

## INITIAL STATEMENT OF REASONS

**HEARING DATE(S):**

September 3, 2025

WebEx/Teleconference

**SUBJECT MATTER OF THE  
PROPOSED REGULATIONS:**

Discrimination Complaint Process

**SECTIONS AFFECTED:**

Title 2, Chapter 1, California Code of  
Regulations, Amend Sections 64.1, 64.2,  
64.3, 64.4, 64.5, and 64.6

In this rulemaking action, 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 California Code of Regulations.

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

**Introduction:**

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. Relative to this regulatory action, all hearings and investigations shall be governed by rules of practice and procedure adopted by the Board. (Gov. Code, § 18675.)

**Purpose:**

The purpose of the proposed regulations is to improve the fairness, accessibility, and efficiency of the State Personnel Board's discrimination complaint process by clarifying procedures, enhancing readability, and addressing systemic delays that disproportionately impact employees with disabilities. Most notably, the amendments eliminate the requirement that employees alleging denial of reasonable accommodation must first file with their department. As proposed, in cases of denial of reasonable accommodation, they may file directly with the Board. This change ensures timely access to the Board's complaint process

**Anticipated Benefits of the Regulatory Action:**

The proposed regulatory amendments will:

1. Align regulatory language for consistency, improving readability and eliminating redundancies.
2. Ensure timely access to the complaint process by allowing employees to file reasonable accommodation denials directly with the Board.

The anticipated benefit is a clearer, streamlined, and equitable process that reduces delays, conserves resources for interested parties and the Board, and upholds the integrity of the civil service system.

Purpose of each Proposed Amendment:

**Amend § 64.1 Right to File a Discrimination Complaint Based on Disability or Denial of Reasonable Accommodation with the Board**

Section 64.1 has been amended to clarify that Article 8 governs the process for filing discrimination complaints with the Board. This amendment provides greater transparency and ensures that departments and complainants understand the appropriate procedural framework for submitting and processing discrimination claims under the Board's jurisdiction.

**Amend § 64.2 Prerequisites for Filing a Discrimination Complaint with the Board State Agency Discrimination Complaint Process.**

Section 64.2 has been amended to reorder the regulatory provisions so that the internal complaint process, moved from Section 64.3, is presented first. Additionally, language has been added to outline the required components of a discrimination complaint.

This reorganization clarifies the intended procedural flow, aligns the discrimination complaint process with existing practices, and improves usability for departments and employees navigating the regulations.

**Amend § 64.3 Appointing Power Discrimination Complaint Process Filing Prerequisites for Board Discrimination Complaints.**

Section 64.3 has been amended to remove the requirement that employees must first file an internal complaint with their department before submitting a denial of reasonable accommodation claim. This amendment allows employees to file such claims directly with the State Personnel Board, ensuring more timely access to the complaint process and reducing potential delays that may disproportionately affect employees with disabilities.

Additionally, language that appointing powers must have their own internal discrimination complaint process has been moved to Section 64.2.

#### **Amend § 64.4 State Agency Response of ~~Appointing~~ Power to Discrimination Complaint.**

Additionally, Section 64.4 has been amended to make revisions that detail how and when an individual may file a discrimination complaint. This language improves clarity, enhances readability, and ensures that the intended meaning of the regulatory language is more easily understood by departments and complainants.

#### **Amend § 64.5 Requirement ~~Timelines and Requirements~~ for Filing Discrimination Complaints with the SPB Board.**

Section 64.5 has been amended to improve clarity by rewriting the section to more clearly distinguish between the filing timelines for discrimination complaints and those for denial of reasonable accommodation complaints.

#### **Amend § 64.6 ~~Acceptance of Complaint; Notice~~ Complaint Review and Notification**

Section 64.6 has been amended to include minor formatting and language updates intended to improve consistency, enhance readability, and clarify the regulatory text.

#### **ECONOMIC IMPACT ASSESSMENT:**

The proposed regulations set standards related to the Board's complaints and appeals process. Therefore, the adoption of these regulations 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 these regulations, however, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service hiring process.

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

None.

#### **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.

**SIGNIFICANT ECONOMIC IMPACT ON BUSINESS:**

The proposed regulations set a standard related to the Board's complaints procedures. 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 it has considered or that have been otherwise identified and brought to the attention of the Board 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.