

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 19.1 (Temporary Assignments or Loans)

§ 438. Temporary Assignments or Loans In General.

(a) The temporary assignment or loan of an employee shall be for any of the following purposes:

(1) Provide training and development through such methods as defined in section 437 or through other types of training and development methods, such as apprenticeship programs.

(2) Enable an agency to obtain expertise needed to meet a compelling program or management need.

(3) Facilitate the return of an injured employee to work.

(b) The temporary assignment or loan of an employee may be within an agency, between agencies, or between jurisdictions. “Between jurisdictions” means situations where an employee is on a temporary assignment or loan to any of the following:

(1) a federal, county, city, local agency, board, commission, department, district or similar non-state governmental entity;

(2) a public college or university; or,

(3) a private college or university.

(c) Any temporary assignment or loan of an employee made for the purpose specified in subdivision (a)(2) shall only be made with the voluntary consent of the employee.

(d) Employees in career executive assignments are excluded from training and development assignments.

(e) Each agency's upward mobility program shall include training and development assignments.

Credits

NOTE: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Sections 19050.8 and 19401, Government Code.

§ 438.1. Period of Time for the Temporary Assignment or Loan.

(a) The temporary assignment or loan of employees within an agency or between agencies shall be for an aggregate period of not more than 24 months in any 36-month time period.

(1) Normal leave time (e.g., vacation, holidays, and sick leave) shall count toward the 24 months in any 36-month time period.

(2) Employees who work less than full-time time per month (e.g., an employee works 20 hours per week for a total of 80 hours per month) may be in the temporary assignment or loan until they reach the equivalent of working full-time for 24 months in any 36-month time period. For purposes of this rule, 173.33 hours equals one month of full-time work. The equivalent of working full-time for 24 months in any 36-month time period shall be 4,159.92 (173.33 x 24) hours within a 6,239.88 (173.33 x 36) hour time period.

(b) Notwithstanding subdivision (a), temporary assignment(s) within an agency or between agencies may be extended beyond the 24 months in any 36-month time period for up to an additional 24 months beyond the 36-month timeframe where additional time is required to complete an apprenticeship program. Approval of the extension by the Executive Officer is required before the apprenticeship program begins.

(c) The temporary assignment or loan of employees between jurisdictions shall be for an aggregate period not to exceed four years or 48 months. The four-year or 48-month time period may only be exceeded when the specified criteria in Government Code section 19050.8 have been met. ~~“Between jurisdictions” means situations where an employee is on a temporary assignment or loan to a federal, county, city, or local agency, board, commission, department, district or similar non-state governmental entity,~~

(d) If an appointing power approves an employee on a temporary assignment or loan to take a leave of absence for more than 20 continuous working days, the employee shall be reinstated to his or her former position upon returning to work, unless the appointing power determines that it is in the best interests of the state to allow the employee to continue his or her assignment or loan. No later than 10-working days after the approval to take a leave of absence, the appointing power shall inform the employee in writing of whether the employee will be reinstated to his or her former position or continue in the assignment or loan. Where the former position is with a different appointing power, that appointing power shall also be informed in writing of the decision within the 10-working day timeframe set forth herein.

(e) Consecutive temporary assignments as defined in section 437, subdivision (h) are prohibited.

Credits

NOTE: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Sections 18500 and 19050.8, Government Code.

§ 442. Interjurisdictional Employee Exchange.

(a) An appointing power may with the concurrence of the employee assign or loan him or her to a different jurisdiction or receive an employee from a different jurisdiction, provided that the following conditions are satisfied:

(1) The assignment or loan benefits the state and is for the purpose of training and development or compelling management needs. The provisions of Article 19.1 related to training and development and compelling management needs shall apply.

(2) The other jurisdiction, regardless of whether it is in or outside of California, is:

(A) A public entity at the federal, state, local, or international level, including public colleges and universities, and public entities in other countries; or

(B) A private college or university.

(3) The exchange will not result in a layoff of employees with permanent or probationary civil service status.

(4) Both the appointing power and other jurisdiction approve and maintain a written document that complies with Section 438.4.

(5) Any authorizations that are necessary for funds or travel are obtained from the Departments of Finance, Department of General Services, or other appropriate authority. The authorization(s) shall be maintained in accordance with Section 26.

(6) Eligibility for an interjurisdictional employee exchange requires that the employee have permanent status in his or her current classification.

(b) Employees from other jurisdictions who work for the state in an interjurisdictional employee exchange gain no status in state civil service.

(c) For the purposes of state civil service laws and regulations, an employee assigned or loaned in an interjurisdictional employee exchange shall be considered an employee of the appointing power from which loaned or assigned, except the employee's work and activities shall be subject to the direction and control of the jurisdiction to which he or she is assigned or loaned.

(d) The employee's salary and benefits may be paid in any proper manner agreed upon by the employee's current appointing power and other jurisdiction.

(e) The termination of the assignment or loan shall be in accordance with Section ~~4308~~5.

Credits

NOTE: Authority cited: Sections 18502, 18701 and 19050.8, Government Code.
Reference: Section 19050.8, Government Code.

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TITLE 2 (Administration)
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CHAPTER 1 (State Personnel Board)
SUBCHAPTER 2 (Career Executive Assignment Rules)
ARTICLE 14 (Interjurisdictional Exchange)

§ 548.130. Interjurisdictional Exchange.

Participation of career executives in interjurisdictional employee exchange assignments shall be subject to the provisions of California Code of Regulations, title 2, Section 427442.

Credits

NOTE: Authority cited: Section 18701, Government Code. Reference: Sections 18546, 18547, 19050.3 and 19050.8, Government Code.