

**Board Teleconference Meeting
Notice and Agenda**

**October 8, 2020
10:00 a.m.**

**State Personnel Board
801 Capitol Mall, Rm 150
Sacramento, CA 95814**

Meetings of the State Personnel Board (SPB) are open to the public except when specifically noticed otherwise in accordance with the Bagley-Keene Open Meeting Act. The Board may take action on any item listed on the agenda, unless listed as informational only. Time is approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. This meeting may be cancelled without notice.

SPB has modified its Board meeting procedures in accordance with Governor Newsom's [Executive Order N-29-20](#) waiving specified public access and notice requirements under the Bagley-Keene Open Meeting Act. As a result, there will be limited public access to the SPB auditorium during the Board meeting in order to maintain the recommended social distancing of six feet. If you would like to attend the meeting in person, please contact Frederick.Radcliffe@spb.ca.gov by noon on October 7, 2020, to reserve a seat.

Live broadcasts of open sessions are webstreamed at:
http://www.spb.ca.gov/board/agenda_minutes.aspx

Alternatively, a broadcast-only conference line will be available to listen to Open Sessions of the meeting. Dial-in 877-848-7030 and participant code 1223758.

Public comments may be made by emailing BoardMeetingComments@spb.ca.gov by closed of business on October 7, 2020. The emailed comments will be read aloud during the public comment period under "Information and Discussion Items" on the agenda.

The meeting facilities are accessible to individuals with disabilities. Requests for disability-related modification or accommodation require a minimum of 72 hours' notice and may be requested by calling (916) 651-2843 (voice or TTY).

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

I. Open Session - Call to Order and Roll Call

II. Information and Discussion Items

1. Report of the Executive Officer
2. Report of the Chief Counsel
3. Report on the California Public Employees' Retirement System
4. New Business
5. Public Comment

III. Consent Items

Routine items are heard on the consent calendar. Consent items are approved with one motion unless a Board Member asks for discussion or separate action on any listed item. Removed items may be taken up either immediately following the consent agenda or maybe placed on a later agenda at the direction of the Board.

1. **Approval of the Draft Summary Open Minutes from the September 18, 2020, Board Meeting** (materials to Board Members only) **Draft Minutes**
2. **Approval of the Draft Closed Minutes from the September 18, 2020, Board Meeting** (materials to Board Members only)
3. **Non-Hearing Items** **Attachment 1**

IV. Hearing Items

Attachment 2

V. Oral Arguments

NONE

VI. Closed Session

Attachment 3

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

VII. Reconvene into Open Session – Action Items

1. **Approval of Proposed Changes to Amend Board Regulation Sections 83.5, 83.6, and 87 regarding Nepotism, Personal Relationships, and Anti-Nepotism**
(materials to Board Members only) **Draft Regs**
2. **Proposed 2021 Board Meeting Schedule**
(material to Board Members only) **2021 Calendar**
3. **Career Executive Assignments** **Attachment 4**
4. **Submitted Items** **Attachment 5**
5. **Evidentiary Cases and Non-Evidentiary Cases** **Attachment 6**

VIII. Adjournment

California State Personnel Board
Teleconference Meeting
Notice and Agenda
July 16, 2020

Non-Hearing Items

Attachment 1

The following proposals are made to the Board by either CalHR or SPB. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to these proposals should submit, in writing, a notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Monday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. Requests to Establish, Revise or Abolish Classifications, Alternate Range Criteria, etc.

NONE

B. California Code of Regulations, title 2 section 90 – Abolishment of Vacant Civil Service Classifications

In accordance with California Code of Regulations, title 2, section 90, CalHR identified civil service classifications that have been vacant for at least 24 months.

NONE

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

Hearing Items

Attachment 2

The following items are set for hearing.

A. **Requests to Establish, Revise or Abolish Classifications, Alternate Range Criteria, etc.**

NONE

B. **Requests to Abolish Eligibility Lists that have Existed for less than 12 Months**
CalHR proposes to abolish the following eligibility lists, which have been in existence less than 12 months.

NONE

C. **California Code of Regulations, title 2 section 90 – Abolishment of Vacant Civil Service Classifications**

In accordance with California Code of Regulations, title 2, section 90, CalHR identified civil service classifications that have been vacant for at least 24 months.

NONE

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

Closed Session

Attachment 3

Employee Appointments, Disciplinary Matters, and Other Appeals

Deliberations to consider matters submitted at prior hearing.

[Government Code Sections 11126(c)(3), 18653(3)]

Deliberation on Non-Evidentiary Cases and Adverse Actions, Discrimination Complaints and other Proposed Decisions Submitted by Administrative Law Judges

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the SPB or by the Board itself.

[Government Code sections 11126(c)(3), 18653]

Pending Litigation

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. Counsel will submit a list of SPB litigations and writ litigations for the Board to review and confer. Case name unspecified. (Disclosure of case name would jeopardize existing settlement negotiations and litigation strategy.)

[Government Code sections 11126(e), 18653]

[Government Code sections 11126(e)(1), 11126(e)(2)(A)]

Recommendations to the Legislature

Deliberations on recommendations to the Legislature.

[Government Code section 18653]

Recommendations to the Governor

Deliberations on recommendations to the Governor.

[Government Code section 18653]

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

Career Executive Assignments

Attachment 4

This section of the Agenda serves to inform interested individuals and departments of objections to proposed Career Executive Assignment (CEA) position actions set for hearing before the Board.

NONE

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

Submitted Items

Attachment 5

These items were taken under submission by the Board at a prior meeting.

A. Items Scheduled for Action

NONE

B. Items to be Scheduled for Action at a Later Date

NONE

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

Evidentiary Cases

Attachment 6

A. Administrative Law Judges' Proposed Decision after Hearing

The Board Administrative Law Judges (ALJ) conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A1. CASE NO. 19-1953K

Classification: Correctional Sergeant

Department: California Department of Corrections and Rehabilitation

A2. CASE NO. 19-1951

Classification: Electrician I

Department: California State University, Monterey Bay

A3. CASE NO. 19-1869

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

A4. CASE NO. 20-0321

Classification: Fish and Game Warden

Department: California Department of Fish and Wildlife

A5. CASE NO. 20-0533

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

B. Petitions for Rehearing

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

NONE

C. Pending Board Review

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

NONE

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

D. Oral Arguments

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

E. Chief Counsel Resolutions

NONE

F. Pending Board Decisions

These Evidentiary and Non-Evidentiary items have been taken under submission by the Board at a prior meeting.

F1. CASE NO. 19-1512A

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Non-Evidentiary Cases

G. Withhold from Certification Appeals

Cases are heard by an attorney, a managerial staff member of SPB, or investigated by Appeals Division staff. The Board will be presented recommendations on each appeal.

G01. CASE NO. 20-0852N

Classification: Associate Governmental Program Analyst

Department: California Department of Social Services

G02. CASE NO. 20-0502N

Classification: Research Scientist III

Department: California Department of Public Health

G03. CASE NO. 20-1087N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

G04. CASE NO. 20-0196N

Classification: Attorney V

Department: California Department of Insurance

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

- G05. CASE NO. 20-0172N**
Classification: Associate Governmental Program Analyst
Department: Office of Systems Integration
- G06. CASE NO. 20-0462N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- G07. CASE NO. 20-0232N**
Classification: Research Data Specialist II
Department: California Department of Social Services
- G08. CASE NO. 20-0363N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- G09. CASE NO. 20-0240N**
Classification: Attorney III
Department: California Department of Social Services
- G10. CASE NO. 20-0592N**
Classification: Associate Health Physicist
Department: California Department of Public Health
- G11. CASE NO. 20-0581N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- G12. CASE NO. 20-0583N**
Classification: Staff Services Manager I
Department: State Water Resources Control Board
- G13. CASE NO. 20-0122N**
Classification: Associate Governmental Program Analyst
Department: California Department of Public Health
- G14. CASE NO. 19-1638N**
Classification: Research Data Manager
Department: California Correctional Health Care Services

California State Personnel Board
Teleconference Meeting
Notice and Agenda
October 8, 2020

H. Medical and Psychological Screening Appeals

Cases are heard by an attorney. The Board will be presented recommendations on each appeal.

NONE

I. Request to File Charges Cases

Cases are investigated by Appeals Division staff. The Board will be presented recommendations on each request.

NONE

J. Examination Appeals, Minimum Qualifications, Merit Issue Complaints

Cases are heard by an attorney, a managerial staff member of SPB, or investigated by Appeals Division staff. The Board will be presented recommendations on each appeal.

J01. CASE NO. 20-0243N

Classification: Dentist, Correctional Facility

Department: California Correctional Health Care Services

K. Section 211 Appeals, Section 212 Out of Class Appeals, Voided Appointment Appeals

Cases are heard by an attorney or a managerial staff member of SPB. The Board will be presented recommendations on each appeal.

K01. CASE NO. 20-0775N

Classification: Associate Governmental Program Analyst

Department: California Department of Housing and Community
Development