

Summary of Comments and Board Responses Second 15-Day Comment Period  
Proposed Rulemaking Action: Waiver of Appointments

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

### **I. Introduction**

The State Personnel Board (Board) proposes to repeal Section 260.1 and 261.1 and amend Sections 249.5, 254, 254.2, 258, 260, and 261 of Title 2, Chapter 1, of the Code of Regulations (CCR). A Second 15-day public comment period on this rulemaking action was held from December 19, 2025 through January 6, 2026. The Board received and considered the comments submitted during this period. A summary of those comments received and the Board's responses is provided below.

### **II. Summary of Written Comments and Responses**

**From Marichris Moreno, Team Leader, Human Resources, California Department of Motor Vehicles (DMV)**

#### Comment I.

DMV recommends using the term "certification list" consistently throughout the proposed regulations. DMV states that the use of multiple terms, including "certification," "certified list," "certification list," and "certified eligible list," may cause confusion.

#### Response I.

The Board reviewed DMV's comment and determined that the terminology used in the proposed regulation is consistent with existing statutes and long-standing merit system usage. The Board finds that the current terminology does not create confusion and appropriately aligns with existing law. As such, no changes were made to the proposed text.

#### Comment II. 249.5

DMV recommends renaming section 249.5 from "Employment Contact Letters" to "Employment Contacts." DMV states that the section addresses multiple methods of contact and that the revised title would more accurately reflect the content of the section.

#### Response II.

The Board reviewed the comment and determined that the existing section title is consistent with long-standing regulatory usage and sufficiently reflects the subject matter addressed in the section. As such, no changes were made to the proposed text.

### Comment III. 249.5

DMV recommends revising subdivision (c) of section 249.5 for clarity. DMV states that, as drafted, subdivision (c) appears to apply only to State Restriction of Appointment (SROA) and reemployment candidates, while the subsequent sentence suggests broader applicability. DMV recommends combining the sentences to clarify that the response timeframes apply to all candidates contacted under the section.

### Response III.

The Board reviewed subdivision (c) and determined that the minimum response periods apply to all candidates contacted pursuant to section 249.5, including SROA and reemployment candidates. The Board finds that the existing language clearly conveys this applicability and that additional revisions are unnecessary. Accordingly, no changes were made to the proposed text.

### Comment IV. 254

DMV notes a formatting issue in section 254, subdivision (a), and recommends inserting a space following the deleted reference to Government Code section 19057.2.

### Response IV.

The Board agrees with DMV's comment and will correct the formatting issue for clarity.

### Comment V. 258

DMV recommends revising subdivision (a) of section 258 to replace the term "job application" with "job application package." DMV states that the term "job application" may be interpreted as referring only to the Examination/Employment Application (STD. 678) and may not account for additional recruitment materials required by the appointing power.

### Response V.

The Board reviewed the comment and determined that the term "job application," as used in the proposed regulation, is sufficiently broad to encompass all materials required to apply for a job vacancy, including any additional documents requested by the appointing power. The Board therefore finds that additional clarification is unnecessary, and no changes were made to the proposed text.

### Comment VI. 260

DMV recommends adding clarification to section 260 regarding whether a candidate who is made inactive on an eligible list may be restored to active status prior to the expiration of list eligibility. DMV states that the current language does not expressly address whether a change to acceptable conditions of employment under section 261, subdivision (c), affects a candidate who has been made inactive under section 260.

#### Response VI.

The Board reviewed the comment and determined that section 260 intentionally provides for inactivation of a candidate's eligibility following a failure to appear for work on an agreed-upon start date, and that such inactivation applies unless and until eligibility is reestablished in accordance with applicable law. Section 261 governs changes to acceptable conditions of employment and does not provide a mechanism for reactivating eligibility that has been made inactive under section 260. The Board finds that the existing regulatory framework sufficiently distinguishes between changes to conditions of employment and loss of eligibility resulting from a failure to appear for work. Accordingly, no changes were made to the proposed text.

#### Comment VII. 261

DMV recommends adding the word "eligible" to subdivisions (b) and (c) of section 261 for consistency, stating that doing so would clarify that the provisions apply to eligible candidates.

#### Response VII.

The Board reviewed the comment and determined that section 261, when read as a whole, applies only to eligible candidates, as the section governs conditions of employment and certification from eligible lists. The Board finds that the existing language sufficiently conveys this applicability and that adding the term "eligible" to subdivisions (b) and (c) is unnecessary. Accordingly, no changes were made to the proposed text.

**From Danishia Colbert, Assistant Deputy Director, Employment Field Operations & Activation Support Section, Human Resources, California Correctional Health Care Services (CCHCS)**

#### Comment VII. 258

CCHCS asks whether the proposed regulations require removal of a candidate from the eligible list or allow department discretion. CCHCS also asks whether a candidate would have the opportunity to appeal. CCHCS points to section 249.4, which expressly requires removal from the employment list and written notice of appeal rights

#### Response VII.

The Board reviewed the comment and determined that the proposed regulations distinguish between vacancy-specific interest determinations, failures to appear for work after acceptance of a formal offer, and actions that affect a candidate's eligibility status on an eligible list.

Section 258 governs an appointing power's assessment of a candidate's interest in a specific job vacancy. A determination that a candidate is not interested under section 258 applies only to the vacancy for which the certification was issued and does not remove the candidate from the eligible list or affect eligibility status. Accordingly, section 258 does not provide for removal from an eligible list or associated appeal rights.

Section 260 separately addresses situations in which a hired candidate fails to appear for work on an agreed-upon start date and provides for mandatory inactivation of eligibility for that classification unless and until eligibility is reestablished. Section 260 does not incorporate an appeal process because it does not constitute a determination of minimum qualifications or an eligibility withhold under section 249.4.

By contrast, section 249.4 governs eligibility withholds and removals from an eligible list and expressly provides for notice and appeal rights when eligibility is withheld or removed. The Board finds that the proposed regulations appropriately distinguish among these actions and their respective consequences. As such, no changes were made to the proposed text.

### **III. Conclusion**

The Board appreciates the comments and feedback it received regarding this proposed amendment. The modified text with the changes clearly indicated is available to the public as stated in the Notice of Modification to Text of Proposed Regulation.