

FINAL TEXT

CALIFORNIA CODE OF REGULATIONS TITLE 2 (Administration) DIVISION 1 (Administrative Personnel) CHAPTER 1 (State Personnel Board) SUBCHAPTER 2 (Career Executive Assignment Rules) ARTICLE 2 (Position Assignment)

§ 548.5. Creation or Revision of CEA Positions.

(a) ~~Before a position may be allocated~~ing for inclusion in a position to the CEA category, an appointing power shall submit ~~to the Department a notice of and report of regarding the CEA proposal to the Department.~~ For a period of 30 calendar days, t~~The Department shall post the~~provide a public notice period by posting the notice and report on the Department's its website for 30 calendar days. The report shall ~~set forth with specificity the reasons~~ explain why the position meets the statutory and regulatory criteria for the CEA proposal allocation. The Department may require ~~the report to contain any other additional information or documentation it deems relevant to be added to the report.~~

(b) If the appointing power seeks to substantially revise an existing CEA position, the proposal shall be posted as specified in subdivision (a).

(c) During the 30-calendar day public notice period specified in subdivision (a), any interested party may ~~submit to the Department an written opposition to the Department and provide a copy to the~~ submit to the Department an written opposition to the Department and provide a copy to the appointing power's CEA proposal. ~~Any interested party submitting an opposition shall also simultaneously submit a copy of the opposition to the appointing power.~~ The Department may require ~~that oppositions be on a form that is use of a designated form for oppositions.~~ by the Department. ~~If an opposition(s) is submitted, the Department will take appropriate steps to analyze the CEA proposal.~~ CEA proposals that the Department recommends for Board approval shall be placed on the Board agenda.

(d) If any opposition is submitted, the Department shall place the proposal on the Board's agenda for hearing and may submit their recommendation to the Board.

(e) The Board has sole discretion to approve or disapprove the proposal. In making its determination, the Board may consider, but is not limited to, the following factors:

(1) The appointing power's justification,

(2) The duties and scope of the proposed position,

(3) Any opposition and rebuttal,

(4) Supporting documentation, and/or

(5) The Department's analysis and recommendation.

(d) If no timely opposition is ~~timely~~-submitted to the Department, the CEA proposal shall become effective at the close of the public notice period without Board action.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Section 19889, Government Code.

**CALIFORNIA CODE OF REGULATIONS
TITLE 2 (Administration)
DIVISION 1 (Administrative Personnel)
CHAPTER 1 (State Personnel Board)
SUBCHAPTER 2 (Career Executive Assignment Rules)
ARTICLE 5 (Examinations)**

§ 548.40. Competitive Examinations.

~~(a) Examinations for appointment to Career Executive Assignment positions shall be competitive and of such a character as fairly to test and determine the qualifications of candidates actually to perform the duties of the position to be filled. Examinations may include, but need not be limited to, an assessment of the candidates' character, education, experience, knowledge, skills, and ability. Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skill, or any combination of these.~~

~~(b) Examinations may include a review of applications, use of supplemental applications, appraisals of performance and executive potential, management exercises, or structured interviews.~~

~~(c) The appointing power shall promulgate the job-related evaluation criteria that will be used to assess the qualifications of each candidate for the position. The appointing power shall assess each candidate's qualifications for the position based upon the evaluation criteria and shall compare and rank each candidate against all other candidates based upon this assessment. Successful candidates shall be divided into ranks based upon their scores. Limited scoring examinations may be used in the discretion of the Department or designated appointing power. Each candidate shall be notified in writing of his or her final score and ranking.~~

(a) The knowledge and abilities required for each Career Executive Assignment position are unique to the specific position and appointing power and cannot be adequately covered by broad, minimum qualifications. Each candidate must possess the knowledge

and abilities identified by the appointing power as essential to the specific Career Executive Assignment position.

(b) Applicants who meet the appointing power's pre-determined knowledge and ability-based criteria shall be admitted to the examination as provided in subdivision (f).

(c) Examinations for appointment to Career Executive Assignment positions shall be competitive and designed to fairly test and determine each candidate's ability to perform the duties of the position. Examinations may include assessments of character, education, experience, knowledge, skills, and abilities.

(d) Examinations may be written, oral, performance-based, or any combination of these. Furthermore, examinations may include one or more of the following: application review, supplemental applications, appraisals of performance and executive potential, management exercises, or structured interviews.

(e) Announcements for Career Executive Assignment examinations should be broad and inclusive and conform to the provisions of subchapter 1.3, article 8, section 170, subdivision (b).

(f) The appointing power shall establish knowledge and ability-based criteria to assess candidate qualifications. The examination announcement shall describe the evaluation criteria, the examination components, and the weight assigned to each component, consistent with subchapter 1.3, article 8, section 170, subdivision (b). Candidates shall be compared and ranked against one another using these criteria.

(g) Examinations for appointment 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, 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.

(h) Successful candidates shall be placed into ranks based on their scores. The Department or designated appointing power may use limited scoring examinations. Each candidate shall be notified in writing of their final score and ranking.

(i) Candidates not admitted to compete in the examination, and candidates who compete in the examination, shall be notified in writing by the appointing power of their appeal rights under subchapter 2, article 5, section 548.49 to the Board.

Note: Authority cited: Section 18701, Government Code. Reference: Sections 18546, 19889, 19889.2 and 19889.3, Government Code; and *Alexander v. State Personnel Board* (2000) 80 Cal.App.4th 526.

~~§ 548.41. Examination Announcements. [Repealed]~~

~~(a) Examinations for Career Executive Assignment positions shall be publicized as widely as appears practicable. When it is in the best interest of the State and of economy and efficiency, examinations may be conducted with restricted publicity subject to the approval of the Department.~~

~~(b) Examination announcements shall conform to the provisions of Article 8, section 170.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 18933 and 19889, Government Code.~~

§ 548.43. Availability of Information on Examination Method; Written Examinations.

(a) Upon request, the appointing power shall make available to candidates, the Department, and to the Board ~~the method or methods by which the appointing power conducted~~ used to develop and administer the competitive Career Executive Assignment examination, for appointment shall be available for the information of competitors upon request. The appointing power is not required to provide to any individual or entity, other than the Department, the Board or a court of competent jurisdiction, materials whose disclosure would compromise the integrity or security of the examination or give an unfair advantage to any candidate. Such materials may include, for example, test questions or prompts intended for reuse, scoring keys, rating guides, benchmark responses, and other secure test materials. If materials are withheld, the appointing power shall describe the nature of the materials and the reason for withholding.

(b) The scoring, determination of ratings, inspection of papers or answer sheets, and appeals of the conduct of written examinations shall be administered in the same manner as provided for the general civil service pursuant to subchapter 1.3, article 8, sections 176 through 190.

Note: Authority cited: Section 18701, Government Code. Reference: Sections 19889, 19889.2 and 19889.3, Government Code.

~~§ 548.52. Written Examinations. [Repealed]~~

~~The scoring, determination of ratings, inspection of papers or answer sheets, and appeals of the conduct of written examinations shall be administered in the same manner as provided for the general civil service as provided in Sections 176, 177, 178, 179, 180, 185, 186, 187, 188, 189, 190.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19680 and 19889.2, Government Code.~~

CALIFORNIA CODE OF REGULATIONS
TITLE 2 (Administration)
DIVISION 1 (Administrative Personnel)
CHAPTER 1 (State Personnel Board)
SUBCHAPTER 2 (Career Executive Assignment Rules)
ARTICLE 13 (Service-General)

§ 548.120.1. Actions to Correct Unlawful CEA Appointments.

The provisions, procedures, or rights set forth in sections 243.1 (~~Adverse Actions for Violations of Good Faith~~), 243.2 (~~Correction of Unlawful Appointments~~), 243.3 (~~Compensation or Reimbursement for Voided Appointments~~), 243.4₁ (~~Remedial Measures~~) 243.5 (~~Right to Respond~~), and 243.6 (~~Right to Appeal or Reconsideration~~) shall apply to CEA appointments found to be in violation of the good faith requirements of section 548.120.

NOTE: Authority cited: Section 19889, Government Code. Reference: Section 19889.2, Government Code.