

SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES

I.

Introduction

The State Personnel Board (Board) proposes to amend Sections 64.1, 64.2, 64.3, 64.4, 64.5, and 64.6 of Title 2, Chapter 1, of the Code of Regulations (CCR). A 15-day public comment period on this rulemaking action was held from December 10, 2025, through December 29, 2025. The Board reviewed and considered all comments received during this period. A summary of those comments and the Board's responses is below.

II. Summary of Written Comments

From Anica Walls, President, SEIU Local 1000

Comment I.

SEIU Local 1000 supports the proposed amendments to section 64 of Title 2, Division 1, Chapter 1 of the California Code of Regulations, including revisions to sections 64.2 and 64.3(c) addressing reasonable accommodation complaints. Local 1000 states that allowing employees to file denial of reasonable accommodation complaints directly with the State Personnel Board when a request is denied or not addressed within thirty days promotes timely due process, reduces harmful delays, and improves administrative efficiency. Local 1000 also supports the requirement that state agencies inform employees of their rights.

Response I.

The Board appreciates SEIU Local 1000's support for the proposed amendments.

From Tiffany Hiramine, Attorney IV, California Department of Public Health (CDPH)

Comment II.

CDPH states that the proposed regulations distinguish denial of reasonable accommodation complaints from discrimination, harassment, and retaliation complaints, but do not clearly specify whether denial of reasonable accommodation complaints that are first filed with a state agency are subject to the filing timeline established in section 64.3, subdivision (b), which applies to discrimination, harassment, or retaliation complaints. CDPH asks whether the Board intended section 64.3, subdivision (b) to apply to denial of reasonable accommodation complaints and, if not, requests clarification regarding the applicable filing timeline

Response II.

The Board did not intend section 64.3, subdivision (b), which establishes the filing timeline for complaints alleging discrimination, harassment, or retaliation, to apply to denial of reasonable accommodation complaints filed directly with the Board.

To clarify the Board's intent and address the concern raised, the Board amended section 64.3 to include subdivision (d), to expressly provide that, except for complaints filed directly with the Board, denial of reasonable accommodation complaints are subject to the same filing prerequisites, timelines, and procedures applicable to complaints alleging discrimination, harassment, or retaliation under this article. This clarification confirms that denial of reasonable accommodation complaints filed first with a state agency follow the filing timeline set forth in section 64.3, subdivision (b).

These amendments are clarifying in nature and do not change the substantive framework of the proposed regulations.

Comment III.

CDPH states that the proposed regulations do not clearly specify whether denial of reasonable accommodation complaints that are first filed with a state agency are subject to the filing timelines established in section 64.5, subdivision (a), which govern the filing of discrimination, harassment, or retaliation complaints with the Board. CDPH asks whether the Board intended denial of reasonable accommodation requests filed with a state agency to follow the timelines in section 64.5, subdivision (a), and, if so, requests that the regulations explicitly state this. If not, CDPH requests clarification regarding the applicable appeal timeline.

Response III.

The Board did not intend section 64.5, subdivision (a), which governs the filing timelines for complaints alleging discrimination, harassment, or retaliation, to apply to denial of reasonable accommodation complaints filed directly with the Board. Denial of reasonable accommodation complaints filed directly with the Board are governed by section 64.5, subdivision (b).

As clarified in the amendments to section 64.3, denial of reasonable accommodation complaints that are first filed with a state agency are otherwise subject to the same filing prerequisites, timelines, and procedures applicable to complaints alleging discrimination, harassment, or retaliation under this article. Accordingly, when a denial of reasonable accommodation complaint is first filed with a state agency, the filing timelines in section 64.5, subdivision (a), apply.

These amendments are clarifying in nature and do not change the substantive framework of the proposed regulations.

Comment IV.

CDPH states that the proposed amendments do not establish a specific deadline for filing a

denial of reasonable accommodation complaints with a state agency and do not clearly identify a deadline for filing appeals with the Board when such complaints are first filed with a state agency. CDPH asserts that, absent clear deadlines, employees could file complaints or appeals years after an alleged denial of reasonable accommodation, potentially resulting in unnecessary expenditure of resources by state agencies and the Board.

Response IV.

The Board structured the proposed amendments so that denial of reasonable accommodation complaints generally follow the same filing prerequisites, timelines, and procedures applicable to complaints alleging discrimination, harassment, or retaliation, unless the complainant elects to file directly with the Board.

As clarified in the amendments to section 64.3, denial of reasonable accommodation complaints that are first filed with a state agency are subject to the same filing timelines applicable to discrimination complaints under this article, including the one-year filing requirement in section 64.3, subdivision (b), and the Board filing timelines in section 64.5, subdivision (a). Denial of reasonable accommodation complaints filed directly with the Board are governed by section 64.5, subdivision (b).

These amendments clarify the applicable deadlines and do not alter the substantive framework of the proposed regulations.

Conclusion.

The Board appreciates the comments and feedback it received regarding the proposed amendments. The modified text, with changes clearly indicated, is available to the public as stated in the Notice of Modification to Text of Proposed Regulation.