

INITIAL STATEMENT OF REASONS

HEARING DATE(S):

March 21, 2017, at 10:00 a.m.
Room 150, 801 Capitol Mall, Sacramento,
California

SUBJECT MATTER OF THE PROPOSED REGULATIONS:

Civil Service Job Applications

SECTIONS AFFECTED:

Section 249.8 of Title 2, Chapter 1.3,
California Code of Regulations

PURPOSE, RATIONALE, NECESSITY, AND BENEFITS OF REGULATORY ACTION:

Background:

The jurisdiction and authority of the State Personnel Board (Board) to enforce civil service statutes and promulgate regulations is rooted in the California Constitution, article VII, section 3. The Board thus promulgates rules to govern classifications, examinations, selection, probationary periods, career executive assignments, and other matters related to its authority under Article VII of the California Constitution. (Gov. Code, §§ 18502, subd. (b) & 19889.) The Board's rulemaking authority is also found in certain statutory provisions related to civil service and the merit principle.

Discussion of Each Adoption, Amendment, and Repeal, and Anticipated Benefits:

The following paragraphs set forth the problems with the current regulations; a summary of the proposed changes; the purpose and rationale of each adoption, amendment, or repeal; and the anticipated benefits of each adoption, amendment, or repeal.

Adopt Section 249.8. Job Applications.

Proposed section 249.8 defines a job application to be timely filed where the application is electronically transmitted, or postmarked by the postal service, or date stamped by the appointing power no later than the final filing date specified on the job vacancy announcement. The proposed regulation also requires the job application to be accepted under certain specified conditions: (1) the delay was due to a verified error on the part of the appointing power or through a documented administrative error by postal authorities; or (2) the job application was filed in error to the wrong agency and was postmarked by

the postal service or date stamped by the wrong agency on or before the final filing date specified on the job vacancy announcement.

Currently, the Board's regulatory scheme does not provide rules on what constitutes the timely submittal of job applications and under what circumstances late job applications may be accepted. Adding Section 249.8 is thus necessary to ensure that state agencies process job applications in a fair, equitable, and consistent manner.

ECONOMIC IMPACT ASESMENT:

The proposed regulation sets standards only related to state civil service selection. Therefore, the adoption of this regulation will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state's environment.

The adoption of this regulation, however, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action include a fair, equitable, and consistent process for handling civil service job applications.

TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS:

None.

ANTICIPATED BENEFITS OF THE REGULATORY ACTION:

The benefits of this regulatory action include ensuring that state agencies process job applications in a fair, equitable, and consistent manner.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

EFFORTS TO AVOID CONFLICT WITH AND DUPLICATION OF FEDERAL REGULATIONS:

Not applicable. The Board is not a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshall.

SIGNIFICANT ECONOMIC IMPACT ON BUSINESS:

The proposed regulation sets a standard only related to the process of handling civil service job applications. Accordingly, it has been determined that the adoption of the proposed regulations would not have a significant, statewide adverse economic impact affecting California businesses, including the ability of California businesses to compete with businesses in other states.

CONSIDERATION OF ALTERNATIVES:

The Board has initially determined that no reasonable alternatives have been identified that would be more effective in carrying out the purposes for which the instant action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.