

**State of California  
Office of Administrative Law**

In re:  
State Personnel Board

Regulatory Action:

Title 2, California Code of Regulations

Adopt sections:

Amend sections:

Repeal sections: 547.80, 547.82, 547.83,  
547.84, 547.85, 547.86,  
547.87

STATE PERSONNEL BOARD  
AUG 8 2015  
Executive Office

**SECOND CORRECTED NOTICE OF  
APPROVAL OF CHANGES WITHOUT  
REGULATORY EFFECT**

California Code of Regulations, Title 2,  
Section 100

OAL Matter Number: 2015-0619-02

OAL Matter Type: Nonsubstantive (N)

---

The State Personnel Board (Board) submitted this action without regulatory effect, pursuant to title 1, California Code of Regulations, section 100, to repeal seven regulations under title 2 of the California Code of Regulations as a result of the Governor's Reorganization Plan No.1 of 2011, which transferred many duties and powers from the Board to the Department of Human Resources. The basis for these repealed sections being without regulatory effect is because all statutory authority for the regulations have been repealed.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: August 4, 2015



Richard L. Smith  
Senior Attorney

For: DEBRA M. CORNEZ  
Director

Original: Suzanne Ambrose  
Copy: Jeanne Wolfe

# NONCUBSTANTIAL

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2015 0619-02N</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
<div style="text-align: center;"> <p><b>2015 JUN 19 PM 1:48</b></p> <p><b>OFFICE OF ADMINISTRATIVE LAW</b></p> </div>			
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

**JUL 30 2015**  
 2:31 PM

**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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Repeal of EEO and Upward Mobility Regs. per GRP1, 2011	per agency request	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--------------------	--

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
	AMEND
TITLE(S) 2	REPEAL 547.80, 547.82, 547.83, 547.84, 547.85, 547.86, 547.87

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code 511346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code 5511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, 511346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, 5100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code 5511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, 511346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, 511346.1(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, 544 and Gov. Code 511347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, 5100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code 511343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
---	--	---	--

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 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Jeanne 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 6/19/15
TYPED NAME AND TITLE OF SIGNATORY Suzanne Ambrose, Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**JUL 30 2015**

Office of Administrative Law

**Section Affected: 547.80**  
**Specific Language**

**Repeal Section 547.80 as follows:**

~~§ 547.80. Definitions.~~

~~The following definitions shall be used for work force data collection and evaluation of equal employment opportunity within state civil service, including those activities related to layoff:~~

~~(a) "Class" means a group of positions as defined in Government Code Section 18523.~~

~~(b) "Racial/Ethnic Group" includes persons who are members of one of the following groups: American Indian/Native American, Asian, Black/African American, Filipino, Hispanic, Pacific Islander, and White. These groups are defined as follows:~~

~~(1) "American Indian/Native American" means any person who is a member of an American Indian Tribe or band recognized by the Federal Bureau of Indian Affairs, or has at least one-quarter American Indian blood quantum of tribes or bands indigenous to the United States or Canada.~~

~~(2) "Asian" means any person whose origin is the Far East, Southeast Asian or the Indian subcontinent and includes, for example, China, Japan, and Korea.~~

~~(3) "Black/African American" means any person whose origin is any of the Black racial groups of Africa.~~

~~(4) "Filipino" means any person whose origin is the Philippine Islands.~~

~~(5) "Hispanic" means any person whose origin is Mexico, Puerto Rico, Cuba, Spain, or the Spanish-speaking countries of Central or South America. It does not include persons of Portuguese or Brazilian origin, or persons who acquired a Spanish surname;~~

~~(6) "Pacific Islander" means any person whose origin is in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.~~

~~(7) "White" means any person whose origin is Caucasoid.~~

~~(c) "Occupational Group" means a group of jobs or classes that includes the entry level, other working levels, and supervisory levels within the same general occupational field of work;~~



~~(d) "Relevant Labor Force" means the pool of individuals who possess the requisite qualifications for the job within the geographic area in which the agency can reasonably expect to recruit.~~

~~(e) "Statistically Significant" means the degree of underutilization is equal to or greater than the .05 level of significance using the one-tailed Z-Test method of statistical analysis outlined in Appendix 4 of the Interim Guidelines for Conducting the Annual Analysis of the State Work Force, issued March 2002, by the State Personnel Board. This document is hereby incorporated by reference in its entirety. Using this methodology, a computed Z-value of 1.65 or greater is sufficient to conclude that any underutilization is statistically significant.~~

~~(f) "Underutilization" means having fewer persons of a particular group in an occupation or at a level in a department than would reasonably be expected by their availability in the relevant labor force.~~

~~(g) "Work Force" means incumbents in full-time and other than full-time positions in the state civil service employed by the appointing authority.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 11092.5, 18523, 19702.1, 19700, 19791 and 19792, Government Code; Title VII of the Civil Rights Act of 1964, 42 USC, Sections 2000e-2 et seq.; "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity," Federal Register, October 30, 1997; *Connerly v. State Personnel Bd.* (2001) 92 Cal. App. 4th 16; and *Hazelwood School District v. United States* (1977), 433 U.S. 299, 308, fn. 14.~~



**Sections Affected: 547.82, 547.83, 547.84, 547.85, 547.86, and 547.87**  
**Specific Language**

**(1) Repeal Section 547.82 as follows:**

~~§ 547.82. Definitions.~~

~~For purposes of this Subchapter:~~

~~(a) "Bridging Career Ladders" and "Career Ladders and Lattices" mean the succession of job classifications in which employees may normally gain experience in order to advance from positions in low paying occupations into technical, professional, or administrative positions.~~

~~(b) "Bridging Classifications" mean job classifications established to provide experience for employees in low paying occupations that meets the minimum qualifications for traditional entry technical, professional, and administrative classifications.~~

~~(c) "Career Development Plan" means an employee's written plan for advancement, which identifies a career goal and the specific self-development actions, including, but not limited to, work experiences, college courses, and training classes, needed to achieve the goal.~~

~~(d) "Entry Technical, Professional, and Administrative Positions" mean those positions in technical, professional, and administrative classifications for which hiring is typically open to the public and into which employees in low paying occupations may advance.~~

~~(e) "Good Faith Effort" means that the department can demonstrate by its actions that it is fully complying with all upward mobility statutes and regulations.~~

~~(f) "Low Paying Occupations" mean the following groups of classifications identified in the California Civil Service Pay Scales (Pay Scales), 50th Edition, as published by the California Department of Personnel Administration: Horticulture; Office and Allied Services; Custodian and Domestic Services; Mechanical and Construction Trades; and bridging and career development classifications in other occupational areas.~~

~~(g) "Technical, Professional, and Administrative Classifications" mean classifications in the following occupational categories identified in the Pay Scales: Agriculture and Conservation; Education and Library; Engineering and Allied Services; Fiscal, Management and Staff Services; Legal; Medicine and Allied Services; State Emergency Disaster Program; Protective Services and Public Safety; and Social Security and Rehabilitation Services.~~



~~(h) "Upward Mobility" means the development and advancement of employees from positions in low-paying occupations to entry technical, professional, and administrative positions.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19400-19403, 19405 and 19406, Government Code.~~

**(2) Repeal Section 547.83 as follows:**

~~§ 547.83. Coordinator.~~

~~Each department shall appoint an upward mobility program coordinator to coordinate, monitor, and report on the department's upward mobility program efforts.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19400-19403, 19405 and 19406, Government Code.~~

**(3) Repeal Section 547.84 as follows:**

~~§ 547.84. Plan Elements.~~

~~Each department shall develop and maintain a written upward mobility plan as specified in the State Personnel Board's Guidelines for Administering Departmental Upward Mobility Employment Programs (Guidelines), revised July 25, 2000. This document is hereby incorporated by reference in its entirety. The plan shall include:~~

~~(a) A policy statement regarding the department's commitment to providing equal upward mobility opportunity for its employees in low-paying occupations.~~

~~(b) A description of the components of its program consistent with Government Code Section 19401, how employees may access the program, and where information about the program may be obtained.~~

~~(c) The roles and responsibilities of the employee, the employee's supervisor, the upward mobility program coordinator, the personnel office, the training office, and the equal employment opportunity office regarding the upward mobility program.~~

~~(d) Criteria for selecting employees in low-paying occupations to participate in the upward mobility efforts described in Government Code Section 19401.~~

~~(e) The number of employees in classifications in low-paying occupations used by the department; career ladders, bridging classes, and entry technical, professional, and administrative classes targeted for upward mobility; and planned upward mobility examinations.~~



~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19400-19403, 19405 and 19406, Government Code.~~

**(4) Repeal Section 547.85 as follows:**

~~§ 547.85. Employee Selection.~~

~~(a) Departments shall conspicuously post and otherwise publicize upward mobility development and job opportunities for a reasonable time period, but not less than five working days, to provide an equal opportunity for interested employees in low-paying occupations to apply.~~

~~(b) Departments shall select employees in low-paying occupations for participation in upward mobility activities using criteria that are as objective as possible and that can be applied in a consistent manner. Criteria shall include, but not be limited to, such factors as upward mobility objectives; staffing needs; available funds and other resources; employee status; employee performance in current position; employee motivation and potential for advancement; and the relevance of the training.~~

~~(c) No employee shall be guaranteed advancement under any departmental upward mobility program, but all interested employees in low-paying occupations shall be given equal consideration to participate in upward mobility efforts. Employees selected for upward mobility efforts shall prepare a career development plan and maintain a satisfactory level of performance on the job, in academic courses, and/or in training programs to continue in the program.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19400-19403, 19405 and 19406, Government Code.~~

**(5) Repeal Section 547.86 as follows:**

~~§ 547.86. Upward Mobility Goals.~~

~~(a) In accordance with the Guidelines, each department shall annually establish upward mobility goals that reflect the number of expected appointments of employees in low-paying occupations to positions in entry technical, professional, and administrative classifications during the fiscal year. Goals shall be established by classification and expressed as a whole number. In establishing goals, consideration shall be given to the following:~~

- ~~(1) The history of upward mobility appointments over at least a three-year period.~~
- ~~(2) The anticipated number of appointment opportunities.~~
- ~~(3) The availability of qualified upward mobility candidates for appointment.~~

~~(b) Departments shall submit the following information to the Board for review and approval by July 1st of each year:~~

- ~~(1) Upward mobility goals for each appropriate entry technical, professional and administrative classification.~~
- ~~(2) An analysis of how successful the department was in meeting its goals for the previous year.~~
- ~~(3) A description of the department's actions that demonstrate a good faith effort to comply with the requirements of Government Code Section 19401.~~
- ~~(4) The number of employees participating in each of the department's upward mobility efforts specified in Government Code Section 19401.~~
- ~~(5) The amount and percentage of the department's annual training budget assigned for upward mobility development activities.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19400-19403, 19405 and 19406, Government Code.~~

~~(6) Repeal Section 547.87 as follows:~~

~~§ 547.87. Board Review and Response.~~

~~In accordance with Government Code Section 19402, the board will annually review each department's upward mobility goals and the other information required under Section 547.86 and provide a written response either approving or requiring modification to the department's upward mobility program.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19400-19403, 19405 and 19406, Government Code.~~