

TEXT OF MODIFIED REGULATION

For the 45-day comment period, proposed text is underlined;

For the 45-day comment period, deleted text is shown in ~~strikeout~~ type;

For the 15-day comment period, proposed text is double underlined;

For the 15-day comment period, deleted text is shown in ~~double strikeout~~ type.

TITLE 2. ADMINISTRATION **Division 1. Administrative Personnel** **Chapter 1. State Personnel Board** **Subchapter 1. General Civil Service** **Article 1. Definitions**

§ 5.1. CEA.

"CEA" means a career executive assignment as specified in Government Code section 18547.

NOTE: Authority cited: Sections 18502 and 18701, Government Code.
Reference: Sections 18547 and 19889, Government Code.

§ 5.2. Retired Annuitant.

A "retired annuitant" refers to a former employee of the State who is receiving a retirement allowance from the Public Employees' Retirement System (PERS) and is reinstated temporarily in a civil service classification or CEA category, to which he or she is eligible, as specified in Government Code section 19144, and which is subject to Government Code sections 21223 and 21224.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Sections 19144, 21223, and 21224, Government Code.

TITLE 2. ADMINISTRATION
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 1.3 Classifications, Examinations, and Appointments
Article ~~4~~ 2. ~~[Reserved]~~ Classifications

§ ~~75~~ 90. Continuously Vacant Classifications.

(a) For any classification that has been vacant continuously for twenty-four months, the Department shall prepare a written notice of and proposed recommendation for classification action to combine, alter, or abolish the classification within 30 days of the 24-month vacancy. The notice of proposed recommendation shall include a report as to whether positions affected by the recommended change are to be reallocated to another classification or classifications after taking into account the duties and responsibilities, qualifications, performance standards, and other related criteria of the affected classifications.

~~(b) After giving an opportunity for agencies and recognized employee organizations to comment on the proposed recommendation for classification action, the Department shall submit its recommendation for classification action to the Board unless the recommendation is to abolish the classification and the Department received no opposition to taking this action. In such an instance, the classification shall be abolished without further Board action.~~

(b) The Department shall provide the written notice and proposed recommendation for classification action to all interested parties. Within 30 days of the written notice and proposed recommendation for classification action, any interested party may file written comments on the recommendation.

~~(c) On an annual basis, the Department shall report to the Board the number of classifications that were abolished under this section. Within 30 days of the end of the comment period, the Department shall submit its recommendation for classification action to the Board unless the recommendation is to abolish the classification and the Department received no opposition to taking this action during the comment period. In such an instance, the classification shall be abolished without further Board action.~~

~~(e) (d) On an annual basis, the Department shall report to the Board the number of classifications that were abolished under this section.~~

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Sections 18800 and 18802, Government Code.

TITLE 2. ADMINISTRATION
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 1.3. Classifications, Examinations, and Appointments
Article 10. Appointments

§ 248. Appointments and Classification Plan.

~~(a) A person, including a retired annuitant, shall only be appointed to a civil service classification or CEA that is appropriate for the functions, duties, and responsibilities of the position the person is hired to perform.~~

~~(b) The appointing power shall follow the Classification Plan and not require employees to perform duties outside their classification except in emergencies, for training purposes, to meet compelling management needs as defined by Board rules, or to return an injured employee to work.~~

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Sections 18523, 18800, 19051, 19144, and 19889, Government Code.

TITLE 2. ADMINISTRATION
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 2. Career Executive Assignment Rules
Article 1. General

§ 548.2. Appointment to a CEA Position.

Appointment of any person, including a retired annuitant, to a CEA position is permitted only when the position has been properly approved by the Board ~~allocated as a CEA~~ pursuant to section 548.5.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Section 19889.

TITLE 2. ADMINISTRATION
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 2. Career Executive Assignment Rules
Article 2. Position Assignment [Repealed]

§ 548.5. Creation or Revision of CEA Positions.

(a) Before a position may be allocated for inclusion in the CEA category, an appointing power shall submit to the Department a notice and report of the CEA proposal. For a period of 30 calendar days, the Department shall post the notice and report on the Department's website. The report shall set forth with specificity the reasons for the CEA proposal. The Department may require the report to contain any other information or documentation it deems relevant.

(b) If the appointing power seeks to substantially revise an existing CEA position, the proposal shall be posted as specified in ~~subsection~~ subdivision (a).

(c) During the public notice period specified in subdivision (a), any ~~person, association, or organization~~ interested party may submit to the Department an opposition to the appointing power's CEA proposal. Any interested party ~~person, association, or organization~~ submitting an opposition shall also simultaneously submit a copy of the opposition to the appointing power. ~~The opposition shall be on a form designated by the Department. The Department may require that oppositions be on a form that is designated by the Department.~~ If an opposition(s) is submitted, the Department will take appropriate steps to analyze the CEA proposal. CEA proposals that the Department recommends for Board approval shall be placed on the Board agenda.

(d) If no opposition is timely ~~filed~~ submitted to the Department, the CEA proposal shall become effective without Board action.

NOTE: Authority cited: Sections 18502 and 18701, Government Code. Reference: Section 19889.

TITLE 2. ADMINISTRATION
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 2. Career Executive Assignment Rules
Article 7. Appointments

~~§ 548.77. Report of Appointment.~~

~~The appointing power shall report of each appointment to the executive officer within 30 days of the effective date of the appointment and on forms and by procedures established by the executive officer.~~

~~Note: Authority cited: Section 18701, Government Code. Reference: Sections 19889 and 19889.2, Government Code.~~