

DATE: **October 9, 2017**

TO: **ALL INTERESTED PARTIES**

/s/ SUZANNE M. AMBROSE

FROM: Suzanne M. Ambrose
 Executive Officer

SUBJECT: NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATION

Notice is hereby given that the State Personnel Board (Board) has made changes to the proposed text for regulations related to good faith and correction of appointments, beginning with proposed regulatory section 243 of Title 2, Chapter 1, of the Code of Regulations (CCR).

The changes are based upon further review and in response to comments received during the 45-day public comment period. The changes being made are:

1. For purposes of clarity and consistency, proposed section 243, subdivision (c) has been changed to state “employee” rather than “selected candidate.”
2. Proposed section 243.2, subdivision (a) has been amended to clarify that the Board, Executive Officer, or the California Department of Human Resources (the Department), may take corrective action where the appointing power or employee or both the appointing power and employee acted in other than good faith.
3. To ensure that situations warranting corrective action by the Board or Executive Officer after one year from the appointment is clear and consistent with the Board’s constitutional authority, proposed section 243.2, subdivision (b) has been amended to include situations where the appointing power acted in other than good faith and/or the action or omission found to render the appointment unlawful resulted in a selection process not based solely on merit or that significantly disadvantaged the other candidates.
4. Proposed section 243.2, subdivision (c) has been clarified to set forth an employee’s right to respond where the corrective action includes voiding the appointment.
5. For purposes of clarity, proposed section 243.2, subdivision (d) has been changed to add reference to the delegation powers of the Executive Officer and Department.

6. For purposes of clarity, California Constitution, article VII, section 3, has been added to the Reference.

7. For purposes of consistency with other changes to this proposed rulemaking action, proposed section 243.5 has been amended by deleting reference to regulations that are no longer relevant. In addition, for purposes of clarity and consistency, the term “calendar” has been added to modify “days.” Other changes to this proposed section are technical and stylistic.

8. Proposed section 243.6 has been amended to clarify the right of appeal from actions taken by the Executive Officer and the right of reconsideration from actions taken by the Board. For purposes of clarity, Government Code section 18654.5 and 18710 have been added to the Reference.

If you have any comments regarding the proposed changes, the Board will accept written comments between October 10, 2017, and October 25, 2017. All written comments must be submitted to the Board no later than 5:00 p.m. on October 27, 2017, and addressed to:

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All written comments received by 5:00 p.m. on October 25, 2017, which pertain to the indicated changes will be reviewed and responded to by the Board as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.