

**DATE:** January 25, 2017

**TO:** ALL INTERESTED PARTIES

/s/ **SUZANNE M. AMBROSE**

**FROM:** Suzanne M. Ambrose  
Executive Officer

**SUBJECT: NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS**

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**Notice is hereby given** that the State Personnel Board (Board) has made further changes to the proposed text for the Classifications, Examinations, and Selection Regulatory Package, sections 27, et seq., of Title 2, Chapter 1, of the Code of Regulations (CCR). The changes are in response to comments received during the 15-day public comment period, which was held December 1, 2016, through December 15, 2016. The Board has also made nonsubstantive changes for consistency and clarity.

I.

**CHANGES**

**PROPOSED SECTIONS 83 AND 83.1** are amended to strike reference to promotions in place, so that those definitions may have broader meaning and application.

**PROPOSED SECTION 86** is amended for purposes of clarity and consistency. The phrase “assesses, compares, and ranks” is stricken and replaced with “involves an assessment an comparative evaluation of” the job-related qualifications of candidates. The phrase “meet the needs of” is replaced with “can be successful” in the position to be filled.

**PROPOSED SECTION 89** is amended for purposes of clarity to state that the Department of Human Resources (referred in the Board regulations as “the Department) shall be responsible for presenting to the Board any recommended changes. To conform with this change, the proposed regulation is also amended to require agencies to coordinate with the Department where the agency seeks a change in the Classification Plan. Other amendments are technical.

**PROPOSED SECTION 156** is added to this regulatory package and amended to require that the disclosure of the rank of eligible candidates during the hiring process

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shall be in accordance with section 249.7. This amendment is necessary to conform with changes to proposed section 249.7.

**PROPOSED SECTION 171.1** is amended to incorporate reference to section 212 of the Board's regulations. This change is for consistency and clarity. Subdivision (h) is stricken to avoid disparity in counting months of experience.

**PROPOSED SECTION 193.1** is clarified to require that scores and ratings are based on assessing qualifications, responses, and/or performance with pre-established, job-related scoring criteria; based on this assessment, candidates shall be compared and ranked against each other.

**PROPOSED SECTION 194** is clarified to refer to this type of examination as "Limited Three Rank Examinations" rather than "Limited Three Score Examinations." To conform with changes to proposed section 193.1, the proposed rule is also amended to incorporate section 193.1. Other changes are technical.

**PROPOSED SECTION 195.1** is amended to clarify that the Department or an appointing power that has been designated under section 195, may allow QAP interviews to be conducted by the same QAP members or a different composition of QAP members.

**PROPOSED SECTION 242** is amended to clarify the appointing power's duty when more than one employee has list eligibility for a promotion in place.

**PROPOSED SECTION 249.6** is amended to conform to changes in proposed section 249.7 by including reference to list eligibility as covered under section 249.7.

**PROPOSED SECTION 249.7** is clarified to require non-disclosure of a candidate's list eligibility, but allow disclosure of the ranking of candidates to certain specified employees. The amendment also requires that if there are eligible LEAP candidates those candidates shall be placed in the first rank in no particular order with the other non-LEAP candidates in the first rank. These amendments are for clarity and to promote the merit principle and hiring into state service of persons with disabilities. Other amendments conform to these changes.

**PROPOSED SECTION 250** is amended to ensure that the hiring process is competitive and involves an assessment of the qualifications of candidates and that interviews are based upon job-related criteria. For consistency and clarity, "meet the needs" is changed to "will be successful," and "hiring manager/designee" is changed to "appointing power."

**PROPOSED SECTION 265.1** is amended to allow a maximum work-time limit of 1500 hours for student, youth, and seasonal classifications, as specified. Other changes are technical.

**II.**

**SUBMISSION OF WRITTEN COMMENTS**

The Board will accept written comments between January 25, 2017, and February 9, 2017, regarding the proposed changes noticed above and that are the topic of this Second 15-Day Notice. If you wish to provide written comments, please submit your comments via facsimile, email, or mail to the following:

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All written comments received no later than 5:00 p.m. on February 9, 2017, which pertain to the afore-stated proposed changes will be reviewed and responded to by the Board as part of the compilation of the rulemaking file. Please limit your comments as specified herein.