

SUMMARY OF PUBLIC COMMENTS **AND** **THE BOARD'S RESPONSES**

15-Day Public Comment Period

**Proposed Regulatory Action
Limited Term Appointments and LEAP**

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SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES

I.

Introduction

The State Personnel Board (Board) proposes to adopt, amend, and repeal regulations related to limited term appointments and the Limited Examination and Appointment Program (LEAP), beginning with proposed regulatory section 280 of Title 2, Chapter 1, of the Code of Regulations (CCR). As amended, a 45-day public comment period on these regulations was held from February 9, 2017, through March 27, 2017. A public hearing was held on March 30, 2017. The comments received by the Board were taken under submission and considered. As a result of those comments, a 15-day written comment period was noticed on June 8, 2017, and held from June 9, 2017, through June 23, 2017. A summary of those comments and the Board's responses are below.

II.

Summary of Written Comments from Theresa Melendez, Office of Equal Employment Opportunity, California Highway Patrol (CHP).

Comment 1:

Proposed § 280. Purpose of Limited Term Appointments.

Since limited term appointments will be used to make examination appointments of LEAP candidates:

(A) Will LEAP candidates, who do not have permanent status, be allowed to transfer from one LEAP examination appointment to another LEAP examination appointment during the job examination period?

(B) Will LEAP candidates, who have permanent status through a prior appointment, be allowed to transfer from one LEAP examination appointment to another LEAP examination appointment during the job examination period?

(C) If such transfers are allowed, will the LEAP candidate be required to start a new job examination period for the new LEAP examination appointment if the appointment is to the same class?

Response 1:

(A) A transfer is not the appropriate mechanism by which to provide an examination appointment to a LEAP candidate. An examination appointment is an appointment to a position in civil service for the express purpose of completing a job performance evaluation. (See Gov. Code, § 19242.1.) All examination appointments “shall be made on a temporary and provisional basis to allow candidates to demonstrate their ability to perform the duties of the position.” (Gov. Code, § 19242.4.) The use of a limited term appointment is the transactional means by which the LEAP candidate receives the examination appointment. Thus, transfers are not the appropriate appointing mechanism for examination appointments.

(B) The status of the LEAP candidate based upon a prior appointment is not relevant for purposes of an examination appointment. That is, as explained in paragraph A, the use of a limited term appointment is the transactional means by which the LEAP candidate receives an examination appointment.

(C) As explained, transfers are not the proper mechanism by which to provide an examination appointment to a LEAP candidate. CHP’s question, however, raises another scenario that may be unlikely but should be addressed: What if a LEAP candidate who is serving a JEP sees an advertisement for an examination appointment to another position in the same class, and they wish to apply. Nothing in the Board’s regulations prevents candidates who are serving a JEP from applying for a different examination appointment. If so appointed, the candidate would be required to serve a new JEP consistent with Board rules in order that he or she can be allowed to demonstrate their ability “to perform the duties of the position.” (Gov. Code, § 19242.4.)

Comment 2:

Proposed § 547.58.9. Appeal Rights, Requests, and Time Periods.

Proposed section 547.58.9 lists various reasons for appeals including paragraph (3), which states, “Disqualification by an interview panel or as a result of any other method used to select a candidate for the examination appointment.” This language appears to be specific to the selection of a candidate for LEAP examination appointment. Please clarify what is meant by “any other method.”

Response 2:

Selection methods may include only an interview panel or a combination of methods such as screening criteria, phone interviews, a face-to-face interview or multiple face-to-face interviews.

III.

Conclusion

The Board appreciates the feedback it received regarding these proposed regulations. No further written public comment period will be held, and there will be no further modifications to the text prior to submitting the text to the Board for adoption. However, the text of the regulations with the changes from the 45-day public comment period clearly indicated are available to the public as stated in the Notice of Recommendation for Adoption without Further Modification to the Text of the Proposed Regulations. The text of these regulations will be placed on the Board's agenda for the August 10, 2017, meeting.