

Text added to the Board's regulations is shown in underline.

Text deleted from the Board's regulations 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 8. EXAMINATIONS**

§ 213.6. Appeal of a Disqualification Resulting from a Failed Drug Test or Background Investigation Report.

(a) This section pertains to and outlines administrative appeal rights only. An applicant appealing under this section shall follow the procedures in Sections 51 through 54.2.

(b) An applicant disqualified as the result of failing the drug test may only appeal the disqualification on the grounds that: 1) the drug was ~~obtained~~ used legally; or 2) there has been ~~test result was a false positive resulting from~~ a violation of test protocol, or defect in the chain of custody procedures, or another irregularity that invalidates the test result. A disqualified applicant may have ~~his/her~~ the drug test specimen retested at ~~his/her~~ the applicant's own expense as provided in Section 213.4(i)(2) and include the results of the retesting in ~~his/her~~ the appeal.

(c) An applicant disqualified or withheld from certification as a result of disclosure of drug use or whose background investigation reveals use of a drug pursuant to Section 213.5(c) may appeal the disqualification or the withholding from certification on any grounds allowable by law.

(d) an applicant who prevails upon appeal under this section will be restored to eligibility in the examination from which disqualified or restored to the eligible list from which withheld.

Note: Authority cited: Section 18701, Government Code. Reference: sections 18654, 18670, 18671, 19675 and 18930, Government Code.