

MEMORANDUM

DATE: December 17, 2024

TO: **ALL INTERESTED PARTIES**

FROM: /s/ **MICHELLE LA GRANDEUR**
Michelle La Grandeur
Chief, Policy Division

**SUBJECT: HEARINGS AND APPEALS REGULATORY ACTION EFFECTIVE
DECEMBER 12, 2024**

On June 7, 2024, the State Personnel Board (SPB) announced proposed changes to regulations¹ pertaining to hearings and appeals. Subsequently, a public hearing was held on July 30, 2024, to solicit public comment related to the proposed changes. Interested parties were also invited to provide written comments, if preferred. Public comment on the proposed changes yielded no substantive revisions; therefore, finalized regulations were sent to the Office of Administrative Law in October 2024.

The regulations became effective on December 12, 2024. The final regulations are posted on [SPB's website](#); however, for your convenience, a summary of the substantive changes are outlined below.

Rule 58.12. Documents Introduced Into Evidence in Electronic Proceedings.

Rule 58.12 describes the requirements for the number of copies a party must have for any document introduced into evidence. The amendments explain what is specifically required by each party for electronic proceedings, and its title was changed accordingly.

Rule 58.13. Documents Introduced Into Evidence in In-person Proceedings.

For organizational purposes, Court Reporters has been renumbered to Rule 58.14, and Rule 58.13 now provides guidance to parties on documents to be entered into evidence at in-person hearings.

¹ All regulations referred to in this notification pertain to California Code of Regulations, Title 2. Specific sections will be referred to as "Rule".

Rule 58.14. Court Reporters.

Former Rule 58.13, describing requirements for Court Reporters, was renumbered to 58.14 for organizational purposes.

Rule 59.3. Subpoenas.

Rule 59.3 now clarifies the meaning of hearing location when a hearing is being conducted by electronic means.

Rule 60.1. Law and Motion; Procedures; Motions.

Rule 60.1, subdivision (c), lists the different types of motions which shall be filed within 15 days after learning of the basis for the motion. Subdivision (c)(4) describes the motion to suppress evidence upon a party's failure to file or fully disclose all required items in the prehearing/settlement conference statement pursuant to Rule 57.1, subdivision (f)(10).

Rule 57.1, subdivision (f), describes the requirements for what information shall be contained in written prehearing/settlement conference statements that each party files with the Appeals Division 12 calendar days prior to the hearing. Subdivision (f)(10) refers specifically to the dates of unavailability of the parties, counsel, and witnesses.

Rather than referring just to subdivision (f)(10) of Rule 57.1, the amendment to subdivision (c)(4) of Rule 60.1 now states that the motion to suppress evidence based upon a party's failure to timely file or fully disclose all required items in the prehearing/settlement conference statement is pursuant to all requirements of Rule 57.1, subdivision (f).

Rule 60.2. Motions for Hearing Continuances.

Rule 60.2, subdivision (c)(2)(F), has been updated to require information on any future dates when parties and witnesses are unavailable for hearings, as well as any preferred future hearing dates. This clarification ensures that the availability of witnesses is considered, not just the availability of the parties. Additionally, subdivision (c)(2) has been corrected for punctuation.

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