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CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 1. ADMINISTRATIVE PERSONNEL
CHAPTER 1. STATE PERSONNEL BOARD
SUBCHAPTER 1.2. HEARINGS AND APPEALS
ARTICLE 9. MERIT ISSUE COMPLAINTS

§ 66.1. Merit Issue Complaints.

- (a) Merit issue complaints are complaints that the State Civil Service Act or Board regulation or policy has been violated by a state agency. These complaints include but are not limited to, interference with promotional opportunities, interference with a person's access to any SPB appeals process, and the designation of managerial positions pursuant to Government Code section 3513. Merit issue complaints do not include appeals of actions that are specifically provided for elsewhere in law or in Board regulations. ~~Each state agency shall establish and publicize to its employees its process for addressing merit issue complaints. That process shall include provisions for informing employees of their right to appeal the state agency's decision on the merit issue complaint to the Appeals Division. Failure of a state agency to respond to a merit issue complaint within 90 days of receipt of the complaint shall be deemed a denial of the complaint's allegations and shall release the appellant to file an appeal directly with the Appeals Division. An appeal of a merit issue complaint shall be filed with the Appeals Division within 30 days of the state agency's denial of the complaint.~~
- (b) ~~Merit Issue Complaints are assigned to investigative review by an Investigative Officer pursuant to section 53.2. Each state agency shall establish a policy process for receiving and addressing merit issue complaints regarding its hiring and selection processes. That policy process shall include provisions for informing employees of their right to challenge the state agency's decision on the merit issue complaint with the Appeals Division.~~
- (c) Merit issue complaints shall first be filed with the state agency within one year of the event or events leading to the filing; alleged violation of Board regulation or policy in the hiring and selection process except in instances where the complaint is directly related to compensation. Complaints directly related to compensation shall be filed within three years of the alleged violation of Board regulation or policy. Failure of a state agency to respond to a merit issue complaint within 90

~~days of receipt of the complaint shall be deemed a denial of the complaint's allegations and shall release the appellant to file a merit issue complaint directly with the Appeals Division. A merit issue complaint shall be filed with the Appeals Division within 30 days of the state agency's denial of the complaint.~~

(d) Each state agency shall inform employees or applicants, at the time the complaint is received, of their right to challenge the state agency's denial of the complaint or failure to respond, by filing a complaint with the Appeals Division and the timelines for filing according to section 66.1, subdivision (e).

(e) A merit issue complaint shall be filed with the Appeals Division within 30 days of the state agency's denial of the complaint. Failure of a state agency to respond to a merit issue complaint within 90 days of receipt of the complaint shall be deemed a denial of the complaint's allegations and shall release the appellant to file a merit issue complaint directly with the Appeals Division.

~~(d)~~ (f) Merit Issue Complaints are assigned for investigative review by an Investigative Officer pursuant to section 53.2, unless otherwise assigned pursuant to section 53.4.

Note: Authority cited: Section 18701, Government Code. Reference: Sections 12940, 18675, 18952, 19701, 19702, 19230 and 19231, Government Code.