

MEMORANDUM

DATE: September 30, 2026

TO: **ALL INTERESTED PARTIES**

FROM: /s/ JOSEPH RUGGIERO
Joseph Ruggiero
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Division

**SUBJECT: PETITIONS TO PARTICIPATE IN EXAMINATIONS REGULATORY
ACTION EFFECTIVE OCTOBER 1, 2026**

On March 20, 2026, the State Personnel Board (SPB) announced proposed changes to regulations¹ pertaining to petitions to participate in examinations following dismissal. A public hearing was held on May 5, 2026, and interested parties were invited to submit written comments. The proposed text was not modified following the public hearing and comment period. The regulations were approved by the Office of Administrative Law and become effective on October 1, 2026.

The final regulations are posted on [SPB's website](#). For convenience, this memorandum summarizes the substantive changes and provides implementation guidance for dismissed employees and other interested parties.

These amendments improve clarity, consistency, and efficiency in the process by which dismissed employees petition for permission to participate in state civil service examinations. The amendments are intended to promote a more orderly petition process, reduce repetitive or premature filings, and facilitate complete and accurate review of petitions. Specifically, each section establishes a two-year waiting period after a petition is denied, in whole or in part, before a dismissed employee may file a subsequent petition.

¹ All regulations referred to in this memorandum pertain to California Code of Regulations, Title 2.

The amendments do not change who must petition, where a petition is filed, the information a petition must include, the factors considered in reviewing a petition, the existing timing provisions for a determination, or the dismissed employee's right to appeal a denial to the Board within 30 days.

Summary of Regulatory Changes

Section 211. Petitions to Participate in Examinations.

Section 211 continues to govern petitions filed with the California Department of Human Resources (CalHR) by employees dismissed by adverse action or as a result of disciplinary proceedings, except where section 211.2 applies following a Board decision sustaining the dismissal. Without CalHR's prior consent, a dismissed employee may not take a state civil service examination or be certified from an eligible list to a position in state civil service.

Section 211 has been amended by adding subdivision (h). If CalHR denies a petition in part or in its entirety, the dismissed employee may not file a subsequent petition for a period of two years from the date of CalHR's written determination under subdivision (f). This amendment is intended to reduce repetitive or premature filings by providing a clear, uniform interval between denied petitions.

Section 211.2. Petitions to Participate in Examinations After a Board Decision.

Section 211.2 governs petitions filed with the SPB's Executive Officer by dismissed employees whose dismissal was sustained by a Board decision or resolution. Without the approval of the Executive Officer, those employees may not take a state civil service examination or be certified from an eligible list to any position in state civil service.

Section 211.2 has been amended by adding subdivision (h). If the Executive Officer denies a petition in part or in its entirety, the dismissed employee may not file a subsequent petition for a period of two years from the date of the Executive Officer's written decision under subdivision (f). As with section 211, this waiting period is intended to reduce repetitive or premature filings by providing a clear, uniform interval between denied petitions.

Practical Implementation Guidance

Dismissed employees considering a petition should keep the following in mind.

1. A denial in whole or in part triggers a two-year filing restriction. The dismissed employee may not file a subsequent petition for two years from the date of the written determination (section 211) or written decision (section 211.2).
2. The required contents of a petition are unchanged. A petition must be in writing, be accompanied by a completed state examination application, and include the effective date of the dismissal, the reason(s) for the dismissal, and an explanation of why the petition should be granted that clearly identifies the supporting facts and circumstances. A petition under section 211.2 must also include the case number of the appeal filed with the Board. Under section 211, a copy of the petition must be served on the agency that initially served the dismissal; under section 211.2, a copy must be served on both CalHR and that agency. Proof of service must be included, and section 211.2 requires proof of timely service. Both sections address cases in which the dismissing agency no longer exists or has undergone significant organizational and administrative changes
3. Petitions continue to be reviewed on a case-by-case basis under the factors in section 211, subdivision (e), including successful employment after dismissal, evidence of corrected and sustained improved behavior, acceptance of responsibility for past wrongful actions, and demonstration of readiness to re-enter state service. Letters of recommendation, employment evaluations, declarations of corrected behavior, and similar documentation may be submitted with the petition.
4. The right to appeal is unchanged. A dismissed employee whose petition is denied, in whole or in part, may appeal to the Board within 30 days after receipt of the written determination or decision.

The Board's amendments are intended to provide a more streamlined and transparent petition process that promotes consistency in administration and provides clearer guidance to dismissed employees, appointing powers, and other interested stakeholders, not to change the standards by which petitions are evaluated. Dismissed employees should direct questions about a specific petition to CalHR or SPB, as applicable.

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