>74% of survey respondents reported using section 420. Those not using section 420 stated as their department has not had medical actions, that current laws and rules provide governing information and that this section does not provide anything substantive, or that they use materials provided during training.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
430	10/86	10/86	Separation for Failure to Meet Conditions of Employment	<p><i>An appointing authority may terminate, demote, or transfer an employee without fault (“nonpunitive termination”), when the only reason for such an action is that the employee could not or did not acquire and retain a particular requirement necessary for continuing employment in that class.</i></p> <p>This section outlines the conditions under which the appointing authority may take action against an employee who does not meet the conditions for continued employment.</p>	SPB establishes appointment and reinstatement rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over leaves of absence. SPB hears appeals from individuals whose appointments are impacted for failure to meet conditions of employment.	78% of survey respondents reported using section 430. Those not using section 430 stated that their department has not separated an employee for failure to meet conditions of employment or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
441	3/91	7/92	Process to Adjust Seniority-Based Layoffs	<p><i>Seniority is the determining factor in deciding who is laid off in the majority of layoffs. However, when the Board finds past discriminatory hiring practices, a process other than straight seniority is required by Government Code section 19798.</i></p> <p>This section is intended for the exclusive use of SPB staff to facilitate review and provide guidance when it finds past discriminatory hiring practices. It allows SPB staff to adjust the order of layoff so that the composition of the affected workforce will be the same after the layoff as it was before the layoff.</p>	SPB establishes past discriminatory layoff rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over all other aspects of layoff. SPB hears appeals from individuals whose appointments are impacted by layoff and who believe that their status was not properly adjusted for past discriminatory hiring practices.	13% of survey respondents reported using section 441. Those not using section 441 stated their department has not experienced a layoff, that this section has been superseded by CalHR's California State Restriction of Appointments Policy and Procedures Manual (SROA Manual), that current laws and rules provide governing information, and that this section does not provide anything substantive, or that this section only pertains to SPB and that departments rely on the SROA Manual.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
442	7/91	7/91	Merit Review of Layoffs	<p><i>Government Code section 19816.5 required SPB to review all proposed layoffs to ensure the layoff does not violate merit principles. This review is carried out in conjunction with CalHR. Broadly defined, merit principles can be considered as any of the provisions of the Civil Service Act.</i></p> <p>This section identifies some of the areas that the SPB analyst should consider in the merit review of a layoff. The Board is also required to review proposed layoffs for impact on composition of the class of layoff and, as necessary, of past discriminatory employment practices.</p>	<p>SPB establishes merit-related layoff rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR provides consultation to departments and has jurisdiction over all other aspects of layoff. SPB hears appeals from individuals whose appointments are impacted by layoff and who believe that their status was not properly adjusted due to merit issues.</p>	<p>53% of survey respondents reported using section 442. Those not using section 442 stated that their department has not experienced a layoff, that this section has been superseded by the SROA Manual, or that current laws and rules provide governing information and that this section does not provide anything substantive.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
900	5/81	5/81	Contracts	<p><i>Personal services contracts are used to obtain personal services (when appropriate to do so) outside the civil service hiring procedures. A personal services contract is defined as “any contract, requisition, purchase order, etc. (except public works contracts) under which labor or personal services is a significant, separately identifiable element.” The business or person performing these contractual services is an independent contractor and does not have status as an employee of the State.</i></p> <p>This section presents the laws and related SPB standards for reviewing personal services contracts. DGS review procedures are also included.</p> <p><b>This section was rescinded in 4/87 to comply with California State Employees’ Association v. SPB (No. 349134) which voided SPB rules not properly adopted through the administrative procedures act.</b></p>	<p>SPB establishes personal service contract rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. SPB attorneys provide consultation to departments. SPB staff review contract challenges from Unions and appeals from SPB staff decisions are held before the Board.</p>	<p>55% of survey respondents reported using section 900. Those not using section 900 stated that current laws and rules provide governing information and that this section does not provide anything substantive.</p>

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
910	11/79	11/79	Volunteers	<p><i>Volunteers are not civil service employees since they do not hold positions in state civil service. Therefore, volunteers may not receive civil service appointments for their volunteer service.</i></p> <p>This section clarifies the guidelines for hiring volunteers.</p>	SPB establishes appointment rules and policy and performs compliance reviews to ensure compliance with civil service laws, rules, and policy. CalHR has jurisdiction over travel expenses and workers' compensation for volunteers.	79% of survey respondents reported using section 910. Those not using section 910 stated that their department has not used volunteers, that the section has been superseded by a CalHR policy memo, or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
930	5/81	5/81	The Functioning of the Five-Member State Personnel Board, Its Calendar and Meetings	<p><i>Established by the State Constitution, the Board oversees the state's civil service system. At the twice monthly Board meetings, the Board approves the adoption of rules and policy, hears appeals of disciplinary actions, appeals of staff actions, and approves changes to the Classification Plan.</i></p> <p>This section details the functions the Board, the Board calendar, Board meetings, and procedures the staff must follow in working with the Board.</p>	SPB and CalHR staff prepares action items for Board approval.	60% of survey respondents reported using section 930. Those not using section 930 stated that their department has not interacted with the Board or that current laws and rules provide governing information and that this section does not provide anything substantive.

Section No.	Original Issue Date	Last Revision Date	Subject	Description of Section Content	Agency Responsible	Policy Usage
935	8/81	8/81	Adoption, Revision or Repeal State Personnel Board Rules	<p><i>Regulation means every rule, regulation, order or standard of general application or the amendment, supplement or revision of any such rule, regulation, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the state agency.</i></p> <p>This section specifies the appropriate steps to be taken to adopt, revise, or repeal a rule.</p>	SPB drafts rules and policy and seeks the Board's approval to proceed with formal regulatory adoption.	51% of survey respondents reported using section 935. Those not using section 935 stated that their department has not participated in the Board's rulemaking process or that current laws and rules provide governing information and that this section does not provide anything substantive.