

INITIAL STATEMENT OF REASONS

HEARING DATE(S):

March 11, 2024

WebEx/Teleconference

**SUBJECT MATTER OF THE
PROPOSED REGULATIONS:**

Appeals' Assignments

SECTIONS AFFECTED:

Title 2, Chapter 1, California Code of Regulations, Amend Sections 53.1 and 53.2.

In this rulemaking action, the State Personnel Board (Board) proposes to amend sections 53.1 and 53.2 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 amendments is to provide greater clarity, consistency, and efficiency in the assignment of appeals and complaints within the State Personnel Board's hearing processes. These amendments address procedural gaps by aligning regulatory language with the Board's established practices, enhancing administrative efficiency while ensuring fairness and accessibility for appellants.

Anticipated Benefits of the Regulatory Action:

The regulatory amendments will:

1. Clarify the procedural pathways for specific appeals.
2. Ensure consistency in appeal assignments, reducing ambiguity for stakeholders.
3. Align existing regulations with established Board practices, improving efficiency and transparency.

The anticipated benefit is a clearer, streamlined, and equitable appeals 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 § 53.1. Appeals or Complaints Assigned to Informal Hearing Process.

The amendment to Section 53.1 introduces subdivision (a)(5), which directs petitions for mandatory reinstatement stemming from a medical suspension, demotion, or termination under Government Code section 19253.5 to the informal hearing process. Assigning petitions for mandatory reinstatement to the informal hearing process ensures faster resolution and aligns with the Board's approach for handling less complex appeals efficiently.

Amend § 53.2. Appeals or Complaints Assigned to Investigative Review Process and Investigatory Hearings

The amendment to Section 53.2, subdivision (b), adds terminations of examination appointments during the job examination period for appointments made under the Limited Examination and Appointment Program (LEAP) to the list of matters assigned to the investigatory hearing process.

LEAP appointments involve unique statutory and procedural requirements designed to facilitate employment opportunities for persons with disabilities. Terminations during the LEAP job examination period often require additional fact-finding and review. Assigning these matters to the investigatory hearing process provides a balanced approach to resolving disputes, ensuring due process while maintaining efficiency.

ECONOMIC IMPACT ASSESSMENT:

The proposed regulations set standards related to the Board’s hearings 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 appeals 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.