

## MEMORANDUM

**DATE:** February 26, 2025

**TO:** **ALL INTERESTED PARTIES**

**FROM:** /s/ **Michelle LaGrandeur**  
Michelle La Grandeur  
Chief, Policy Division

**SUBJECT: TRANSFER POLICY CLARIFICATION**

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Recently, departments have raised concerns about the criteria and processes for transferring employees within state civil service. To address these questions and ensure a consistent understanding, the State Personnel Board (SPB) is issuing this memorandum to clarify and summarize the provisions of California Code of Regulations (CCR), title 2, section 428, which governs voluntary transfers within state civil service. This communication is intended to ensure a uniform understanding and application of these regulations across all departments and agencies.

### **Eligibility for Voluntary Transfers**

State civil service employees with permanent or probationary status may be eligible for appointment to other state civil service positions through transfer without the need for an examination, provided that the criteria outlined in the CCR, title 2, sections 425 - 435 and CCR, title 2, section 250 are met.

### **Salary as a Basis for Transfers**

Classes with substantially the same salary range or salary level are deemed to involve substantially the same level of duties, responsibilities, and salary. This provision simplifies the determination process and ensures consistency in evaluating transfer movements. It eliminates the need to compare the levels of duties and responsibilities between classifications when assessing transfer eligibility, in accordance with CCR, title 2, section 428, subdivision (b).

### **Implications of Substantially Similar Salaries**

When salary ranges or levels are comparable, the assumption is that the classes also share equivalent level of duties and responsibilities. Therefore, salary parity is a sufficient criterion for determining transfer eligibility.

### **Prohibited Transfers**

The SPB or its Executive Officer may prohibit transfers between classes under specific circumstances, such as:

- When the classes are determined to be in a promotional relationship.
- For classes established for limited-duration positions.

### **Exceptions in the State's Best Interest**

The SPB or its Executive Officer may approve transfers without an examination if such actions are deemed to be in the best interest of the State. This authority allows flexibility to address unique circumstances or operational needs.

### **Updated Transfer Policy and Determination Form**

To promote consistency in applying CCR, title 2, section 428, the SPB and CalHR will collaborate on developing an updated transfer policy and a revised Transfer Determination Form. These resources will:

- Provide detailed guidance on evaluating and processing transfer requests.
- Standardize documentation requirements for salary and duty comparisons.

Once finalized, the updated policy and form will be distributed to all departments and agencies along with additional training opportunities to support their implementation.

### **Next Steps**

In the interim, departments and agencies should ensure that:

- Salary comparisons are used as a primary criterion for determining transfer eligibility.
- Transfer requests are reviewed for compliance with CCR, title 2, sections 425 – 435.
- All transfers comply with CCR, title 2, section 250 (i.e. all appointees must satisfy the minimum qualifications of the classification prior to appointment).

### **Authorities**

California Code of Regulations, title 2, section 250

California Code of Regulations, title 2, sections 425 - 435