

**State of California
Office of Administrative Law**

In re:
State Personnel Board

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections:

Amend sections: 211, 211.2

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL Matter Number: 2026-0731-02

OAL Matter Type: File and Print (FP)

This State Personnel Board file and print action, which is exempt from the Administrative Procedure Act pursuant to Government Code sections 18211 and 18213, amends regulations pertaining to civil service examinations to establish a two-year waiting period before a dismissed employee may submit a petition to participate in an examination.

OAL filed the regulations with the Secretary of State and will publish the regulations in the California Code of Regulations, effective 10/1/2026.

Date: September 14, 2026



Digitally signed by Mark

Storm

Date: 2026.09.14 11:35:02

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Mark Storm
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Suzanne Ambrose, Executive
Officer

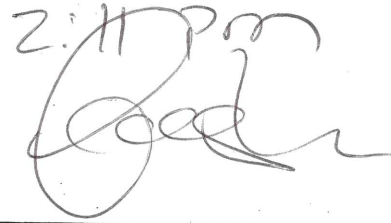
Copy: Joseph Ruggiero

FILE PRINT

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

SEP 14 2026

2:11 PM


OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2026-0310-04	REGULATORY ACTION NUMBER 2026-0731-02	EMERGENCY NUMBER FP
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California State Personnel Board			

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Petitions to Participate in Examinations		TITLE(S) 2	FIRST SECTION AFFECTED 211	2. REQUESTED PUBLICATION DATE March 20, 2026
3. NOTICE TYPE ☒ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON Joseph Ruggiero	TELEPHONE NUMBER 916-653-0920	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2026, 12-2	PUBLICATION DATE 3/20/26	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Petitions to Participate in Examinations		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)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
AMEND		211 & 211.2	
REPEAL		2	
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code §11346) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☒ File & Print ☐ Print Only			
☒ Other (Specify) <u>GC 18211, 18213</u>			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☒ Effective other (Specify) <u>10/1/2026</u>			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal			
☐ Other (Specify)			
7. CONTACT PERSON Joseph Ruggiero		TELEPHONE NUMBER 916-653-0920	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) joseph.ruggiero@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
Suzanne M. Ambrose
Digitally signed by Suzanne M. Ambrose
Date: 2026.07.31 15:28:14 -07'00'

TYPED NAME AND TITLE OF SIGNATORY
Suzanne M. Ambrose, Executive Officer

For use by Office of Administrative Law (OAL) only
AUTHORIZED FOR FILING AND PRINTING

SEP 14 2026

Office of Administrative Law

Final Text

**CALIFORNIA CODE OF REGULATIONS
TITLE 2 Administration
DIVISION 1 Administrative Personnel
CHAPTER 1 State Personnel Board
SUBCHAPTER 1.3 Classifications, Examinations, and Appointments
ARTICLE 8 Examinations**

§ 211. Petitions to Participate in Examinations.

(a) Except as otherwise provided in section 211.2, if an employee is dismissed from state employment by adverse action or as a result of disciplinary proceedings, he or she shall not thereafter be permitted to take any state civil service examination or be certified from an eligible list to any position in state civil service without the prior consent of the Department as set forth herein.

(b) Petitions to participate in state civil service examinations by dismissed employees shall be subject to all of the following:

(1) The petition must be in writing and filed with the Department, with a copy of the petition served on the agency that initially served the adverse action of dismissal. Where that agency no longer exists or has undergone significant organizational and administrative changes, the Department shall determine whether a different or new agency should be notified of the petition, and, if so, the Department shall serve the agency with a copy of the petition.

(2) A completed state examination application must be submitted along with the petition.

(3) At a minimum, the petition shall include the following information:

(A) The effective date of the dismissal.

(B) The reason(s) for the dismissal.

(C) An explanation setting forth the reason(s) why the petition should be granted. The explanation must clearly identify the facts and circumstances supporting the stated reason(s).

(D) Proof of service that a copy of the petition was submitted to the agency that initially served the adverse action of dismissal, unless that agency no longer exists or has undergone significant organizational and administrative changes.

(c) Substantiation of corrected behavior, including, but not limited to, letters of recommendation, employment evaluations, or declarations of corrected behavior may be submitted along with the petition.

(d) Within the time as specified by the Department, the agency that initially served the adverse action of dismissal may submit to the Department a response to the petition that shall include only information that is relevant to one or more of the factors set forth in subdivision (e)(2) through (6) and (8).

(e) Petitions shall be reviewed on a case-by-case basis based upon consideration of the following factors:

1. The type of examination(s) the dismissed employee seeks to take and the classification(s) of the examination(s).
2. The circumstances and causes surrounding the dismissal and any restrictions placed on the dismissed employee as a result of the adverse action that may impact the petition.
3. Any pattern of successful employment after the dismissal.
4. Evidence of corrected and sustained improved behavior.
5. Acceptance of responsibility for past wrongful actions.
6. Demonstration of readiness to re-enter state service.
7. Any written response to the petition or relevant information submitted by the agency that initially served the dismissal.
8. Any other factor deemed relevant to the request, including those factors set forth in Government Code section 18935.

(f) No later than 30 days after receipt of the petition, the Department shall determine whether to deny or grant the dismissed employee permission to participate in the requested examination(s). If the Department determines that additional time is necessary to make a thorough and thoughtful determination and/or to acquire additional information from the dismissed employee and/or agency that initially served the adverse action of dismissal, the Department may extend the time for determination and notify the dismissed employee of the extension and the reasons therefor. If the Department determines that the information submitted by the dismissed employee so warrants, the Department may grant the dismissed employee a blanket waiver to apply for any examination for which the dismissed employee meets the minimum qualifications. The Department shall set forth its decision in writing.

(g) If the Department denies the petition in part or in its entirety, the dismissed employee may appeal to the Board within 30 days after receipt of the written determination.

(h) If the Department denies the petition in part or in its entirety, the dismissed employee shall not file a subsequent petition for a period of two years from the date of the Department's written determination pursuant to subdivision (f).

Note: Authority cited: Sections 18502 and 18701, Government Code. Reference: Sections 18935 and 18941, Government Code.

§ 211.2. Petitions to Participate in Examinations After a Board Decision.

(a) Where the Board issues a decision or resolution concerning an adverse action dismissing an employee from state civil service and the Board sustains the dismissal, the employee shall not thereafter be permitted to take any state civil service examination or be certified from an eligible list to any position in the state civil service absent the approval of the Executive Officer.

(b) Petitions by dismissed employees to participate in state civil service examinations under this section shall be subject to all of the following:

(1) The petition must be in writing and filed with the Executive Officer, with a copy of the petition served on the Department and agency that initially served the notice of adverse action of dismissal. Where that agency no longer exists or has undergone significant organizational and administrative changes, the Executive Officer shall determine whether a different or new agency should be notified of the petition, and, if so, the Executive Officer shall serve the agency with a copy of the petition.

(2) A completed state examination application must be submitted along with the petition.

(3) At a minimum, the petition shall include the following information:

(A) The effective date of the dismissal.

(B) The reason(s) for the dismissal.

(C) The case number of the appeal filed with the Board.

(D) An explanation setting forth the reason(s) why the petition should be granted. The explanation must clearly identify the facts and circumstances supporting the stated reason(s).

(E) Proof of service that a copy of the petition was timely submitted to the Department and the agency that initially served the notice of adverse action of dismissal, unless that agency no longer exists or has undergone significant organizational and administrative changes.

(c) Substantiation of corrected behavior, including, but not limited to, letters of recommendation, employment evaluations, or declarations of corrected behavior may be submitted along with the petition.

(d) Within the period of time specified by the Executive Officer, the Department and the agency that initially served the notice of adverse action of dismissal may submit to the Executive Officer responses to the petition that shall include only information that is relevant to one or more of the factors set forth in section 211, subdivision (e) (2) through (6) and (8).

(e) Petitions shall be reviewed on a case-by-case basis based upon consideration of the factors set forth in section 211, subdivision (e) and upon any responses and relevant information submitted by the Department and agency that initially served the notice of adverse action of dismissal.

(f) No later than 30 days after receipt of the petition, the Executive Officer shall determine whether to deny or grant the dismissed employee permission to apply for the requested examination(s). If the Executive Officer determines that additional time is necessary to make a thorough and thoughtful determination and/or to acquire additional information from the dismissed employee and/or agency that initially served the adverse action of dismissal, he or she may extend the time for determination and notify the dismissed employee of the extension and the reasons therefor. If the Executive Officer determines that the information submitted by the dismissed employee so warrants, the Executive Officer may grant the dismissed employee a blanket waiver to apply for any examination for which the dismissed employee meets the minimum qualifications. The Executive Officer shall set forth the decision in writing.

(g) If the Executive Officer denies the petition in part or in its entirety, the dismissed employee may appeal to the Board within 30 days after receipt of the written decision.

(h) If the Executive Officer denies the petition in part or in its entirety, the dismissed employee shall not file a subsequent petition for a period of two years from the date of the written decision pursuant to subdivision (g).

Note: Authority cited: Cal. Const., art. VII, § 3; Sections 18502 and 18701, Government Code. Reference: Cal. Const., art. VII, § 1; Sections 18900 and 18931, Government Code.