

**Civil Service Improvement
Proposed Trailer Bill Language
(Updated May 16, 2018)**

GOVERNMENT CODE

SECTION 1. Section 18502 of the Government Code is amended to read:

Section 18502.

(a) There is hereby created in state government the Department of Human Resources. The department succeeds to and is vested with the following:

(1) All of the powers and duties exercised and performed by the Department of Personnel Administration.

(2) Those powers, duties, and authorities necessary to operate the state civil service system pursuant to Article VII of the California Constitution, this code, the merit principle, and applicable rules duly adopted by the State Personnel Board.

(b) The State Personnel Board shall prescribe rules consistent with a merit based civil service system to govern appointments, classification, examinations, probationary periods, disciplinary actions, and other matters related to the board's authority under Article VII of the California Constitution. The State Personnel Board may conduct audits and investigations of personnel practices of the department and appointing authorities to ensure compliance with civil service policies, procedures, and statutes.

(c) This section shall not limit the authority of the Department of Human Resources and the State Personnel Board to delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement.

(d) The rules and regulations of the State Personnel Board and of the Department of Personnel Administration shall remain in effect unless and until contradicted by the terms of this chapter or amended or repealed by the board or the Department of Human Resources.

SEC. 2. Section 18525.3 of the Government Code is amended to read:

Section 18525.3.

"Transfer" means both of the following:

(a) The appointment of an employee to another position in the same class but under another appointing power.

(b) The appointment of an employee to a different class to which the employee satisfies the minimum qualifications and that has substantially the same level of duties, responsibility, and salary, as the employee's current class under the same or another appointing authority determined by board rule.

SEC. 3. Section 18528 of the Government Code is amended to read:

Section 18528.

“Permanent employee” means an employee who has permanent status. “Permanent status” means the status of an employee who is lawfully retained in his or her position after the successful completion of the probationary period. “Permanent status” also means an employee who is lawfully appointed to his or her position after successful completion of the Job Examination Period under the Limited Examination and Appointment Program.

SEC. 4. Section 18577 of the Government Code is amended to read:

Section 18577.

Whenever this part refers to “board rules,” “rules of the board;” “rules.” or makes a similar reference, ~~such that~~ reference authorizes the board to make rules concerning the subject matter ~~concerning~~ for which such that reference is made.

SEC. 5. Section 18939 of the Government Code is amended to read:

Section 18939.

~~For classes of positions for which the department or a designated appointing power finds it difficult to maintain adequate eligible lists it~~ The department or a designated appointing power may receive applications, conduct examinations, and create eligible lists ~~continuously~~ on a continual basis consistent with board rules. The names of eligibles who took the same or a comparable examination on different dates may be ranked for purposes of certification in the order of final earned ratings, except ~~as~~ the order may be modified by the application of veterans preferences or career credits, consistent with applicable statutes. Eligibility from a continuous examination may be deemed to be established as of the date of examination.

SEC. 6. Section 18950 of the Government Code is amended to read:

Section 18950.

(a) Vacancies in positions shall be filled insofar as consistent with the best interests of the state from among employees holding positions in appropriate classes, and appropriate promotional lists shall be established to facilitate this purpose, except as provided in Section 18930. Examinations shall be held on an open, nonpromotional

basis when, in the judgment of the department or designated appointing power, open competition will produce eligible lists with more highly skilled qualified candidates and is consistent with the best interests of the state.

(b) Consistent with board rules, ~~The~~ the department may prescribe conditions under which state employees, persons on leave of absence, and persons whose names are on appropriate reemployment lists, may be permitted to compete in a promotional examination ~~and~~ in order to attain eligibility for appointment.

(c) The department, consistent with board rules, may ~~further~~ prescribe conditions under which eligibility may be transferred from one promotional list to another promotional list, ~~when such lists are for the same class and have been established as a result of the same or a similar examination.~~

(d) Notwithstanding subsection (c), eligibility may not be transferred from one promotional list to another promotional list where the list to which eligibility has been transferred is for a classification requiring specific professional licensing, unless the applicant possesses the appropriate professional license.

SEC. 7. Section 19050.4 of the Government Code is amended to read:

Section 19050.4.

A transfer may be accomplished without examination pursuant to board rules. ~~The department or appointing authority may require an employee to demonstrate in an examination that he or she possesses any additional or different requirements that are included in the minimum qualifications of the class to which the employee is transferring.~~

SEC. 8. Section 19051 of the Government Code is repealed.

Section 19051.

~~No person shall be appointed under a class not appropriate to the duties to be performed.~~

SEC. 9. Section 19051 is added to the Government Code, to read:

Section 19051.

Civil service appointments shall only be made to a class that is appropriate for the duties, functions, and responsibilities that will be performed.

SEC. 10. Section 19054.1 of the Government Code is amended to read:

Section 19054.1.

When an examination for a managerial position is conducted on an open and promotional basis, the names of eligibles shall be placed on one list, and ranked in relative order of the examination scores received, ~~and for purposes of preference in certifying eligibles the list shall be considered an eligible list.~~

SEC. 11. Section 19056 of the Government Code is amended to read:

Section 19055.

The department may, consistent with board rules, provide for the certification of names from appropriate employment lists of that are the same or higher level in the event an employment list is not available for the class to which a position belongs. as the class to which the position to be filled belongs.

SEC. 12. Section 19057.1 of the Government Code is amended to read:

Section 19057.1.

~~Except for reemployment lists, State Restriction of Appointment lists, and Limited Examination and Appointment Program referral lists, there shall be certified to the appointing power the names and addresses of all those eligibles whose scores, at the time of certification, represent the three highest ranks on the employment list for the class, and who have indicated their willingness to accept appointment under the conditions of employment specified.~~

(a) Except for reemployment lists and State Restriction of Appointment lists, when an appointing power seeks to fill a vacant position by using an employment list, the department shall provide the appointing power with a certified list of the names and addresses of all eligible candidates whose scores at the time of certification represent the three highest ranks on the list and who have indicated a willingness to accept appointment under the conditions of employment specified. Where there is more than one employment list or Limited Examination and Appointment Program referral list, the department shall, pursuant to applicable law and board rules, provide a single certified list of eligibles that combines the names and addresses of all eligible candidates.

(b) For purposes of ranking, scores of eligibles on employment lists covered by this section shall be rounded to the nearest whole percent. A rank shall consist of one or more eligibles with the same whole percentage score.

If the names on the list from which certification is being made represent fewer than three ranks, then, consistent with board rules, additional eligibles may be certified from the various lists next lower in order of preference until names from three ranks appear.

If there are fewer than three names available for certification, and the appointing authority does not choose to appoint from among these, the appointing authority may demand certification of three names. In that case, examinations shall be conducted until at least three names may be certified by the procedure described in this section, and the appointing authority shall fill the position by appointment of one of the persons certified.

(c) Fractional examination scores shall be provided to, and used by, the Department of the California Highway Patrol for its peace officer classes.

(d) The department may, consistent with board rules, provide for certifying more or less than three ranks where the size of the certified group is disproportionate to the number of vacancies.

SEC. 13. Section 19057.3 of the Government Code is amended to read:

Section 19057.3.

(a) For a position in the Department of Corrections and Rehabilitation, there shall be certified to the appointing power the names and addresses of all those eligibles for peace officer and closely allied classes whose scores, at the time of certification, represent the three highest ranks on the employment list for the class in which the position belongs and who have indicated their willingness to accept appointment under the conditions of employment specified.

(b) For purposes of ranking, scores of eligibles on employment lists for the classes shall be rounded to the nearest whole percent. A rank consists of one or more eligibles with the same whole percentage score.

(c) If fewer than three ranks of persons willing to accept appointment are on the list from which certification is to be made, then additional eligibles shall be certified from the various lists next lower in order of preference until names from three ranks are certified. If there are fewer than three names on those lists, and the appointing power does not choose to appoint from among these, the appointing power may demand certification of three names and examinations shall be conducted until at least three names may be certified. The appointing power shall fill the position by the appointment of one of the persons certified.

(d) Where there is more than one employment list or Limited Examination and Appointment Program referral list, the department may, pursuant to applicable law and board rules, provide a single certified list of eligibles that combines the names and addresses of all eligible candidates.

~~(d)~~(e) The department may, consistent with board rules, provide for certifying more or less than three ranks where the size of the certified group is disproportionate to the number of vacancies.

~~(e)~~(f) The department may, consistent with board rules, allow for the names of eligibles to be transferred from lists for the same class or comparable classes where names from one list were certified under the rule of three ranks, and names from the other list were certified under the rule of three names.

SEC. 14. Section 19243 of the Government Code is amended to read:

Section 19243.

Upon successful completion of the job examination period, the candidate shall have qualified in the examination. ~~With the approval of the department, the~~ The appointing power ~~may~~ shall appoint the candidate, without further examination, to an appropriate position where ~~civil service~~ permanent status may accumulate. A candidate appointed in this way is not required to serve a probationary period.

SEC. 15. Section 19827.2 of the Government Code is amended to read:

Section 19827.2.

(a) The Legislature, having recognized December 1980 statistics from the U.S. Department of Labor, finds: that 60 percent of all women 18 to 64 are in the workforce; that two-thirds of all those women are either the head of a household or had husbands whose earnings were less than ten thousand dollars (\$10,000), that most women are in the workforce because of economic need; that the average working woman has earned less than the average working man, not only because of the lack of educational and employment opportunities in the past, but because of segregation into historically undervalued occupations where wages have been depressed; and that a failure to reassess the basis on which salaries in state service are established will perpetuate these pay inequities, which have a particularly discriminatory impact on minority and older women; and, therefore, it is the intent of the Legislature in enacting this statute to establish a state policy of setting salaries ~~for female-dominated jobs~~ on the basis of comparability of the value of the work for jobs that employ a higher proportion of females than males.

(b) The department shall review and analyze existing information, including ~~those~~ studies from other jurisdictions that are relevant to ~~the~~ setting of salaries for ~~female-dominated jobs~~ that employ a higher proportion of females than males. This information shall be provided on an annual basis to the appropriate policy committee of the Legislature and to the parties meeting and conferring pursuant to Section 3517.

(c) For the purpose of implementing this section, the following definitions apply:
(1) "Salary" means, except as otherwise provided in Section 18539.5, the amount of money or credit received as compensation for service rendered, exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses

incurred in the performance of the state's business, but including the reasonable value of board, rent, housing, lodging, or similar advantages received from the state.

(2) "Comparability of the value of the work" means the value of the work performed by an employee, or group of employees within a class or salary range, in relation to the value of the work of another employee, or group of employees, to any class or salary range within state service.

(3) "Skill" means the skill required in the performance of the work, including any type of intellectual or physical skill acquired by the employee through experience, training, education, or natural ability.

(4) "Effort" means the effort required in the performance of the work, including any intellectual or physical effort.

(5) "Responsibility" means the responsibility required in the performance of the work, including the extent to which the employer relies on the employee to perform the work, the importance of the duties, and the accountability of the employee for the work of others and for resources.

(6) "Working conditions" means the conditions under which the work of an employee is performed, including physical or psychological factors.

(d) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.