

SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES

I. Introduction

The State Personnel Board (Board) proposes to amend Sections 548.5, 548.40, 548.43, and 548.120.1, and repeal sections 548.41 and 548.52 of Title 2, Chapter 1, of the Code of Regulations (CCR). A 45-day public comment period on this rulemaking action was held from February 13, 2026, through March 30, 2026. A public hearing was held on April 1, 2026. The comments received by the Board were taken under submission and considered. A summary of those comments and the Board's responses is below.

II. Summary of Written Comments

From Bryan Baldwin, Personnel Officer, Office of Human Resources, Department of Justice (DOJ)

Comment I. 548.40(g)

DOJ asks whether proposed section 548.40, subdivision (g) requires appointing powers to specify the exact number of examination phases in advance. DOJ proposes revising the text to clarify that a CEA examination may include multiple phases, if applicable, and that candidates may be required to pass each phase in sequence in order to advance. For example:

(g) Examinations for ~~appointment~~ eligibility to Career Executive Assignment positions may be comprised of ~~two or more~~ distinct examination phases, wherein a candidate is required to pass each examination phase in sequence if multiple, in order to advance to the next phase, and receive a final score in the testing process. The usage of such testing methods shall be clearly stated in the examination announcement and justified in accordance with Government Code section 18930.

Response I.

The Board appreciates DOJ's comment. Proposed section 548.40, subdivision (g) is intended to make clear that Career Executive Assignment examinations may be structured in multiple phases when appropriate, and that candidates may be required to pass each phase in sequence to advance.

The Board does not interpret the phrase "two or more distinct examination phases" as requiring appointing powers to specify an abstract or fixed number of phases outside the context of a

particular examination. Rather, the regulation works in tandem with section 548.40, subdivision (f), which requires the examination announcement to describe the examination components and their relative weight. Read together, these provisions ensure that candidates are informed of the structure of the examination actually being used, including whether a phased process will apply.

Because the proposed language already permits the use of multiple examination phases and requires that the examination structure be clearly described in the announcement, the Board finds that no further amendment is necessary.

Comment II. 548.40(i)

DOJ requests clarification regarding proposed section 548.40, subdivision (i), which requires notice of appeal rights to candidates not selected for participation in the examination. DOJ asks what candidates would be appealing in cases where disqualification is based on failure to submit required application documents.

Response II.

The Board appreciates DOJ's comment. Proposed section 548.40, subdivision (i) is intended to ensure that candidates who are not admitted to compete in the examination process are informed of their right to appeal the examination under section 548.49.

The Board recognizes that, in some cases, a candidate may be excluded from participation based on a failure to submit required application materials or to follow application instructions. In those instances, the issue presented may be limited. For example, a candidate may contend that required materials were timely submitted but not received or properly considered.

The regulation, however, is not limited to those situations. Candidates may also be excluded based on the appointing power's application of job-related criteria or its evaluation of whether the candidate meets the requirements for admission to the examination. Those determinations fall within the scope of the examination process and may be subject to appeal under section 548.49.

For that reason, the Board finds it appropriate to require notice of appeal rights at the point a candidate is denied participation in the examination. The regulation does not expand the scope of appealable issues; it ensures that candidates are informed of whatever appeal rights they may have under existing law. Accordingly, no change to the proposed regulatory text is necessary.

Comment III. 548.40(i)

DOJ requests clarification regarding the requirement in proposed section 548.40, subdivision (i), to provide notice of appeal rights to candidates not selected for appointment. DOJ questions what candidates would be appealing, noting that if appeal rights under section 548.49 relate to the CEA examination process rather than the appointment decision.

Response III.

The Board appreciates DOJ's comment. The Board agrees that appeal rights under section

548.49 pertain to the examination process and are not intended to create a right to appeal a subsequent appointment decision.

To clarify this distinction, the Board has revised section 548.40, subdivision (i). As revised, the regulation requires notice of appeal rights for candidates not admitted to compete in the examination and candidates who compete in the examination. This language more closely aligns with the examination appeal framework set forth in California Code of Regulations, title 2, section 190, which governs examination appeals for non-CEA examinations.

The Board finds that this revision more clearly reflects the scope of examination-related appeal rights under section 548.49 while avoiding potential confusion regarding later appointment decisions.

Comment IV. 548.40(i)

DOJ states that the phrase “participation in the appointment” in proposed section 548.40, subdivision (i) is confusing because the examination process is separate from the later interview and appointment process. DOJ recommends revising subdivision (i) to apply only to examination-related appeal notices and adding a separate subdivision requiring written notice to candidates not selected for appointment. For example:

(i) Candidates ~~not selected for participating in the examination or appointment~~ shall be notified in writing with their examination results by the appointing power of their right to appeal the Career Executive Assignment examination under subchapter 1.3, article 8, section 548.49 to the Board.

(j) Candidates not selected for appointment shall be notified in writing by the appointing power that they were not selected.

Response IV.

The Board appreciates DOJ’s comment and agrees that the proposed language could be interpreted as conflating the examination process with later appointment decisions. As discussed in Response III, the Board did not intend to suggest that nonselection for appointment constitutes an independently appealable event under section 548.49.

To address this concern, the Board has revised section 548.40, subdivision (i) to clarify that notice of appeal rights pertains to candidates not admitted to compete in the examination and candidates who compete in the examination. This revision more clearly aligns the regulation with the examination appeal framework set forth in California Code of Regulations, title 2, section 190.

The Board declines, however, to adopt DOJ’s proposed subdivision (j). The purpose of section 548.40 is to govern the administration of Career Executive Assignment examinations and related examination procedures. Requiring appointing powers to provide written notice that a candidate was not selected for appointment concerns the broader hiring process rather than examination administration and is outside the intended scope of this regulation.

From Selina Mendoza, Assistant Chief, Human Resources Brand, Department of Motor Vehicles (DMV)

Comment V. 548.40(i)

DMV states that proposed section 548.40, subdivision (i) incorrectly identifies section 548.49 as part of “subchapter 1.3, article 8.” DMV recommends correcting the citation to identify section 548.49 as part of subchapter 2, article 5.

Response V.

The Board appreciates DMV’s comment and agrees that the citation in proposed section 548.40, subdivision (i) should be corrected. Section 548.49 is located in subchapter 2, article 5, which governs Career Executive Assignment examinations. The Board has revised the proposed text accordingly.

From Kristy Lac, Selections, Certification and Support Manager, California High-Speed Rail Authority (HSR)

Comment VI. 548.40(a)

HSR requests clarification whether proposed section 548.40, subdivision (a) requires appointing powers to establish and document position-specific minimum qualifications for each Career Executive Assignment position, aligned with the knowledge, skills, and abilities identified for that position.

Response VI.

The Board appreciates HSR’s comment. Because CEA positions are unique to the specific position and appointing power, proposed section 548.40, subdivision (a) is intended to require appointing powers to identify and rely upon position-specific knowledge, skills, and abilities relevant to the particular CEA position.

Those position-specific criteria must be established before candidates are evaluated and reflected in the examination process. The regulation does not prescribe a particular form of documentation beyond what is otherwise required to support the examination and demonstrate that the criteria were job-related, established in advance, and applied consistently.

Accordingly, the Board finds that no further amendment is necessary.

Comment VII. 548.40(b)

HSR requests clarification whether appointing powers must list predetermined knowledge and ability-based criteria in the examination announcement. HSR also asks whether departments may continue using broader minimum qualifications rather than excluding candidates based on position-specific knowledge and ability criteria reflected in application materials.

Response VII.

The Board appreciates HSR's comment. As discussed in Response VI, CEA examinations must be based upon position-specific knowledge, skills, and abilities identified by the appointing power for the position.

Under proposed section 548.40, subdivision (f), the examination announcement must describe the evaluation criteria, examination components, and weight assigned to each component. The Board intends this requirement to ensure that applicants receive meaningful notice of how the examination will be conducted and how candidates will be evaluated.

The regulation does not prohibit appointing powers from continuing to use desirable qualifications in CEA examination announcements where appropriate. Nor does it require appointing powers to convert desirable qualifications into rigid minimum qualification standards. It requires only that the criteria used to evaluate and rank candidates be job-related, established before the examination and applied consistently.

Accordingly, the Board finds that no further amendment is necessary.

Comment VIII. 548.40(f)

HSR asks whether appointing powers must expressly link Statement of Qualifications questions to the knowledge, skills, abilities, or desirable qualifications identified for the CEA position. HSR also asks whether departments must prepare formal job analyses for Career Executive Assignment examinations.

Response VIII.

The Board appreciates HSR's comment. Proposed section 548.40, subdivision (f) requires appointing powers to establish evaluation criteria for assessing candidate qualifications and to describe the examination components and their relative weight in the examination announcement. It does not prescribe a specific format for drafting Statement of Qualifications questions or require a separate formal job analysis for every CEA examination.

That said, the examination components, including any Statement of Qualifications, must be job-related and tied to the criteria used to evaluate and rank candidates. The regulation preserves flexibility regarding how appointing powers document that relationship, provided the examination record supports that the criteria were established in advance, job-related, and applied consistently.

Accordingly, the Board finds that no further amendment is necessary.

Comment IX. 548.40(i)

HSR asks whether proposed section 548.40, subdivision (i) requires appointing powers to provide written notice of appeal rights to all candidates not selected for participation in the examination or appointment.

Response IX.

The Board appreciates HSR's comment. Please see Responses II through IV, above. As revised, section 548.40, subdivision (i) requires appointing powers to provide written notice of appeal rights to candidates not admitted to compete in the examination and candidates who compete in the examination, consistent with the examination appeal framework reflected in California Code of Regulations, title 2, section 190.

Comment X. 548.43(a)

HSR asks whether proposed section 548.43, subdivision (a), requires appointing powers to disclose examination development methodologies and to justify withholding secure examination materials.

Response X

The Board appreciates HSR's comment. Proposed section 548.43, subdivision (a) requires appointing powers to make available the methods used to develop and administer the CEA examination upon request. It does not require appointing powers to disclose secure examination materials, or detailed information that would compromise examination integrity or give an unfair advantage to any candidate.

When materials are withheld on that basis, the appointing power must describe the nature of the materials withheld and the reason for withholding them. This requirement is intended to provide transparency about the basis for nondisclosure without requiring disclosure of the protected materials themselves.

Accordingly, the Board finds that no further amendment is necessary.

From Lyla De La Sota, CEA & Exempt Coordinator, Human Resources Division California State Lottery

Comment XI. 548.40(b)(g)

Lottery asks whether the proposed section 548.40 is intended to allow appointing powers to use predetermined, job-related criteria to determine which applicants are admitted to participate in the Career Executive Assignment examination process, rather than requiring all applicants who meet filing requirements to compete. Lottery supports the proposed amendment if that is the Board's intent.

Response XI.

The Board appreciates Lottery's comment and support. Proposed section 548.40 is intended to clarify that appointing powers must use pre-determined, job-related criteria to determine which applicants are admitted to and evaluated in the CEA examination process.

As discussed in Responses VI and VII, these criteria must include position-specific knowledge, skills, and abilities identified for the particular CEA position. The regulation preserves flexibility

in administering Career Executive Assignment examinations while requiring that evaluation criteria be job-related, established in advance and applied consistently.

Accordingly, the Board finds that no further amendment is necessary.

Comment XII. 548.40(i)

Lottery requests clarification regarding proposed section 548.40, subdivision (i) and questions whether concerns related to later appointment decisions are more appropriately addressed through the Merit Issue Complaint process rather than the Career Executive Assignment examination appeal process.

Response XII.

The Board appreciates Lottery's comment. Please see Responses II through IV, above. As revised, section 548.40, subdivision (i) clarifies that the notice requirement pertains to appeal rights associated with the Career Executive Assignment examination process under section 548.49. The regulation is not intended to create or expand appeal rights concerning later appointment decisions.

From Abby Da Silva, Section Chief, Executive Recruitment Unit, Human Resources Brand, Covered California

Comment XIII. 548.40(b)

Covered California asks whether proposed section 548.40, subdivision (b) is intended to permit appointing powers to use predetermined, position-specific knowledge and ability-based criteria to determine which applicants are admitted to the Career Executive Assignment examination.

Response XIII.

The Board appreciates Covered California's comment. Please see Responses VI, VII, and XI, above. Proposed section 548.40 requires appointing powers to use predetermined, job-related criteria, including position-specific knowledge, skills, and abilities to determine which applicants are admitted to the CEA examination process. The criteria must be applied consistently.

Accordingly, the Board finds that no further amendment is necessary.

Comment XIV. 548.40(g)

Covered California asks whether proposed section 548.40, subdivision (g) permits Career Executive Assignment examinations to include multiple sequential phases, and whether that provision supersedes prior Board guidance indicating that bifurcation of CEA examinations was not permissible. Covered California also asks whether appointing powers must assign weight to each examination phase.

Response XIV.

The Board appreciates Covered California's comment. Proposed section 548.40, subdivision (g)

is intended to clarify that Career Executive Assignment examinations may include multiple sequential phases when appropriate and justified in accordance with Government Code section 18930.

This reflects a change from prior guidance regarding bifurcated CEA examinations, but only under defined conditions. A phased examination is permitted when the use of such testing methods is clearly stated in the examination announcement, as required by section 548.40, subdivision (g) and the examination components and their relative weight are described, as required by subdivision (f). Together, these requirements ensure that candidates are informed in advance of the structure of the examination and how they will be assessed.

The Board does not require appointing powers to use phased examinations, but when they do, the phased structure must be communicated in the announcement and reflected in the examination components and their weighting. If the examination is not announced as phased, candidates must be allowed to complete the full examination as announced.

This approach preserves flexibility for appointing powers while ensuring transparency and consistency in the examination process.

Accordingly, the Board finds that no further amendment is necessary.

Comment XV. 548.40(i)

Covered California asks whether proposed section 548.40, subdivision (i) extends Career Executive Assignment examination appeal rights to final appointment decisions.

Response XV.

The Board appreciates the comment. Please see Responses III, IV, and XII, above. As revised, section 548.40, subdivision (i) clarifies that the notice requirement applies to appeal rights associated with the CEA examination process under section 548.49. It does not create or expand appeal rights concerning later appointment decisions.

Accordingly, the Board finds that no further amendment is necessary.

From Penny Nerona, Section Manager, Classification & Hiring, Human Resources Division, Personnel Operations Unit, California Public Operations Unit (CPUC)

Comment XVI. 548.40(i)

CPUC requests clarification regarding proposed section 548.40, subdivision (i), asserting that the phrase “examination or appointment” could be interpreted to suggest that candidates may appeal non-selection for appointment under section 548.49. CPUC notes that section 548.49 governs examination-related appeals and recommends revising the language accordingly:

- (i) Candidates not selected for participation in the examination for appointment shall be notified in writing by the appointing power of their right to appeal the Career Executive Assignment examination under subchapter 1.3, article 8, section 548.49

to the Board.

Response XVI.

The Board appreciates CPUC's comment and agrees that the proposed language could create confusion regarding the scope of appeal rights under section 548.49. As discussed in Responses III, IV, XII, and XV, above, the Board did not intend to suggest that non-selection for appointment constitutes an independently appealable event under the Career Executive Assignment examination appeal process.

To address this concern, the Board has revised section 548.40, subdivision (i) to clarify that notice of appeal rights applies to candidates not admitted to compete in the examination and candidates who compete in the examination. The Board finds that this revision more clearly aligns the regulation with the examination appeal framework reflected in California Code of Regulations, title 2, section 190, while avoiding potential confusion regarding later appointment decisions.

The Board declines to adopt CPUC's proposed language. The Board finds that the phrase "participation in the examination for appointment" could itself create ambiguity regarding whether the regulation refers to the examination process or the later appointment process. The revised language more clearly distinguishes between those concepts.

III. Conclusion.

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