

**State of California
Office of Administrative Law**

In re:
State Personnel Board

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections: 83.5, 83.6, 87

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

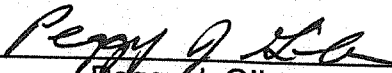
OAL Matter Number: 2021-0603-03

OAL Matter Type: File and Print Only (FP)

This action adopts, amends, and repeals regulations related to civil service applications, transfers and special assignments. These regulations are exempt from the Administrative Procedure Act. (Govt. Code, § 18211.)

OAL filed these regulations with the Secretary of State, and will publish the regulations in the California Code of Regulations.

Date: July 7, 2021



Peggy J. Gibson
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Suzanne Ambrose, Executive
Officer

Copy: Lori Gillihan

NOTICE PUBLICATION/REGULATION SUBMISSION

FILE PRINT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2021-0603-03	EMERGENCY NUMBER FP
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California State Personnel Board			AGENCY FILE NUMBER (if any)

CORRECTED - FILED
Office of the Secretary of State
of the State of California

JUL 07 2021

Received at: 3:55 pm

OFFICE OF ADMIN. LAW
2021 JUN 3 PM4:49

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)
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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Anti-Nepotism		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 83.5, 83.6, 87	
TITLE(S) 2		AMEND	
3. TYPE OF FILING		REPEAL	
<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 checked="" type="checkbox"/> Other (Specify) <u>Gov. Code §18211</u>			
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)			
<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 Lori Gillihan		TELEPHONE NUMBER 916-651-1043	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) lori.gillihan@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 <i>Suzanne M. Ambrose</i>	DATE 6/2/21
TYPE, NAME AND TITLE OF SIGNATORY Suzanne M. Ambrose, Executive Officer	

For use by Office of Administrative Law (OAL) only
AUTHORIZED FOR FILING AND PRINTING

JUL 07 2021

Office of Administrative Law



**Text of Regulations
Anti-Nepotism
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 1. DEFINITIONS**

Proposed Text: Adopt Sections 83.5 and 83.6

§83.5. Nepotism

Nepotism means an employee's use of influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship.

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

§83.6. Personal Relationship

Personal relationship is defined as persons related by blood, adoption, current or former marriage, domestic partnership, or cohabitation. For purposes of this section, cohabitation means living with another person in a romantic relationship without being married or in a domestic partnership.

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

CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
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CHAPTER 1. STATE PERSONNEL BOARD
SUBCHAPTER 1.3 CLASSIFICATIONS, EXAMINATIONS, AND APPOINTMENTS
ARTICLE 1.1. GENERAL PROVISIONS

Proposed Text: Adopt Section 87

§87. Anti-Nepotism

Appointing powers shall hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service system.

All appointing powers shall adopt an anti-nepotism policy that includes the following components:

(1) A statement that the appointing power is committed to merit-based hiring and that nepotism is antithetical to a merit-based civil service system.

(2) A definition of "nepotism" as an employee's use of influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship.

(3) A definition of "personal relationship" as persons related by blood, adoption, current or former marriage, domestic partnership, or cohabitation.

(4) A statement that prohibits participation in the selection of an applicant for employment by anyone who has a personal relationship with the applicant, as defined in section 83.6.

(5) A statement that prohibits the direct or first-line supervision of an employee with whom the supervisor has a personal relationship, as defined in section 83.6.

(6) A process for addressing issues of direct supervision when personal relationships, as defined in section 83.6, between employees exist.

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