State of California Office of Administrative Law

In re:

State Personnel Board

Regulatory Action:

Title 2, California Code of Regulations

Adopt sections:

Amend sections: 212

Repeal sections:

NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1, Section 100

OAL File No. 2015-0224-03 N

This action by the State Personnel Board makes changes without regulatory effect to section 212, title 2 of the California Code of Regulations. These changes include grammatical and other technical changes relating to use of out-of-class experience in meeting minimum qualifications for an examination.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

4/8/2015 Date:

> Kevin D. Hull Senior Attorney

For:

DEBRA M. CORNEZ

Director

Original: Suzanne Ambrose

Copy: Jeanne Wolfe

| STATE OF CALIFORNIA—OFFICE OF ADMINISTR NOTICE PUBLICATION | | BMISSION | (See Instruct | | |
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| STD. 400 (REV. 01-2013) | | | a was a siewers | | |
| OAL FILE NOTICE FILE NUMBER NUMBERS 7. | REGULATORY ACTION NUMBER 2015-0224-03N | | | | |
| For use by Office of Administrative Law (OAL) only | | | | in the office of the Secretary of State of the State of California | |
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| NOTICE | | REGULATIONS | | | |
| California State Personnel | | | AGENCY FILE NUMBER (If any) | | |
| A. PUBLICATION OF NOT | ICE (Complete for pub | lication in Notice Re | eaister) | | |
| 1. SUBJECT OF NOTICE | - (complete ioi pass | TITLE(S) | FIRST SECTION AFFEC | TED 2. REQUESTED PUBLICATION DATE | |
| | | | TELEPHONE NUMBER | FAX NUMBER (Optional) | |
| 3. NOTICE TYPE Notice re Proposed Regulatory Action Oti | 4. AGENCY CON | ITACT PERSON | TELEPHONE NUMBER | PAN NUMBER (Optional) | |
| OAL USE ACTION ON PROPOS Approved as | Approved as | Disapproved/ | NOTICE REGISTER NUM | MBER PUBLICATION DATE | |
| ONLY Submitted | Modified | Withdrawn | | | |
| B. SUBMISSION OF REGU | LATIONS (Complete Wi | ien submitting regu | | | |
| 1a. SUBJECT OF REGULATION(S) Rule 100 Change - or of | Class Expersence K | 4/7/15 | 1b. ALL PREVIOU | US RELATED OAL REGULATORY ACTION NUMBER(S) | |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIO | NS TITLE(S) AND SECTION(S) (Including to | itle 26, if toxics related) | | | |
| SECTION(S) AFFECTED (List all section number(s) | | | | | |
| individually. Attach | | | | | |
| additional sheet if needed.) TITLE(S) | REPEAL | | | | |
| 2 | | | | | |
| 3. TYPE OF FILING Regular Rulemaking (Gov. | | | | | |
| Code §11346) | Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either Emergency Readopt (Gov. Code, §11346.1(h)) Emergency Readopt (Gov. Code, §11346.1(h)) Effect (Cal. Code Regs., title 1, §100) | | | | |
| Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | before the emergency regu | provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. File & Print Print Only | | | |
| Emergency (Gov. Code, §11346.1(b)) | Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) Other (Specify) | | | | |
| 4. ALL BEGINNING AND ENDING DATES OF A | VAILABILITY OF MODIFIED REGULATIONS | AND/OR MATERIAL ADDED TO THE | RULEMAKING FILE (Cal. Code F | Regs. title 1, §44 and Gov. Code §11347.1) | |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, Effective January 1, April 1, July 1, c October 1 (Gov. Code §11343.4(a)) | | | hout Effective other (Specify |) | |
| 6. CHECK IF THESE REGULATIONS RE | | | CONCURRENCE BY, ANOTH ctices Commission | HER AGENCY OR ENTITY State Fire Marshal | |
| Department of Finance (Form ST | D. 399) (SAM §6660) | | | | |
| 7. CONTACT PERSON | | TELEPHONE NUMBER | FAX NUMBER (O | ptional) E-MAIL ADDRESS (Optional) | |
| Jeanne Wolfe | | 916-651-1043 | 916-653-1 | | |
| 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. | | | | For use by Office of Administrative Law (OAL) only ENDORSED APPROVED | |
| or a designee of the he | DATE | 0115 | APR 08 2015 | | |
| TYPED NAME AND TITLE OF SIGNATO Suzanne M. Ambrose, Execu | | 10/0 | 413 | Office of Administrative Law | |
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Section Affected: 212 Specific Language

- § 212 Use of Out-of-Class Experience in Meeting Minimum Qualifications for an Examination
- (a) Definition -Out-of-class experience is that work experience gained by the performance of duties outside the class concept of the employee's class of appointment. Nothing in this part shall be deemed to condone or encourage the assignment by management or the performance of out-of-class work by an employee not authorized by law.
- (b) Verification of out-of-class experience. An employee shall be eligible to receive credit for out-of-class experience in meeting the minimum qualifications for a civil service examination:
- (1) When all of the following criteria are met:
- (A) The employee shall submit a written request that the appointing authority, or his/her designee, certify that the employee accepted and performed duties assigned by the appointing authority that were not consistent with the employee's class of appointment. Requests shall not be made prior to performing out-of-class duties a minimum of 30 consecutive calendar days, nor later than one year after the ending date of the out-of-class duties.
- (B) The appointing authority power or his/her designee under whom the claimed out-of-class experience was gained shall document by a written statement the employee's request for certification of out-of-class experience. The department's statement shall include a description of the type and level of duties performed; a conclusion regarding whether the duties are or are not consistent with the employee's class of appointment and, if not consistent, an identification of the class to which such duties are appropriate; the beginning and ending dates of the out-of-class experience; the title of the examination for which the employee is applying, if applicable; and any further information required by the executive officer.
- (C) The applicant shall attach a copy of the verification statement to the application form for any examination for which he/she is applying.
- (D) The out-of-class experience shall not be used to progress from the trainee to the journey level in a class series or deep class at a rate faster than that permitted for persons appointed to such classes. If the employee's class of appointment has a transfer relationship, as defined by \$\subsetents\text{section 433}, to the class series or deep class in which out-of-class was gained and verified, and the out-of-class experience gained was at the trainee through journey level, the experience shall be credited for examination



purposes on a cumulative basis starting at the level to which the employee could have transferred.

Where a promotional relationship, as defined in section (b) of S section 431, exists between the employee's class of appointment and the class series or deep class in which out-of-class experience is claimed and verified, the experience will be credited on a cumulative basis starting at the entry level of the class series or deep class.

For the purposes of this regulation:

A "class series" is any vertically related group of two or more classes in the same occupational specialty or program area but different in level of responsibility, which constitutes a primary promotional pattern for a specifically identifiable group of employees; and

A "deep class" is a class which has more than one salary range and where, by Board resolution, a salary range other than the lowest range of the class may be used for determining employee status.

- (E) The out-of-class duties were performed for a minimum time period generally required to assume the full range of responsibilities of the class being claimed by the employee. Under this requirement, the minimum verifiable length of out-of-class experience is 30 consecutive calendar days.
- (2) When an out-of-class verification for reimbursement obtained by the employee under Government Code S section 19818.16 indicates that the out-of-class experience is being verified also for the purpose of meeting the minimum qualifications for civil service examinations.
- (c) Once out-of-class experience is credited under this section, such experience may be used for any other examination with a final filing date on or after the effective date of this section, without the need for reverification.
- (d) All verification statements will remain on file with the department appointing power for audit purposes for a period not less than five years or until ordered destroyed by the executive officer.
- (e) The employee may appeal to the <u>b</u> Board from the appointing authority's denial of a request for use of out-of-class experience for meeting minimum qualifications in an examination pursuant to <u>S</u> section <u>51.2</u> <u>52.4.</u>

Note: Authority cited: Section 18701 and 19050.8, Government Code. Reference: Sections 19058.8, Government Code.