

## SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES

### I.

#### Introduction

The State Personnel Board (Board) proposes to amend section 66.1 of Title 2, Chapter 1, of the California Code of Regulations (CCR). A 15-day public comment period on this rulemaking action was held from June 2, 2021 and June 18, 2021. The comments received by the Board were taken under submission and considered. A summary of those comments and the Board's responses are below.

### II.

#### Summary of Written Comments from Jill O'Connell, Chief, Human Resource Services Division Employment Development Division (EDD).

##### Comment I:

The EDD believes that the proposed regulations do not provide sufficient guidance on how a department would make a distinction between a compensation-related merit issue complaint (MIC) and one related to an unfair hiring practice. Most MICs received are due to complainants being unsatisfied with the hiring/selection process, which would typically include the complainant competing for a promotional opportunity. A successful MIC may determine that the complainant should have been awarded the position, meaning appointment to a higher salaried classification and a salary increase. Such a scenario could be considered a compensation related MIC. It is unclear if the intent of the language requires the complainant to specifically identify placement into an incorrect lower salary range or specifically cite a compensation concern in the complaint.

##### Response I.

The Board thanks and appreciates the EDD's feedback for this regulatory package. The Board has amended the proposed language to require that all MICs be filed with the appointing authority within 3 years, obviating the need for an exception for MICs related to compensation.

### **III.**

#### **Conclusion**

The Board appreciates the feedback it received regarding this proposed regulatory package. The modified text with the changes clearly indicated are available to the public as stated in the Notice of Modification to Text of Proposed Regulation.