

**Board Teleconference Meeting  
Notice and Agenda**

**August 14, 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](mailto:Frederick.Radcliffe@spb.ca.gov) by noon on August 13, 2020, to reserve a seat.

Live broadcasts of open sessions are webstreamed at:  
[http://www.spb.ca.gov/board/agenda\\_minutes.aspx](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](mailto:BoardMeetingComments@spb.ca.gov) by close of business on August 13, 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).

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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 July 16, 2020, Board Meeting** **Draft Minutes**  
(materials to Board Members only)
2. **Approval of the Draft Closed Minutes from the July 16, 2020, Board Meeting**  
(materials to Board Members only)
3. **Non-Hearing Items** **Attachment 1**

IV. **Hearing Items** **Attachment 2**

V. **Oral Arguments**

1. **Case No. 19-1512 (Closed Session)**

VI. **Closed Session** **Attachment 3**

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**VII. Reconvene into Open Session – Action Items**

- |  |                            |
|--|----------------------------|
| <b>1. Approval of Proposed Changes to Amend Board Regulation Section 52.4 and 243.6 regarding Voided Appointments and Orders for Reimbursement of Compensation</b> | <b><u>Draft Regs</u></b>   |
| <b>2. Career Executive Assignments</b>   | <b><u>Attachment 4</u></b> |
| <b>3. Submitted Items</b>  | <b><u>Attachment 5</u></b> |
| <b>4. Evidentiary Cases and Non-Evidentiary Cases</b>  | <b><u>Attachment 6</u></b> |

**VIII. Adjournment**

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**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**

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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**

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**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]

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**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**

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**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**

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**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. 20-0245**

**Classification:** Staff Psychiatrist

**Department:** Department of State Hospitals

**A2. CASE NO. 20-0143**

**Classification:** Clinical Psychologist

**Department:** California Correctional Health Care Services

**A3. CASE NO. 19-1947**

**Classification:** Clinical Social Worker

**Department:** California Department of Corrections and Rehabilitation

**A4. CASE NO. 20-0069**

**Classification:** Tax Program Technician II

**Department:** Franchise Tax Board

**A5. CASE NO. 20-0356**

**Classification:** Staff Services Manager III

**Department:** California Department of Transportation

**A6. CASE NO. 19-1830K**

**Classification:** Tax Technician

**Department:** Franchise Tax Board

**A7. CASE NO. 19-1966**

**Classification:** Psychiatric Technician

**Department:** California Correctional Health Care Services

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**A8. CASE NO. 20-0310**

**Classification:** Correctional Lieutenant

**Department:** California Department of Corrections and Rehabilitation

**A9. CASE NO. 20-0295**

**Classification:** Unit Supervisor

**Department:** California Department of State Hospitals

**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.

**B1. CASE NO. 19-1795P**

**Classification:** Information Technology Specialist I

**Department:** California Department of General Services

**B2. CASE NO. 19-1720P**

**Classification:** Education Programs Consultant

**Department:** California Department of Education

**C. Pending Board Review**

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

**C1. CASE NO. 18-0299 PC**

**Sacramento Superior Court Case No. 34-2019-80003197**

**Classification:** Correctional Sergeant

**Department:** California Department of Corrections and Rehabilitation

**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.

**D1. CASE NO. 19-1512**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

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**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. 19-1144A**

**Classification:** Academic Teacher

**Department:** California Department of Corrections and Rehabilitation

**F2. CASE NO. 19-0975A**

**Classification:** Hospital Police Officer

**Department:** California Department of State Hospitals

**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 NOS. 20-0476NK, 20-0479NK, and 20-0480NK**

**Classification:** Fire Fighter II, Fire Apparatus Engineer, and Fire Captain

**Department:** California Department of Forestry and Fire Protection

**G02. CASE NO. 20-0302N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**G03. CASE NO. 20-0496N**

**Classification:** Accounting Officer

**Department:** Employment Development Department

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**G04. CASE NO. 19-1753N**

**Classification:** Accountant Trainee

**Department:** California Department of Social Services

**G05. CASE NO. 20-0375N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**G06. CASE NO. 20-0238N**

**Classification:** Associate Governmental Program Analyst

**Department:** California Department of Veterans Affairs

**G07. CASE NO. 20-0466N**

**Classification:** Associate Governmental Program Analyst

**Department:** California Department of Food and Agriculture

**G08. CASE NO. 20-0326N**

**Classification:** Industrial Supervisor, Prison Industries

**Department:** California Prison Industry Authority

**G09. CASE NO. 20-0355N**

**Classification:** Investigator

**Department:** California Department of Social Services

**G10. CASE NO. 19-1907N**

**Classification:** Information Technology Associate

**Department:** Franchise Tax Board

**G11. CASE NO. 20-0442N**

**Classification:** Accounting Officer

**Department:** California Department of Social Services

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**G12. CASE NO. 19-1735N**

**Classification:** Accounting Officer

**Department:** California Department of Public Health

**G13. CASE NO. 19-1987N**

**Classification:** Associate Governmental Program Analyst

**Department:** Mental Health Services Oversight and Accountability  
Commission

**G14. CASE NO. 20-0575N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**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. 19-1970N**

**Classification:** Associate Environmental Planner

**Department:** California Department of Transportation

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**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.

**NONE**