

For the 45-day comment period, proposed text is underlined; and
For the 45-day comment period, text proposed to be deleted is shown in ~~strikethrough~~.

CALIFORNIA CODE OF REGULATIONS
TITLE 2 (Administration)
DIVISION 1 (Administrative Personnel)
CHAPTER 1 (State Personnel Board)
SUBCHAPTER 1.3 (Classifications, Examinations, and
Appointments) ARTICLE 10 (Appointments)

§ 258. Time Periods for Replies to Employment Inquiries Following Certification.

It shall be the duty of every eligible candidate to respond within a reasonable time to an inquiry to ascertain his or her interest in appointment to a position. An eligible candidate does not need to respond when he or she is not interested in the position.

(a) The Department or appointing power shall provide an eligible candidate the following minimum time periods by which to respond to an employment inquiry:

(1) Telephone: A minimum of two business days after the initial contact, including a voicemail message;

(2) Mail: A minimum of six business days after the date the written notice is sent;

(3) Electronic Communication: A minimum of six business days after the date the electronic notice is sent.

(b) For purposes of this section, the term “electronic communication” means any communication that is transferred electronically to the eligible candidate, including, by way of electronic mail or e-mail, an online account, or similar methods that use computers or the internet for transmission and that the eligible candidate has agreed to use. “Electronic communication” does not include verbal communication.

(c) Where an employment inquiry for a job opening is sent to an eligible candidate and the date by which to respond to the inquiry is prior to the final filing date for the job posting, the Department or appointing power shall not act upon the candidate's failure to reply to the employment inquiry if the candidate files his or her application by the final filing date, thereby verifying his or her interest in the position.

If the eligible candidate is unavailable for employment within 30 calendar days following the date of the job offer, ~~the appointing power may consider this a waiver of appointment then the appointing power may treat the unavailability of the candidate the same as a decline of the job offer.~~ The candidate shall remain active on the employment list.

NOTE: Authority cited: Section 18701, Government Code. Reference: Section 19050, Government Code.

§ 260.1. Decline a Job Offer or Failure to Appear for Work or Job Interview After Acceptance of Appointment.

In the case of certification, if the ~~eligible candidate declines a job offer, it is considered a waiver of appointment. If the eligible fails to appear for a job interview or the first day of work after acceptance of an appointment and an agreed upon start date and time between the candidate and the appointing authority without any further agreement, the eligible's candidate's name will be placed on inactive status of the eligible list, and it is considered a waiver of appointment.~~

Note: Authority cited: Section 18701, Government Code. Reference: Section 18935, Government Code.

§ 261.1. Waiver of Contact.

~~(a) If, after being contacted to ascertain interest in a position, and the eligible candidate is not interested, the eligible candidate will not be considered for the vacancy, and, in the case of certification, the eligible candidate is deemed to have waived contact for that certified list. An eligible candidate is considered not interested when any of the following occur:~~

- ~~(1) Eligible Candidate fails to respond to a contact, or fails to respond in accordance with rule 258;~~
- ~~(2) Eligible Candidate responds to a contact as not interested;~~
- ~~(3) Eligible Candidate is either unavailable or declines to interview for a position;~~
- ~~(4) Eligible Candidate withdraws interest in a position at any time during the recruitment process to fill the vacancy.~~
- ~~(5) Candidate is either unavailable for employment or declines the job offer.~~
- ~~(6) Candidate fails to appear for work on the designated start date.~~

~~(b) Eligible Candidates certified from any open list may decline an unlimited number of employment inquiries and hiring interview offers without penalty of being charged a waiver of appointment.~~

Note: Authority cited: Section 18701, Government Code. Reference: Section 18935, Government Code.