

**OFFICE OF ADMINISTRATIVE LAW**

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DEBRA M. CORNEZ  
Director

**MEMORANDUM**

TO: Jeanne Wolfe  
FROM: OAL Front Desk  
DATE: December 2, 2015  
RE: Return of Rulemaking Materials <sup>LW</sup>  
OAL Matter Number 2015-1016-03  
OAL Matter Type File and Print Only (FP)

OAL hereby returns the rulemaking record your agency submitted for review regarding "LEAP referral lists and appointments."

If this is an approved matter, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5).

**Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

**Please note this new requirement:** Unless an exemption applies, Government Code section 11343 now requires:

1. Section 11343(c)(1): Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. Section 11343(c)(2): Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at [postedregslink@oal.ca.gov](mailto:postedregslink@oal.ca.gov).

**NOTE ABOUT EXEMPTIONS.** Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; or regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

**DO NOT DISCARD OR DESTROY THIS FILE**

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq. regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2015-1016-03 FP</b>	EMERGENCY NUMBER
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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**DEC 02 2015**  
3:46 PM

For use by Office of Administrative Law (OAL) only

**2015 OCT 16 A 11:00**  
**OFFICE OF ADMINISTRATIVE LAW**

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY  
California State Personnel Board

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) LEAP referral lists and appointments	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) None
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT Sections 11, 12, 12.1, 155, 156, 157, 158 and 159
	AMEND 547.52
TITLE(S) 2	REPEAL

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 type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

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)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))  Effective on filing with Secretary of State  \$100 Changes Without Regulatory Effect  Effective other (Specify) **1/1/2016**

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)  Fair Political Practices Commission  State Fire Marshal

Other (Specify) \_\_\_\_\_

7. CONTACT PERSON Jeanne Wolfe	TELEPHONE NUMBER 916-651-1043	FAX NUMBER (Optional) 916-653-1280	E-MAIL ADDRESS (Optional) jeanne.wolfe@spb.ca.gov
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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 	DATE 10/14/15
TYPED NAME AND TITLE OF SIGNATORY Suzanne M. Ambrose, Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**  
**DEC 02 2015**  
**Office of Administrative Law**



## FINAL TEXT OF REGULATIONS

Text added to the Board's regulations is shown in underline type.  
Text deleted from the Board's regulations is shown in ~~strikeout~~ type.

TITLE 2. ADMINISTRATION  
Division 1. Administrative Personnel  
Chapter 1. State Personnel Board  
Subchapter 1. General Civil Service Regulations  
Article 1. Definitions

### § 11. LEAP.

"LEAP" means the Limited Examination and Appointment Program.

NOTE: Authority cited: Sections 18502, 18701, 19240 and 19241, Government Code.  
Reference: Sections 18500 and 18522, Government Code.

### § 12. Hiring Manager.

"Hiring manager" means the manager who has the critical role in deciding which candidate to hire for a job vacancy. While the details of a hiring manager's role may vary from agency to agency, the hiring manager reviews resumes, applications, and other relevant information during the selection process. The candidate who is appointed reports directly to the hiring manager or is in the hiring manager's chain of command.

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

### § 12.1. Hiring Manager's Report.

"Hiring Manager's Report" means the list of candidates who are eligible for a job vacancy. During the selection process, the Hiring Manager's Report is provided to the hiring manager, hiring panel, and any other person with authority to approve the appointment.

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

TITLE 2. ADMINISTRATION  
Division 1. Administrative Personnel  
Chapter 1. State Personnel Board  
Subchapter 1.3. Classifications, Examinations, and Appointments  
Article 7. Employment Lists

§ 155. Generating a Corresponding LEAP-Referral List.

(a) Where the appointing power requests or generates any type of promotional or open employment list to fill a vacant position, the Department shall ensure that any existing LEAP-referral list corresponding to the classification of the position to be filled will also be provided to or generated for the appointing power.

(b) In the event a corresponding LEAP-referral list exists, a Hiring Manager's Report shall be created in accordance with section 156.

(c) Nothing in this section shall be construed to prevent an appointing power from only requesting or generating a LEAP-referral list to fill a job vacancy, as specified in Article 28 of these regulations.

NOTE: Authority cited: Sections 18502, 18660, 18701, 19240 and 19241, Government Code. Reference: Sections 19050, 19240, 19241, 19242, 19243 and 19244, Government Code.

§ 156. Creating A Hiring Manager's Report Where a Corresponding LEAP-Referral List Exists.

Where a LEAP-referral list exists in accordance with section 155, the Department or the Department's designee shall create a Hiring Manager's Report for the appointing power that combines the names of all persons who are eligible on the LEAP-referral list with the names of all persons who are eligible on the non-LEAP employment list(s). The Hiring Manager's Report shall not specifically identify whether a candidate's eligibility is based upon a LEAP-referral list, non-LEAP employment list, or both. The name of candidates with dual eligibility shall be listed only once. The rank of eligible candidates shall not be identified. The names of eligible candidates may be arranged in alphabetical or random order, and may include the names of candidates who have eligibility for the job vacancy other than by way of a LEAP-referral list or non-LEAP employment list.



NOTE: Authority cited: Sections 18502, 18701, 19240, and 19241, Government Code. Reference: Sections 19050, 19240, 19241, 19242, 19243 and 19244, Government Code.

§ 157. Non-Disclosure of a Candidate's Eligibility During the Selection Process.

Where a corresponding LEAP-referral list has been provided to or generated for the appointing power, the basis of any candidate's eligibility shall not be available to the hiring manager, any member of an interview panel, or any other person with the authority to approve the appointment at any time before the selection and offer of appointment is made, unless the LEAP candidate chooses to voluntarily disclose his or her LEAP eligibility.

NOTE: Authority cited: Sections 18502, 18701, 19240 and 19241, Government Code. Reference: Sections 19050, 19240, 19241, 19242, 19243 and 19244, Government Code.

§ 158. Choice of List Appointment for Candidates with Dual Eligibility.

(a) If a candidate is selected for appointment who is eligible on both a non-LEAP employment list and a LEAP-referral list, the candidate may elect from which list he or she will be appointed.

(b) All laws and regulations applicable to LEAP, including the LEAP job examination period, probationary period, and appraisals, shall apply if a candidate is selected for appointment from a LEAP-referral list. All laws and regulations applicable to probationary periods and appraisals shall apply if a candidate is selected for appointment from a non-LEAP employment list.

NOTE: Authority cited: Sections 18502, 18660, 18701, 19240 and 19241, Government Code. Reference: Sections 19050, 19170, 19240, 19241, 19242, 19243 and 19244, Government Code.

§ 159. Documentation.

If a candidate is selected for appointment from a hiring manager's report that contains LEAP eligibles and non-LEAP eligibles, the appointing power shall document from which list the candidate is appointed. Where a candidate with dual eligibility is selected for appointment, the appointing power shall also document that the candidate had dual



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Governor Edmund G. Brown Jr.

eligibility. The documentation shall be retained for a period of five years after the effective date of the appointment.

NOTE: Authority cited: Sections 18502, 18701, 19240 and 19241, Government Code. Reference: Sections 18573, 18661, 19240, 19241, 19242, 19243 and 19244, Government Code.

Title 2. Administration  
Division 1. Administrative Personnel  
Chapter 1. State Personnel Board  
Subchapter 1.3. Classifications, Examinations, and Appointments  
Article 28. Limited Examination and Appointment Program

§ 547.52. LEAP Readiness Evaluations.

(a) The education, experience and personal qualifications of LEAP applicants who meet the eligibility requirements of § section 547.51 shall be evaluated by competitive examination to determine readiness for appointment. Those applicants who are ready for immediate employment in a LEAP classification shall be placed on the referral list specified in Government Code § section 19242.2.

(b) LEAP-referral lists shall comply with Subchapter 1.3, sections 155 and 156.

Note: Authority cited: Sections 18502, 18701 and 19241, Government Code. Reference: Sections 19242 and 19242.2, Government Code.