

MEMORANDUM

DATE: February 14, 2023

TO: Personnel Officers

FROM: /s/ LORI GILLIHAN
Lori Gillihan
Chief, Policy Division

SUBJECT: TRAINING AND DEVELOPMENT ASSIGNMENTS REGULATORY ACTION

On October 1, 2022, amendments to sections 171.1, 437, 439.2 and 439.4 of Title 2, Chapter 1 of the California Code of Regulations became operative. The main purpose of this regulatory action was to remove unnecessary restrictions on training and development assignments to promotional classifications. Additional amendments to section 171.1 and 439.4 also clarify that time served in an out-of-class or training and development assignment will count as qualifying experience in both the employee's current class and the class of the assignment.

Specifically, the regulatory action repealed subdivision (a)(3)(C) from section 439.2 which stated, "The higher salaried class is not in the same class series as the employee's current class, unless the training and development assignment involves an apprenticeship program approved by the Department of Industrial Relations, Division of Apprenticeship Standards." The repeal of section 439.2, subdivision (a)(3)(C), now allows employees to apply to and serve in training and development assignments to a higher salary class that is in the same class series as the employee's current class. The less-restrictive criteria ensures that qualified candidates are afforded the same employment opportunity to compete for and obtain broader or more specialized competencies in order to support their career development and upward mobility.

Additionally, amendments to sections 171.1 and 439.4 clarify that when an employee serves in a training and development assignment, they may count the training and development assignment as time worked in either their "current class," their training and development assignment class, or a combination of both classes, in order to qualify for promotional examinations.

“Current class” means the classification of the position to which the employee has been appointed and holds prior to the training and development assignment. (Cal. Code Regs., title 2, § 437, subd. (j).)

For example, an employee who served as a Staff Services Analyst (SSA) for one year and then received a training and development assignment to an Information Technology Technician (ITT) for two years could use the two years served in the training and development assignment as an ITT to qualify for the Information Technology Associate (ITA) examination. The employee could also count the training and development assignment’s two-year duration toward three years worked as an SSA (one year as SSA plus two years as ITT on training and development assignment) in order to qualify for the Associate Governmental Program Analyst examination. However, the time may not be counted cumulatively, or “double counted,” in order to qualify for a promotional examination. For example, in the case above, the employee could not claim three years as an SSA and two years as an ITT, for a total of five years cumulative experience, in order to satisfy the minimum qualifications (MQ’s) of a promotional examination. The qualifying experience used to meet MQ’s, when combined, may never exceed the duration of the experience being considered; however, the appointing power must consider any combination of experience in order to satisfy MQ’s. The employee is not required to choose which class shall be considered.

A policy section that addresses training and development assignments will soon be available at the online Human Resources Manual.

Authorities

California Code of Regulations, title 2, section 171.1

California Code of Regulations, title 2, section 437

California Code of Regulations, title 2, section 439.2

California Code of Regulations, title 2, section 439.4