

AMENDED IN SENATE AUGUST 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 129

Introduced by Committee on Budget (Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams)

January 9, 2015

~~An act relating to the Budget Act of 2015. An act to amend Sections 18546, 18990, 18991, 18992, 18993, 19057.1, 19057.3, 19889, 19889.2, and 19889.3 of, to add Section 19889.4 to, and to repeal Sections 19057, 19057.2, and 19057.4 of, the Government Code, relating to state civil service, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 129, as amended, Committee on Budget. ~~Budget Act of 2015. State civil service.~~

(1) The California Constitution provides that the civil service includes every officer and employee in the state except as otherwise provided in the Constitution, and existing statutory law, the State Civil Service Act, prescribes a comprehensive civil service personnel system for the state. The act grants eligibility for promotional civil service examinations and career executive assignment examinations to persons who meet certain requirements and minimum qualifications and who are employed by the Legislature, persons who are retired from the United States armed forces, honorably discharged from active military duty with a service-connected disability, or honorably discharged from active duty, or persons who were employees of the executive branch in exempt positions.

This bill would revise eligibility standards applicable to people who were employed by the Legislature, people who retired or were discharged from the armed forces, and people who were formerly employed in exempt, executive branch positions, as described above, to permit them, upon request, to obtain civil service appointment list eligibility by taking promotional exams or career executive exams for which they meet minimum qualifications, as specified. The bill would eliminate the requirement that an employee or veteran, in this context, select only one promotional examination in which to compete when multiple examinations are given. Among other things, the bill would also remove a time limit on this eligibility granted to specified former employees of the Legislature and employees of the executive branch in exempt positions.

(2) Existing law generally requires that appointments to vacant positions be made by lists. Existing law requires, with specified exceptions, that an appointing power receive the names and addresses of the three persons highest on a promotional employment list for the class in which a position belongs, and if there are fewer than three names, as specified, additional names are provided from the various lists next lower in order of preference. Existing law prescribes requirements for providing names to an appointing power for positions designated as management and specifies a method of ranking eligible candidates in this context. Existing law prescribes requirements for providing names to an appointing power for positions designated as supervisory and not professional, scientific, or administrative, and that are not examined for on an open basis, and specifies a method of ranking eligible candidates in this context. Existing law requires an appointing power to fill a position from the names of the persons provided.

This bill would repeal these provisions and make conforming changes.

(3) Existing law provides for career executive assignments to encourage the development for well-qualified executives and requires the State Personnel Board to establish, by a rule, a system of merit personnel administration specifically suited to the selection and placement of executive personnel. The State Civil Service Act defines career executive. Existing law requires the State Personnel Board, by rule, to provide that employees whose appointments to career executive assignments are terminated to be reinstated to civil service positions, as specified, at their option.

This bill would revise the definition of career executive to eliminate the requirement that the person have permanent status in the civil

service. This bill would provide that various provisions relating to personnel examinations don't apply to career executive assignments unless provided for by rule, as specified. The bill would grant reinstatement rights to employees who at the time of appointment to a career executive assignment were not employed by the state but who had previously worked for it and had gained permanent civil service status. The bill would grant an employee who at the time of his or her appointment to a career executive assignment did not have civil service status eligibility to compete in any promotional examination for which he or she meets the minimum qualifications as prescribed by the class specification, except as specified, and would provide these employees other rights in this context, including the right to defer examinations and to transfer list eligibility in the same manner as civil service employees.

The bill would make an appropriation from the General Fund of \$300,000 to the Department of Finance for the purpose of funding the posting on the department's Internet Web site of all budget requests included as part of the Governor's Budget.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2015.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18546 of the Government Code is
2 amended to read:
3 18546. ~~(a)~~ "Career executive" means an employee appointed
4 from an employment list established for the express purpose of
5 providing a list of persons with permanent status in the civil service
6 who are ~~available~~ eligible for career executive assignments, as
7 specified in Article 5 (commencing with Section 18990) of Chapter
8 4 and Article 9 (commencing with Section 19889) of Chapter 2.5
9 of Part 2.6, in which ~~selection~~, examination, selection,
10 classification, salary, tenure, and other conditions of employment
11 may be varied from those prevailing under Chapter 3 (commencing
12 with Section 18800) to Chapter 7 (commencing with Section
13 19570), inclusive, for other employees in the state civil service.

1 ~~(b) This section shall become operative on January 1, 2013.~~

2 *SEC. 2. Section 18990 of the Government Code is amended to*
 3 *read:*

4 18990. (a) Notwithstanding any other provision of law or rule,
 5 persons employed by the Legislature for two or more consecutive
 6 years shall be ~~eligible~~ *given an opportunity, upon request, to apply*
 7 *for obtain civil service appointment list eligibility by taking any*
 8 *promotional civil service examinations, including examinations*
 9 *for examination or career executive assignments, assignment*
 10 *examinations for which they meet the minimum qualifications as*
 11 *prescribed by of the class specification. for which they seek*
 12 *appointment. Persons receiving passing scores shall have their*
 13 *names placed on promotional lists resulting from these*
 14 *examinations or otherwise gain eligibility for appointment. list*
 15 *eligibility or appointment. In evaluating minimum qualifications,*
 16 *related a person's legislative experience shall be considered state*
 17 *civil service experience in a comparable class, based on class that*
 18 *has the same or substantially similar duties and responsibilities*
 19 *assigned. as the person's legislative position.*

20 ~~(b) In cases where promotional examinations are given by more~~
 21 ~~than one department for the same classification, the employee shall~~
 22 ~~select one department in which to compete. Once this selection is~~
 23 ~~made, it cannot be changed for the duration of the promotional list~~
 24 ~~established from the examination in which the employee~~
 25 ~~participated. Employees may transfer list eligibility between~~
 26 ~~departments in the same manner as provided for civil service~~
 27 ~~employees.~~

28 ~~(c) Employees who meet the requirements of this section, are~~
 29 ~~employed by the Legislature, and who resign or are released from~~
 30 ~~service, shall be eligible to take promotional civil service~~
 31 ~~examinations, including examinations for career executive~~
 32 ~~assignments, for one year following their resignation or release in~~
 33 ~~accordance with subdivisions (a) and (b).~~

34 ~~(d) Employees~~

35 ~~(b) Persons who meet the requirements of this section, are~~
 36 ~~employed by the office of the Auditor General or the office of the~~
 37 ~~Legislative Analyst as of January 1, 1992, and but who resign~~
 38 ~~resigned or are were released from service due to a force reduction~~
 39 ~~of with the Legislature before January 1, 1994, Legislature, shall~~
 40 ~~be eligible to take promotional civil service examinations, including~~

1 ~~examinations and career executive assignments, for three years~~
2 ~~following their resignation or release~~ *assignment examinations in*
3 ~~accordance with subdivisions (a) and (b):~~ *subdivision (a).*

4 ~~(e) An employee who establishes eligibility on a promotional~~
5 ~~civil service list, either pursuant to subdivision (c) or (d) or prior~~
6 ~~to having resigned or having been released in a manner to which~~
7 ~~subdivision (c) or (d) would apply, shall maintain that eligibility~~
8 ~~for the duration of that particular list.~~

9 ~~(f) This section shall become operative on January 1, 2013.~~

10 *SEC. 3. Section 18991 of the Government Code is amended to*
11 *read:*

12 18991. ~~(a)~~—Notwithstanding any other provision of law,
13 persons retired from the United States military, honorably
14 discharged from active military duty with a service-connected
15 disability, or honorably discharged from active duty, shall be
16 eligible to apply for promotional civil service ~~examinations,~~
17 ~~including examinations for~~ *and career executive assignments,*
18 *assignment examinations* for which they meet the minimum
19 qualifications ~~as prescribed by~~ *of the class specification: to which*
20 *they seek appointment.* Persons receiving passing scores shall ~~have~~
21 ~~their names placed on promotional lists resulting from these~~
22 ~~examinations or otherwise gain list eligibility for appointment.~~ In
23 evaluating minimum qualifications, ~~related the person's~~ *the person's* military
24 experience shall be considered state civil service experience in a
25 comparable class, ~~based on~~ *class that has the same or substantially*
26 *similar duties and responsibilities assigned: as the person's position*
27 *in the military.*

28 ~~(b) In cases where promotional examinations are given by more~~
29 ~~than one department for the same classification, the employee shall~~
30 ~~select one department in which to compete. Once this selection is~~
31 ~~made, it cannot be changed for the duration of the promotional list~~
32 ~~established from the examination in which the employee~~
33 ~~participated. Employees may transfer list eligibility between~~
34 ~~departments in the same manner as provided for civil service~~
35 ~~employees.~~

36 *SEC. 4. Section 18992 of the Government Code is amended to*
37 *read:*

38 18992. (a) Notwithstanding any other provision of law or rule,
39 persons holding, for two or more consecutive years, nonelected
40 exempt positions in the executive branch of government as defined

1 in subdivisions (c), (e), (f), (g), (i), and (m) of Section 4 of Article
2 VII of the Constitution and excluding those positions for which
3 the salaries are set by statute, shall be ~~eligible given the~~
4 ~~opportunity, upon request, to apply for obtain civil service~~
5 ~~appointment list eligibility by taking any promotional civil service~~
6 ~~examinations, including, but not limited to, examinations for~~
7 ~~examination or career executive assignments assignment~~
8 ~~examination~~ for which they meet the minimum qualifications as
9 ~~prescribed by of the class specification: to which they seek~~
10 ~~appointment.~~ Persons receiving passing scores shall have their
11 names placed on promotional lists resulting from these
12 examinations or otherwise gain list eligibility for appointment. In
13 evaluating minimum qualifications, ~~related the person's experience~~
14 ~~in the exempt experience position~~ shall be considered state civil
15 service experience in a comparable class: ~~class that has the same~~
16 ~~or substantially similar duties and responsibilities as the person's~~
17 ~~exempt position.~~

18 ~~(b) In cases where promotional examinations are given by more~~
19 ~~than one appointing authority for the same classification, the~~
20 ~~employee shall select one appointing authority in which to compete.~~
21 ~~Once this selection is made, it cannot be changed for the duration~~
22 ~~of the promotional list established from the examination in which~~
23 ~~the employee participated. Employees may transfer list eligibility~~
24 ~~between appointing authorities in the same manner as provided~~
25 ~~for civil service employees.~~

26 ~~(c) Employees~~

27 ~~(b) Persons who meet the requirements of this section and~~
28 ~~section, but who resign resigned or are were released from exempt~~
29 ~~employment of the executive branch of government government,~~
30 ~~shall be eligible to take promotional civil service examinations,~~
31 ~~including examinations for and career executive assignments, for~~
32 ~~one year following their resignation or release assignment~~
33 ~~examinations in accordance with subdivisions (a) and (b).~~
34 ~~subdivision (a).~~

35 ~~(d) An employee who establishes eligibility on a promotional~~
36 ~~civil service list, either pursuant to subdivision (c) or prior to~~
37 ~~having resigned or having been released in a manner to which~~
38 ~~subdivision (c) would apply, shall maintain that eligibility for the~~
39 ~~duration of that particular list.~~

40 ~~(e) This section shall become operative on January 1, 2013.~~

1 *SEC. 5. Section 18993 of the Government Code is amended to*
2 *read:*

3 18993. (a) Notwithstanding any other provision of law, a
4 legislative or nonelected exempt executive branch employee who
5 is appointed to a career executive assignment pursuant to Section
6 18990 or 18992, shall be eligible to compete in his or her
7 ~~department's appointing power's~~ promotional examinations for
8 which he or she meets the minimum-~~qualifications:~~ *qualifications*
9 *of the class to which he or she seeks appointment.* When such an
10 employee's career executive assignment is terminated by the
11 appointing power, he or she shall have the right to request a
12 deferred examination for any promotional eligible list ~~for that his~~
13 ~~or her department appointing power has~~ in existence at the time
14 of the ~~appointment termination~~ *if of the career executive*
15 *assignment and for which he or she meets the minimum*
16 *qualifications specified for of the promotional examination:* *class*
17 *to which he or she seeks appointment.*

18 (b) A request for a deferred examination pursuant to subdivision
19 (a) shall be made no later than 10 days after the effective date of
20 the termination of the career executive assignment. The department
21 shall administer the deferred examination within 30 days of the
22 date of the request.

23 *SEC. 6. Section 19057 of the Government Code is repealed.*

24 ~~19057. Except as provided in Section 19056, there shall be~~
25 ~~certified to the appointing power the names and addresses of the~~
26 ~~three persons standing highest on the promotional employment~~
27 ~~list for the class in which the position belongs and who have~~
28 ~~indicated their willingness to accept appointment under the~~
29 ~~conditions of employment specified. If fewer than three names of~~
30 ~~persons willing to accept appointment are on the list from which~~
31 ~~certification is to be made, then additional eligibles shall be~~
32 ~~certified from the various lists next lower in order of preference~~
33 ~~until three names are certified. If there are fewer than three names~~
34 ~~on such lists, there shall be certified the number thereon. In such~~
35 ~~case the appointing power may demand certification of three names~~
36 ~~and examinations shall be conducted until three names may be~~
37 ~~certified. The appointing power shall fill the position by the~~
38 ~~appointment of one of the persons certified.~~

39 *SEC. 7. Section 19057.1 of the Government Code is amended*
40 *to read:*

1 19057.1. ~~Notwithstanding Section 19057, Except for positions~~
2 ~~in classes designated as professional, scientific, or administrative,~~
3 ~~or for any open employment list, reemployment lists, State~~
4 ~~Restriction of Appointment lists, and Limited Examination and~~
5 ~~Appointment Program referral lists,~~ there shall be certified to the
6 appointing power the names and addresses of all those eligibles
7 whose scores, at the time of certification, represent the three highest
8 ranks on the employment list for the class, and who have indicated
9 their willingness to accept appointment under the conditions of
10 employment specified.

11 For purposes of ranking, scores of eligibles on employment lists
12 ~~for these classes covered by this section~~ shall be rounded to the
13 nearest whole percent. A rank shall consist of one or more eligibles
14 with the same whole percentage score.

15 If the names on the list from which certification is being made
16 represent fewer than three ranks, ~~then then,~~ *consistent with board*
17 *rules,* additional eligibles ~~shall~~ *may* be certified from the various
18 lists next lower in order of preference until names from three ranks
19 appear. If there are fewer than three names available for
20 certification, and the appointing authority does not choose to
21 appoint from among these, the appointing authority may demand
22 certification of three names. In that case, examinations shall be
23 conducted until at least three names may be certified by the
24 procedure described in this section, and the appointing authority
25 shall fill the position by appointment of one of the persons certified.

26 Fractional examination scores shall be provided to, and used by,
27 the Department of the California Highway Patrol for its peace
28 officer classes.

29 The department ~~may~~ *may, consistent with board rules,* provide
30 for certifying less than three ranks where the size of the certified
31 group is disproportionate to the number of vacancies.

32 *SEC. 8. Section 19057.2 of the Government Code is repealed.*

33 ~~19057.2. Notwithstanding the provisions of Section 19057, for~~
34 ~~positions in classes designated as management, there shall be~~
35 ~~certified to the appointing power the names and addresses of all~~
36 ~~those applicants whose scores, at the time of certification, represent~~
37 ~~the three highest ranks on the employment list for the class, and~~
38 ~~who have indicated their willingness to accept appointment under~~
39 ~~the conditions of employment specified.~~

1 For purposes of ranking, scores of eligibles on employment lists
2 for such classes shall be divided into six ranks. The first rank shall
3 consist of eligibles who receive a score of 95 percent or higher.
4 The second rank shall consist of eligibles who receive a score of
5 90 to 94 percent, inclusive. The third rank shall consist of eligibles
6 who receive a score of 85 to 89 percent, inclusive. The fourth rank
7 shall consist of eligibles who receive a score of 80 to 84 percent,
8 inclusive. The fifth rank shall consist of eligibles who receive a
9 score of 75 to 79 percent, inclusive. The sixth rank shall consist
10 of eligibles who receive a score of 70 to 74 percent, inclusive. All
11 examination scores for positions in these classes shall be rounded
12 to the nearest whole percent.

13 If the names on the list from which certification is being made
14 represent fewer than three ranks, then additional eligibles shall be
15 certified from the various lists next lower in order of preference
16 until names from three ranks appear. If there are fewer than three
17 names available for certification, and the appointing authority does
18 not choose to appoint from among these, the appointing authority
19 may demand certification of three names. In such case,
20 examinations shall be conducted until at least three names may be
21 certified by the procedure described in this section, and the
22 appointing authority shall fill the position by appointment of one
23 of the persons certified.

24 The department may certify less than three ranks where the size
25 of the certified group is disproportionate to the number of
26 vacancies.

27 *SEC. 9. Section 19057.3 of the Government Code is amended*
28 *to read:*

29 19057.3. (a) ~~Notwithstanding Section 19057, for~~ For a position
30 in the Department of Corrections and Rehabilitation, there shall
31 be certified to the appointing power the names and addresses of
32 all those eligibles for peace officer and closely allied classes whose
33 scores, at the time of certification, represent the three highest ranks
34 on the employment list for the class in which the position belongs
35 and who have indicated their willingness to accept appointment
36 under the conditions of employment specified.

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

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

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

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

19 *SEC. 10. Section 19057.4 of the Government Code is repealed.*

20 ~~19057.4. Notwithstanding Section 19057, for positions in~~
 21 ~~classes which are designated by the board as supervisory and not~~
 22 ~~professional, scientific, or administrative, and are not examined~~
 23 ~~for on an open basis, there shall be certified to the appointing power~~
 24 ~~the names and addresses of all those eligible whose scores, at the~~
 25 ~~time of certification, represent the highest rank on the employment~~
 26 ~~list for the class, and who have indicated their willingness to accept~~
 27 ~~appointment under the conditions of employment specified.~~

28 ~~For purposes of ranking, scores of eligible on employment lists~~
 29 ~~for these classes shall be rounded to the nearest whole percent. A~~
 30 ~~rank shall consist of one or more eligibles with the same whole~~
 31 ~~percentage score.~~

32 ~~If the highest rank contains fewer than three eligibles, then the~~
 33 ~~next highest rank shall be certified until a minimum of three~~
 34 ~~eligibles willing to accept appointment under the conditions~~
 35 ~~specified are certified. If fewer than three names of persons willing~~
 36 ~~to accept appointment are on the list from which certification is~~
 37 ~~to be made, then additional eligibles shall be certified from the~~
 38 ~~various lists next lower in order of preference until three names~~
 39 ~~are certified. If there are fewer than three names available for~~
 40 ~~certification, and the appointing authority does not choose to~~

1 ~~appoint from among these, the appointing authority may demand~~
2 ~~certification of three names. In that case, examinations shall be~~
3 ~~conducted until at least three names may be certified by the~~
4 ~~procedure described in this section, and the appointing authority~~
5 ~~shall fill the position by appointment of one of the persons certified.~~

6 ~~Fractional examination scores shall be provided to, and utilized~~
7 ~~by, the California Highway Patrol for its peace officer classes.~~

8 *SEC. 11. Section 19889 of the Government Code is amended*
9 *to read:*

10 19889. It is the purpose of this article to encourage the
11 development and effective use ~~in the civil service~~ of well-qualified
12 and carefully selected executives. In order to carry out this ~~purpose~~
13 *purpose*, the State Personnel Board shall establish by rule a ~~system~~
14 *of merit personnel administration system* specifically suited to the
15 selection and placement of executive personnel. The department
16 shall be responsible for salary administration, position
17 classification, and for the motivation and training of executive
18 personnel. For the purpose of administering this system there is
19 established herewith a category of civil service appointment called
20 “career executive assignments.” The department shall designate
21 positions of a high administrative and policy influencing character
22 for inclusion in or removal from this category subject to review
23 by the State Personnel Board, except that the department shall not
24 so designate a position in which there is an incumbent already
25 appointed under the provisions of this part governing employees
26 other than career executives.

27 *SEC. 12. Section 19889.2 of the Government Code is amended*
28 *to read:*

29 19889.2. The provisions of this part governing the *examination*,
30 selection, classification, and tenure of employees in the regular
31 civil service shall not apply ~~in administering executive personnel~~
32 ~~through a merit system utilizing to~~ “career executive assignments”
33 unless the application is provided *for* by State Personnel Board
34 rule. The provisions of this part relating to punitive actions shall
35 apply to *all* employees serving in career executive assignments,
36 except that termination of a career executive assignment as
37 provided for in Section 19889.3 is not a punitive action. ~~With~~
38 ~~reference to termination of career executive assignments, the State~~
39 ~~Personnel Board rules shall, as at a minimum, afford an employee~~
40 *all employees whose career executive assignments are terminated*

1 *by the appointing power* a right of appeal to the State Personnel
2 Board for restoration of his or her assignment when he or she
3 alleges that ~~his or her~~ *the* termination was for reasons prohibited
4 in Chapter 10 (commencing with Section 19680) of Part 2.

5 *SEC. 13. Section 19889.3 of the Government Code is amended*
6 *to read:*

7 19889.3. (a) Eligibility for appointment to positions in the
8 career executive assignment category shall be established as a
9 result of competitive examination ~~of persons with permanent status~~
10 ~~in the civil service who~~ *examinations. All candidates shall* meet
11 such minimum qualifications as the State Personnel Board may
12 determine are requisite to the performance of high administrative
13 and policy influencing functions.

14 (b) No person employed in a career executive assignment shall
15 be deemed to acquire as a result of such service any rights to or
16 status in positions governed by the provisions of this part relating
17 to the civil service other than the category of career executive
18 assignment, except as provided by State Personnel Board rule.

19 ~~(e) The State Personnel Board shall provide by rule that an~~
20 ~~employee shall, if he or she so desires, at the termination of his or~~
21 ~~her appointment to a career executive assignment, be reinstated to~~
22 ~~a civil service position that is (1) not a career executive assignment~~
23 ~~and (2) that is at least at the same salary level as the last position~~
24 ~~that he or she held as a permanent or probationary employee. If~~
25 ~~the employee has completed a minimum of five years of state~~
26 ~~service, he or she may return to a position that is (1) at substantially~~
27 ~~the same salary level as the last position in which he or she had~~
28 ~~permanent or probationary status or (2) at a salary level that is at~~
29 ~~least two steps lower than that of the career executive position~~
30 ~~from which the employee is being terminated.~~

31 ~~(d) For the purpose of this section “employee” means a~~
32 ~~permanent employee, or an employee serving under another~~
33 ~~appointment who previously had permanent status and who, since~~
34 ~~such permanent status, has had no break in the continuity of his~~
35 ~~or her state service.~~

36 ~~(e) This section shall become operative on January 1, 2013.~~

37 *SEC. 14. Section 19889.4 is added to the Government Code,*
38 *to read:*

1 19889.4. In accordance with State Personnel Board rules, the
2 following shall apply when an appointing power terminates a
3 career executive assignment:

4 (a) An employee who at the time of his or her appointment to a
5 career executive assignment was employed by the state and had
6 permanent civil service status shall, if he or she so desires, be
7 reinstated to a civil service position that is (1) not a career
8 executive assignment and (2) that is at least at the same salary
9 level as the last position that he or she held as a permanent or
10 probationary employee. If the employee had completed a minimum
11 of five years of state service, he or she may return to a position
12 that is (1) at substantially the same salary level as the last position
13 in which he or she had permanent or probationary status or (2)
14 at a salary level that is at least two steps lower than that of the
15 career executive position from which the employee is being
16 terminated.

17 (b) Article 5 (commencing with Section 19140) of Chapter 5 of
18 Part 2 shall apply to an employee who at the time of his or her
19 appointment to a career executive assignment was not employed
20 by the state but who had previously worked for the state and gained
21 permanent civil service status.

22 (c) (1) Unless otherwise provided in Article 5 (commencing
23 with Section 18990) of Chapter 4 of Part 2, an employee who at
24 the time of his or her appointment to a career executive assignment
25 was from outside civil service shall be eligible to compete in any
26 promotional examination for which he or she meets the minimum
27 qualifications as prescribed by the class specification. An employee
28 receiving a passing score shall have his or her name placed on
29 the promotional list resulting from the examination or otherwise
30 gain eligibility for appointment. He or she shall have the right to
31 request a deferred examination for any promotional eligible list
32 that is in existence at the time the career executive assignment is
33 terminated and for which he or she meets the minimum
34 qualifications as prescribed by the class specification. For
35 purposes of evaluating minimum qualifications, related experience
36 gained in a career executive assignment shall be considered as
37 state civil service experience in a comparable class. Employees
38 may transfer list eligibility between appointing powers in the same
39 manner as provided for civil service employees.

1 (2) *A request for a deferred examination pursuant to paragraph*
2 *(1) shall not be made later than 10 days after the effective date of*
3 *the termination of the career executive assignment. The department*
4 *or its designee shall administer the deferred examination within*
5 *30 days of the date of the request.*

6 *SEC. 15. The sum of three hundred thousand dollars (\$300,000)*
7 *is hereby appropriated from the General Fund to the Department*
8 *of Finance for the purpose of funding the posting on the*
9 *department’s Internet Web site of all budget requests included as*
10 *part of the Governor’s Budget.*

11 *SEC. 16. This act is a bill providing for appropriations related*
12 *to the Budget Bill within the meaning of subdivision (e) of Section*
13 *12 of Article IV of the California Constitution, has been identified*
14 *as related to the budget in the Budget Bill, and shall take effect*
15 *immediately.*

16 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
17 ~~changes relating to the Budget Act of 2015.~~