

**State of California
Office of Administrative Law**

In re:
State Personnel Board

Regulatory Action:

Title 02, California Code of Regulations

Amend sections: 170, 249.1.1, 249.1.2,
249.2, 249.4, 321, 438,
438.1, 439.2, 439.4

Repeal sections: 262

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL Matter Number: 2024-0129-01

OAL Matter Type: File and Print Only (FP)

This action amends regulations related to job announcements, appointments, probationary periods, temporary assignments, and training and development assignments. These regulations are exempt from the Administrative Procedure Act pursuant to Government Code section 18211.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: March 12, 2024



Anna Thomas
Attorney

For: Kenneth J. Pogue
Director

Original: Suzanne Ambrose, Executive
Officer

Copy: Michelle La Grandeur

FILE PRINT

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-0627-02	REGULATORY ACTION NUMBER 2024-0129-01FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California State Personnel Board			AGENCY FILE NUMBER (if any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAR 12 2024

1:54 pm

OFFICE OF ADMIN. LAW
2024 JAN 29 PM 3:21

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Examinations, Appointments, Probationary Per..		TITLE(S) 2	FIRST SECTION AFFECTED 170	2. REQUESTED PUBLICATION DATE July 7, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Michelle La Grandeur	TELEPHONE NUMBER 916-651-2740	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2023, 27-Z	PUBLICATION DATE 7/7/23

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Examinations, Appointments, Probationary Periods, Temporary Assign...		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT	PER AGENCY REQUEST 3/12/24 NCC	
	AMEND		
TITLE(S) 2	REPEAL	170, 249.1.1, 249.1.2, 249.2, 321, 438, 438.1, 439.2, 439.4, 249.4	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) 10/6/23-10/23/23, 10/26/23-11/13/23, 11/30/23-12/15/23	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Michelle La Grandeur	TELEPHONE NUMBER 916-651-2740	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) michelle.lagrandeur.spb.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Suzanne M. Ambrose <small>Digitally signed by Suzanne M. Ambrose Date: 2024.01.26 21:36:42 -08'00'</small>	DATE 1/26/2024
TYPED NAME AND TITLE OF SIGNATORY Suzanne M. Ambrose, Executive Officer	

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

MAR 12 2024

Office of Administrative Law

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 8 (Examinations)**

§ 170. Civil Service Examinations and Announcements.

(a) Civil service examinations shall be held at such times and places, and in a format or manner, including online and web-based, as the Department or designated appointing power may determine is appropriate for the classification that is the subject of the examination. The Department shall direct the preparation of every examination. Examinations may contain any combination of components, including, but not limited to, oral panel tests, written tests, physical tests, and performance tests. The type and scoring methods of examinations to be administered shall be determined by the Department or designated appointing power.

(b) Announcements for civil service examinations shall be posted for a minimum period of ten calendar days and provide all of the following information:

- (1) The date(s) and city(ies) of any in-person examination.
- (2) The final filing date for applications. Where the examination is given on a continuous basis, the announcement shall so state and identify the cut off date(s) for applications.
- (3) Title of the classification.
- (4) Salary range.
- (5) Minimum qualifications and preferred or desirable qualifications, if any.
- (6) General scope of the examination.
- (7) Relative weight of the examination's components, if more than one type of test is utilized.
- (8) A statement that informs applicants that dates printed on envelopes by mobile barcodes or equivalent mobile print technology are not acceptable proof of the date the



application and any other required documents or materials were filed.

(9) Clear instructions for filing application forms and any other required documents or materials.

(10) Equal employment opportunity and drug free statements that comply with applicable federal and state laws, including executive orders.

(11) Any additional information the Department or designated appointing power deems proper.

(c) Where the civil service examination is required to be taken in person at the physical location designated on the examination announcement and the agency giving the examination prefers applicants to apply by way of the online application system, the agency shall not prohibit applicants from applying by way of U.S. mail or parcel delivery or courier service or in person. In such a circumstance, the announcement may state or use words to the effect of the following: "Using the online application system as specified in the announcement is the preferred method of applying for this civil service examination; however, applicants may instead apply by way of U.S. mail or parcel delivery or courier service or in person, as set forth in this announcement." For purposes of this regulation, "in person" does not include online or web based examinations taken on a computer or other digital device where a particular physical location(s) for taking the online examination is not required and not specified on the examination announcement.

(d) Nothing specified in this section shall be construed to prevent appointing powers from requiring applicants to file certain required documents or materials via U.S. mail or parcel delivery or courier service, where appropriate (e.g., certified transcripts directly from a school, college, or university, completed fingerprints, certified court documents, or rehabilitation documents).

(e) A civil service examination may be canceled by the Department or designated appointing power at any time prior to the establishment of the employment list.

NOTE: Authority cited: Sections 18502, 18660 and 18701, Government Code.
Reference: Sections 18930 and 18933, Government Code.



CALIFORNIA CODE OF REGULATIONS
TITLE 2 (Administration)
DIVISION 1 (Administrative Personnel)
CHAPTER 1 (State Personnel Board)
SUBCHAPTER 1.3 (Classifications, Examinations, and Appointments)
ARTICLE 10 (Appointments)

§ 249.1.1. Job Announcements.

(a) Each job announcement shall provide all of the following information:

(1) Title of classification.

(A) When the appointing power is considering more than one classification type to fill a vacancy, the job announcement shall specify each classification being considered, including appropriated classifications.

(2) The types of eligibility being considered (e.g., list eligibility; transfer; training and development; LEAP; SROA; and reemployment eligibility).

(3) Salary range.

(4) Minimum qualifications and preferred or desirable qualifications, if any.

(5) The duty statement(s) that most accurately reflects the duties to be fulfilled for each position being considered for the job vacancy.

(6) A statement informing applicants that dates printed on envelopes by mobile barcodes or equivalent mobile print technology are not acceptable proof of the date the application and any other required documents or materials were filed.

(7) Clear instructions for filing application forms and any other required documents or materials.

(8) Equal employment opportunity and drug free statements that comply with applicable federal and state laws, including executive orders.

(9) The final filing date for applications. The job vacancy may be advertised as "until filled." Where a position is advertised as "until filled," the appointing power may have periodic cutoff dates for submitting applications and other required materials provided the cutoff dates are included on the job announcement and comply with the requirements of section 249.2. Internal cutoff periods or dates that are not included on

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the job announcement are prohibited.

(810) Any additional information the appointing power deems proper.

(b) Job vacancy announcements may state or use words to the effect of the following:
"Using the online application system as specified in the announcement is the preferred method of applying for civil service job opportunities; however, applicants may instead apply by way of U.S. mail, parcel delivery or courier service, or in person, as set forth in this announcement."

(c) If the position advertised is limited term, the appointing power shall specify the expected duration of the limited term appointment in the job announcement.

(d) The hiring authority may advertise multiple vacant positions within different units on the same job announcement when the positions are of the same classification(s). In these instances, the appointing power shall provide a description of each unit and all relevant duty statements.

(ee) Where job announcements advertise a vacancy or vacancies as a limited-term position with the possibility of converting to a permanent appointment at a later date, the limited-term employee may be appointed to the position as a permanent civil service employee without a new selection process provided that the employee was eligible for permanent appointment at either the time of the limited-term appointment or at the time of the conversion and SROA and Reemployment for the permanent appointment were cleared at the time of the limited-term appointment or the time of the conversion. If the announcement does not include such notice, the appointing power shall conduct a fair and competitive selection process in accordance with civil service laws and rules. Nothing herein shall be construed as requiring the appointing power to hire a limited-term employee as a permanent employee.

(df) Nothing specified in this section shall be construed to prevent appointing powers from requiring applicants to file certain required documents or materials via U.S. mail or parcel delivery or courier service, where appropriate (e.g., certified transcripts directly from a school, college, or university, completed fingerprints, certified court documents, or rehabilitation documents).

Note: Authority cited: Sections 18502, 18660, 18701 and 19050, Government Code.
Reference: Section 19050, Government Code.

§ 249.1.2. Job Applications.

(a) Except as otherwise specified in section 249.1.1, subdivision (df), appointing powers shall allow applicants the option of filing application forms for civil service employment, along with any other required documents or materials, by way of U.S. mail, parcel delivery or courier service, or in person. Appointing powers may also allow applicants to file application forms by way of an online application system.

(b) All applications for civil service employment and any other required documentation or materials must be filed at the place, within the time, in the manner, and on the form or forms specified in the job announcement. Unless otherwise set forth in this Article, applications failing to satisfy any of these criterion shall not be accepted. All applications shall be available and accepted free of any charge to the applicant.

(c) Where an applicant seeking civil service employment has previously filled out an application form for a civil service examination that satisfies the information required for the employment application form, the appointing power shall allow the applicant to file a copy of the application ~~he or she~~ they completed for the civil service examination.

(d) Appointing powers may require all job applicants to provide their employment history on the application form rather than attaching a resume to the form, if the application instructions clearly state this requirement. If the application instructions do not include such a requirement, attaching a resume to the application form shall be sufficient for purposes of providing employment history.

(e) Where an applicant properly completes, certifies, and files the application form by way of the online application system, ~~his or her~~ their handwritten signature is not required on the paper version of the application form. The applicant's digital certification of the application form shall have the same legal effect as if the applicant hand signed the paper version of the application form.

(f) Appointing powers shall not disqualify applicants for non-job-related reasons or otherwise reject applicants during the hiring process for failing to submit documentation that is not used to assess the qualifications of the applicants, such as checklists or incidental recruitment surveys.

Note: Authority cited: Sections 18502, 18660, 18701 and 19050, Government Code.
Reference: Section 19050, Government Code.



§ 249.2. Postings of Job Announcements on Websites or by Other Electronic Means.

(a) All job announcements shall be posted on the Department's designated website. An appointing power may also post job announcements on other websites, social media sites, such as relevant career centers, career fairs, or academic institution websites, or by other electronic means designed to provide fair, equitable notice to eligible candidates.

(b) Unless a collective bargaining contract between a recognized public employee organization and the state provides otherwise, all online job announcements shall be posted for a minimum period of ten calendar days, except the appointing power may post a job announcement for a shorter period of time where there is a critical hiring need. In such an instance, the appointing power shall maintain the following documentation pursuant to section 26:

- (1) Identify the position(s) that must be filled;
- (2) Describe the event or circumstance that created the critical hiring need;
- (3) Specify the duration of and location where the job announcement was posted; and
- (4) Any supporting evidence that demonstrates why the critical hiring need was created.

Note: Authority cited: Section 18701, Government Code. Reference: Sections 18933 and 19050, Government Code.

§ 249.4. Verification of Minimum Qualifications Prior to Appointment.

(a) Verification of minimum qualifications is not required for candidates on reemployment lists or candidates who have mandatory reinstatement rights, unless the classification requires an incumbent to possess valid licensure, certification, or similar credential. Then the appointing power shall verify the candidate possesses valid licensure, certification, or similar credential prior to appointment. When it is determined that a candidate exercising their mandatory reinstatement rights no longer possesses valid licensure, certification, or similar credential, the candidate shall first be reinstated to their former position pursuant to Government Code section 19140.5. After reinstatement, the appointing power shall act in accordance with Government Code section 19585. For all other candidates, including promotions and transfers, appointing powers shall verify that the candidate satisfies the minimum qualifications of the classification before the candidate is appointed.



(b) If a candidate is found not to satisfy the minimum qualifications, the appointing power shall provide written notice to the candidate specifying which minimum qualifications are not satisfied and the reason(s) why and provide an opportunity for the candidate to establish that ~~he or she~~they ~~satisfies~~ satisfy the minimum qualifications of the classification. The candidate shall have 10-working days to ~~answer~~respond.

(1) Where a candidate fails to ~~answer~~respond within the specified timeframe, the candidate may be considered to have abandoned the selection process. If such a determination is made and the candidate's eligibility was based upon list eligibility, ~~his or her~~their name shall be removed from the employment list. The appointing power shall promptly inform the candidate in writing that ~~his or her~~their name has been removed. The notification shall also inform the candidate of ~~his or her~~their appeal rights.

(2) If the candidate timely ~~answers~~responds, but fails to establish that ~~he or she~~they ~~satisfies~~ satisfy the minimum qualifications, the candidate shall not be appointed to the position, and, if the candidate's eligibility was based upon list eligibility, ~~his or her~~their name shall be removed from the employment list. The appointing power shall promptly inform the candidate in writing of the finding and any actions taken by the appointing power related to the finding, including, for instance, removing the candidate's name from the employment list. The notification shall also inform the candidate of ~~his or her~~their appeal rights.

(c) When an appointing power determines that a candidate does not satisfy the minimum qualifications and initiates and/or completes the withhold process as provided by section 249.4, subdivision (b), and then subsequently reverses the withhold, the appointing power shall document the reason(s) for reversing the withhold and notify the candidate in writing of the reversed decision and, if applicable, the restoration of the candidate's eligibility.

(1) The appointing power shall retain all associated documentation in accordance with section 26.

(ed) For purposes of this section, a holiday as defined in Government Code sections 19853 and 19853.1 is not a working day.

Note: Authority cited: Section 18701, Government Code. Reference: Section 19050, Government Code.

~~§ 262. Waiver of Appointment. [Repealed]~~

~~After three waivers of appointment to positions in any given class where the eligible's record was placed on a certification list in accordance with all applicable certification rules, that eligible's record shall not be certified for future vacancies.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Section 18935, Government Code.~~

**CALIFORNIA CODE OF REGULATIONS
TITLE 2 (Administration)
DIVISION 1 (Administrative Personnel)
CHAPTER 1 (State Personnel Board)
SUBCHAPTER 1.3 (Classifications, Examinations, and Appointments)
ARTICLE 14 (Probationary Period)**

§ 321. Extension of Probationary Periods.

(a) In the event a probationer has not worked the hours set forth below during the prescribed calendar length of the probationary period, the probationary period will be automatically extended until the probationer has worked the required number of hours specified below:

- (1) 840 if serving a six-month probationary period; or
- (2) 1260 if serving a nine-month probationary period; or
- (3) 1680 if serving a one-year probationary period.

(b) Vacation, sick leave, military leave or other leaves of absence, compensating time off, suspension or other separations, including separations subsequently voided or otherwise set aside, shall not be considered working time.

(c) Where a probationary period is automatically extended pursuant to subdivision (a), the probationer shall be notified in writing of the extension, and shall also be notified of the date the extended probationary period will end.

(d) Where a probationer is ~~continuously~~ absent from work for a period of time that is one-third or more of the length of the probationary period as specified in subdivision (a) and



the appointing power finds that the automatic extension of the probationary period provides insufficient time to properly evaluate the probationer's job performance, the appointing power may, ~~as specified in subdivision (e)~~, extend the probationary period beyond the time periods specified in subdivision (a), not to exceed the length of time, calculated in hours, that the probationer was ~~continuously~~ absent. For purposes of this subdivision, the following calculations apply:

- (1) One-third of the six-month probationary period equals 280 hours.
- (2) One-third of the nine-month probationary period equals 420 hours.
- (3) One-third of the one-year probationary period equals 560 hours.

~~(e) To extend a probationary period under subdivision (d), the appointing power shall submit to the Department and serve on the probationer a written request for extension of the probationary period. The request shall include all of the following information:~~

- ~~(1) The length of the applicable probationary period.~~
- ~~(2) The dates of the probationer's continuous absence and hours of work missed on each of those dates.~~
- ~~(3) The number of hours completed in the probationary period prior to the probationer's continuous absence.~~
- ~~(4) The number of hours remaining in the probationary period upon the probationer's return to work after the continuous absence.~~
- ~~(5) The length of the requested extension of probation that is in addition to the automatic extension.~~
- ~~(6) The reasons why the automatic extension of the probationary period is insufficient to properly evaluate the probationer's job performance.~~
Where a probationary period is extended pursuant to subdivision (d), the probationer shall be notified in writing of the reasons for the extension, and shall also be notified of the date the extended probationary period will end.

~~(f) The written request/notification for extension of the probationary period under subdivision (a) and/or (d) shall be submitted to the Department and served on the~~



probationer at least 10 calendar days prior to the expiration of the probationary period.

(1) A probationer served with written notifications~~such a request~~ may submit a written response to the Executive Officer ~~Department~~ within five calendar days after service of the request.

(2) ~~After submission of all documents, the Department shall promptly prepare for and submit to the Executive Officer a written evaluation of the request with a recommendation of whether to approve, modify, or deny the requested extension of the probationary period. The Executive Officer may approve, modify, or deny the requested extension, or request further information before making a decision.~~

(3) If the probationary period will end during the Executive Officer's review, the probationary period shall be automatically extended according to the appointing power's extension until the Executive Officer's decision is issued. If the extension is approved or otherwise modified, this period of time shall count toward the extended probationary period. If the Executive Officer denies the appointing power's extension of the probationary period, the probationary period shall be automatically extended by an additional ten working days from the date of service of the Executive Officer's decision to allow the appointing power sufficient time to proceed with a rejection during probation.

(g) A probationary period may be extended for a maximum of five working days in order to comply with notice requirements as set forth in section 52.6, concerning rejections during probation.

(h) Where an appointing power and a probationer with a disability, as defined in Government Code section 12926, have entered into a proposed written agreement to extend the probationary period in order to provide the probationer with reasonable accommodation, all of the following shall apply:

(1) The period of the extension shall not exceed six months.

(2) The written agreement shall set forth the beginning and ending dates of the extension of probation and describe how the extension will allow the probationer to demonstrate the ability to satisfactorily perform the essential functions of the position with reasonable accommodation before the extended probationary period ends.

(3) The appointing power shall submit the written agreement to the Board for review prior to the end of the probationary period. The Board may approve, disapprove, or modify the written agreement, or require additional information. The Board shall notify the appointing power and probationer in writing of its decision.



(4) If the probationary period will end during the Board's review, the probationary period shall be automatically extended within the terms of the written agreement until the Board's decision is issued. If the written agreement is approved or otherwise modified, this period of time shall count toward the extension of time specified in the written agreement. If the Board declines to approve the written agreement, the probationary period shall be automatically extended by an additional ten working days from the date of service of the Board's decision to allow the appointing power sufficient time to proceed with a rejection during probation. This ten working day extension is in addition to that provided under subdivision (g) above.

NOTE: Authority cited: Cal. Const., art. VII, Section 3; Sections 18502 and 18701, Government Code. Reference: Cal. Const., art. VII, Section 3; Sections 19170 and 19173, Government Code.

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.

(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.

(f) Except for those temporary assignments or loans made to meet a compelling program or management need pursuant to section 440 et seq., the employee may request in writing that their temporary loan or assignment be terminated prior to the anticipated end of the temporary assignment or loan. The employee's request for early termination of the temporary assignment or loan shall be granted within a reasonable time period, not to exceed 10 working days, upon receipt of the employee's request.

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. "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~~their 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~~their 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~~their 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.

(f) With the exception of training and development assignments, employees shall have no right of appeal to the Board or the Executive Officer concerning any temporary assignment or loan, including whether the employee was or was not selected for a temporary assignment or loan, or whether the temporary assignment or loan was terminated prior to the anticipated end of the temporary assignment or loan.

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

§ 439.2 Training and Development Classification.

(a) Subject to the eligibility criteria of section 439.1, training and development assignments may be made to any of the following classifications:

(1) The same classification as the employee's current classification, but a different position.

(2) A different classification with substantially the same salary range as the employee's "~~from~~" current classification.

(3) A different classification with a promotional salary range provided that:

(A) The higher salaried class is the class in the employee's desired occupational area that will provide the appropriate training experience.

(B) There is not another class nearer in salary to the employee's current class that will



provide the appropriate training experience. If such a class exists, that class shall be used for purposes of the training and development assignment.

(C)[Repealed]

(4) A different classification with a demotional salary range provided that the assignment to the lower class is not used where other action, such as voluntary demotion, medical demotion, corrective action, or disciplinary action, is relevant to the employee's situation.

(b) Subject to the eligibility criteria of section 439.1, training and development assignments may be made to any classifications without regard to section 439.2 (a) for training and development assignments involving an apprenticeship program approved by the Department of Industrial Relations, Division of Apprenticeship Standards.

NOTE: Authority cited: Section 19050.8, Government Code. Reference: Section 19050.8, Government Code.

§ 439.4. Completion of a Training and Development Assignment.

(a) After completion of a training and development assignment that was not in the position the employee held prior to the assignment, the employee shall have the absolute right to return to ~~his or her~~their former position.

(b) Notwithstanding subdivision (a), an employee who successfully completes a training and development assignment in a different position, regardless of whether the classification is the same or different or whether the appointing power is the same or different, may be appointed to the same position in which they served the training and development assignment provided that all of the following apply:

(1) The appointment is by way of transfer, list appointment, or demotion.

(2) The employee satisfies the minimum qualifications of the classification.

(3) The employee competed for the assignment pursuant to section 439.3 and the assignment was advertised pursuant to sections 249.1, 249.1.1, and 249.2, unless otherwise exempted.

(c) If an employee is appointed pursuant to subdivision (b), the employee shall serve the applicable probationary period pursuant to section 322, ~~unless the employee serves in the same class at the same appointing power.~~

(d) The experience and training earned in the training and development assignment may be used by the employee to satisfy minimum qualifications for a classification. The



time spent in the training and development assignment shall be considered as qualifying experience in the employee's current class and the class of the training and development assignment.

(e) Within 30 calendar days of the completion and/or termination of the training and development assignment, the appointing power shall provide a written statement to the employee certifying the training and development experience. The written statement shall include all of the following:

- (1) The classification of the training and development assignment;
- (2) A description of the type and level of duties performed; and
- (3) The beginning and ending dates of the training and development assignment.

(f) Appointing powers shall retain verification statements pursuant to section 26.

(g) An employee may file an appeal with the Board from the appointing authority's denial of a request for use of training and development experience for meeting minimum qualifications in an examination pursuant to section 52.4.

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

PER AGENCY
REQUEST
NCC 3/12/24