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GOVERNMENT CODE - GOV

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TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 5. PERSONNEL [18000 - 22980] (Division 5 added by Stats. 1945, Ch. 123.)

PART 1. GENERAL [18000 - 18220] (Part 1 added by Stats. 1945, Ch. 123.)

CHAPTER 4. Administrative Regulations [18210 - 18216] (Chapter 4 added by Stats. 1996, Ch. 935, Sec. 1.)

18210. The Legislature finds and declares that the purpose of this chapter is to establish basic minimum procedural requirements for the adoption, amendment, or repeal of board regulations. Nothing in this chapter repeals or diminishes additional requirements imposed by statute.

(Added by Stats. 1996, Ch. 935, Sec. 1. Effective January 1, 1997.)

18211. Regulations adopted by the State Personnel Board are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3), except as provided in Sections 18215 and 18216.

(Added by Stats. 1996, Ch. 935, Sec. 1. Effective January 1, 1997.)

18212. For the purposes of this chapter, "regulation" means every rule, regulation, order, or standard of general application adopted or amended by the board to implement, interpret, or make specific the law enforced or administered by it, except that the following are not regulations:

- (a) A rule that constitutes the only legally tenable interpretation of existing law.
- (b) A decision that does no more than apply a duly adopted provision of law to a particular set of facts.
- (c) A rule relating only to the internal management of the board that does not in itself significantly affect the rights, privileges, or duties of state agencies, state employees, or other persons.
- (d) A routine, technical, or procedural instruction or criterion that does not in itself significantly affect the rights, privileges, or duties of state agencies, employees, or other persons.

(Added by Stats. 1996, Ch. 935, Sec. 1. Effective January 1, 1997.)

18213. A regulation concerning the following may be adopted without public notice or comment:

- (a) Selection and examinations. However, all of these rules shall be reasonably available to all interested parties.
- (b) Classification.

(Added by Stats. 1996, Ch. 935, Sec. 1. Effective January 1, 1997.)

18214. (a) The procedures set forth in subdivisions (b), (c), and (d) shall apply to the adoption of a regulation concerning all matters not specified in Section 18213, 18215, or 18216.

(b) The board shall prepare and submit to the Office of Administrative Law for publication in the California Regulatory Notice Register 30 days prior to board action a notice of the proposed action.

(c) The board shall mail a notice of the proposed action 30 days prior to board action to members of the Governor's cabinet, department heads, employee associations, and persons requesting this notice, and shall make available to the public upon request, all of the following:

- (1) The notice of proposed action.
- (2) A copy of the express terms of the proposed regulation, using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations, followed by a note containing authority and reference citations.

(3) A brief statement of reasons for the proposed regulation.

(d) The board shall do all of the following:

(1) Provide opportunity for written comment to the board, and oral comment at board meetings or hearings.

(2) Submit adopted regulations to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations.

(Added by Stats. 1996, Ch. 935, Sec. 1. Effective January 1, 1997.)

18215. (a) Except as provided in subdivision (b), regulations concerning the following subject matters shall be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3):

(1) Board hearing procedures relating to public testimony and participation, except a procedure that is expressly required by statute.

(2) Board hearing procedures relating to disciplinary and merit matters, and disability discrimination complaints, including claims of discrimination based upon medical condition, mental disability or physical disability and denial of reasonable accommodation, unless the board hearing procedures are mandated by statutes, court decisions, or board precedential decisions. However, rulings within the discretion of an administrative law judge are not subject to this article.

(3) Drug testing.

(4) Grounds for employee discipline.

(b) Notwithstanding subdivision (a), the following provisions of the Administrative Procedure Act shall not apply to regulations concerning the subject matters specified in subdivision (a):

(1) Paragraph (1) of subdivision (a) of, and paragraphs (4) and (5) of subdivision (b) of, Section 11346.2.

(2) Section 11346.3.

(3) Paragraph (3) of subdivision (a) of Section 11346.4.

(4) Subparagraph (B) of paragraph (3) of, and paragraphs (5) and (7) to (12), inclusive, of, subdivision (a) of Section 11346.5.

(5) Paragraphs (2), (4), and (5) of subdivision (a) of Section 11346.9.

(6) Paragraphs (6) and (7) of subdivision (b) of Section 11347.3.

(7) Subdivisions (a), (e), and (f) of Section 11349.

(8) Paragraphs (1), (5), and (6) of subdivision (a) of, and paragraph (3) of subdivision (d) of, Section 11349.1.

(Amended by Stats. 2014, Ch. 223, Sec. 1. (SB 1206) Effective January 1, 2015.)

18216. Regulations concerning contracting out shall be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3).

(Added by Stats. 1996, Ch. 935, Sec. 1. Effective January 1, 1997.)