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GOVERNMENT CODE - GOV

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 2. STATE CIVIL SERVICE [18500 - 19799] (Part 2 added by Stats. 1945, Ch. 123.)

CHAPTER 4. Employment Lists [18900 - 18993] (Heading of Chapter 4 renumbered from Chapter 5 by Stats. 1985, Ch. 794, Sec. 17.)

ARTICLE 2. Examinations [18930 - 18941] (Article 2 added by Stats. 1945, Ch. 123.)

18930. Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors actually to perform the duties of the class of position for which they seek appointment.

Examinations for managerial positions, except for career executive assignments as defined in Section 18547, peace officers defined in subdivision (a) of Section 830.2 of the Penal Code, and managerial positions of the Department of Forestry and Fire Protection in the classes of State Forest Ranger IV and Assistant Deputy State Forester, shall be held on an open basis unless the appointing authority determines otherwise. "Managerial position" means those positions having the duties which are defined under "managerial employees" in subdivision (e) of Section 3513. When an open examination is administered for a noncareer executive assignment managerial position, the names of the applicants who pass the examination with a passing score shall be placed on one list and ranked in the relative order of the examination score received.

Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skill, or any combination of these; and any investigation of character, personality, education, and experience and any tests of intelligence, capacity, technical knowledge, manual skill, or physical fitness which the department deems are appropriate, may be employed.

(Amended by Stats. 2012, Ch. 360, Sec. 26. (SB 1309) Effective January 1, 2013.)

18930.1. The department shall establish best practices for each aspect of the design, announcement, and administration of examinations for the purpose of increasing diversity of applicant pools on employment lists.

(Added by Stats. 2022, Ch. 313, Sec. 4. (AB 1604) Effective January 1, 2023.)

18930.5. (a) The department may designate an appointing power to design, announce, or administer examinations for the establishment of employment lists in accordance with Section 18654 and board rule. No later than January 1, 1987, the board shall authorize or assess the ability of appointing powers to design, announce, or administer designated examinations for the establishment of employment lists. The board may audit examinations and order corrective action or nullify any examination or parts thereof which have been conducted improperly.

(b) A designated appointing power may contract with the department or another designated appointing power for the purpose of designing, publicizing, or administering an examination. The department shall charge designated appointing powers an amount sufficient to recover the costs to the department of these services and, pursuant to Section 11255, the Controller shall transfer to the department any moneys owed to the department by any designated appointing power for charges due under this subdivision.

(Amended by Stats. 2019, Ch. 24, Sec. 4. (SB 83) Effective June 27, 2019.)

18931. (a) The board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position, including education, experience, knowledge, and abilities that each applicant is required to have to be considered eligible for a classification. The department may require applicants for examination or appointment to provide documentation as it deems necessary to establish the applicants' qualifications.

(b) The department shall develop standards for statements of qualifications used as the examination method in determining the fitness and qualifications of applicants for each class of position, when applicable. The department may require applicants for

examination or appointment to provide documentation as it deems necessary to establish the applicants' qualifications.

(c) Whenever the law requires that an applicant for a position as a peace officer be screened to ensure that the applicant is free from emotional and mental impairment, the department or the designated appointing authority shall undertake that screening subject to the applicant's right to appeal to the board.

(Amended by Stats. 2022, Ch. 313, Sec. 5. (AB 1604) Effective January 1, 2023.)

18932. The board shall not establish any minimum or maximum age limits for any civil service examination, except in the cases of positions involving public health or safety or having the powers and duties of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, and for trainee positions the board may establish minimum and maximum age limits.

The board, for positions involving public safety or having the powers and duties of a peace officer, shall adopt maximum age limitations for any civil service examination where it can be demonstrated that the age limitation in question is a "bona fide occupational qualification" as provided by the Federal Age Discrimination in Employment Act of 1967 (29 U.S.C. Secs. 621 et seq.). The board shall waive those age limits for persons competing in examinations on a promotional basis.

Any person possessing all the minimum qualifications for any state position is eligible, regardless of his or her age, to take any civil service examination given for that position, except as provided in this section.

(Amended (as amended by Stats. 1981, Ch. 453) by Stats. 1990, Ch. 478, Sec. 9.)

18933. (a) Within a reasonable time before the scheduled date, the department or a designated appointing power shall announce or advertise examinations for the establishment of eligible lists. The announcement shall include the following:

- (1) The date and place of the examination.
- (2) The nature of the minimum qualifications and the functional core competencies.
- (3) The general scope of the examination.
- (4) The relative weight of its several parts if more than one type of test is to be utilized.
- (5) The type of exam method, including the standard statement of qualifications, if applicable.
- (6) Any other information the department deems proper.

(b) The department shall notify the Department of Veterans Affairs when any promotional examination for the establishment of an eligible list is announced or advertised to eligible candidates. The notification shall state the job position and include all of the information listed in paragraphs (1) to (6), inclusive, of subdivision (a).

(Amended by Stats. 2022, Ch. 313, Sec. 6. (AB 1604) Effective January 1, 2023.)

18934. (a) (1) Every applicant for examination shall file an application with the department or a designated appointing power as directed in the examination announcement. Applications shall be accepted free of any charge to the applicant. Filed applications and all other examination materials, including examination questions and any written material, are the property of the department and are confidential records not open to inspection except as provided by law.

(2) The application shall include a place for listing volunteer experience and that experience shall be considered if it is relevant to the position being applied for and shall state that relevant volunteer experience will be given consideration as qualifying experience for state employment.

(b) Whenever the department or a designated appointing power receives an application for examination that was filed online, the department, or the designated appointing power, shall do all of the following:

- (1) Provide the electronic communication address of the department or the electronic communication address of the designated appointing power to the applicant.
- (2) Contact the applicant using electronic communication instead of postal mail, unless the applicant specifically requests otherwise.
- (3) Inform the applicant that he or she will be provided with employment inquiry notifications and his or her score and rank on the examination using electronic communication, unless the applicant specifically requests to be notified using postal mail.

(c) This section shall become operative on July 1, 2017.

(Repealed (in Sec. 1) and added by Stats. 2014, Ch. 266, Sec. 2. (AB 1820) Effective January 1, 2015. Section operative July 1, 2017, by its own provisions.)

18935. (a) The department or a designated appointing power may refuse to examine, or after examination may refuse to declare as eligible, or may withhold or withdraw from an eligible list, before the appointment, anyone who meets any of the following criteria:

- (1) Lacks any of the requirements for the examination or position for which he or she applied.
- (2) Has been dismissed from any position for any cause that would be a cause for dismissal from state service.
- (3) Has resigned from any position not in good standing in order to avoid dismissal.
- (4) Has misrepresented himself or herself in the application or examination process, including permitting another person to complete or attempt to complete a portion of the examination on his or her behalf.
- (5) Has been found to be unsuited or not qualified for employment pursuant to rule.

(b) The remedies provided in this section are not exclusive and shall not prevent the board, department, or appointing power from taking additional actions pursuant to Chapter 10 (commencing with Section 19680).

(Repealed and added by Stats. 2013, Ch. 427, Sec. 35. (AB 1062) Effective January 1, 2014.)

18936. The final earned rating of each person competing in any examination shall be determined by the weighted average of the earned ratings on all phases of the examination, according to the weights for each phase established by the department or a designated appointing power in advance of the giving of the examination and published as a part of the announcement of the examination.

The department or a designated appointing power may set minimum qualifying ratings for each phase of an examination and may provide that competitors failing to achieve such ratings in any phase shall be disqualified from any further participation in the examination.

(Amended by Stats. 2013, Ch. 427, Sec. 36. (AB 1062) Effective January 1, 2014.)

18937. The passing mark for an examination may be other than the true percentage or average published as a part of the announcement of the examination, if deemed by the department or a designated appointing power to be justified in order to provide an adequate eligible list or to adjust for the apparent difficulty of an examination. In establishing any eligible list or promotional list following an examination, the names of the persons who have attained the passing mark in such examination shall be placed on the list in the order of final earned ratings, except as such order may be modified by the application of veterans' preferences. When the order of names has been determined after applying the appropriate veterans' preference credits, the department may thereafter limit to suit the needs of the service the number of names to be placed on the employment list.

(Amended by Stats. 2013, Ch. 427, Sec. 37. (AB 1062) Effective January 1, 2014.)

18938. The department or a designated appointing power may issue certificates of competence to candidates who are successful in certain phases of examinations involving a particular knowledge, ability, or skill. For the period named in such a certificate, the department or a designated appointing power may accept it as evidence of the candidate's competence in lieu of participation in that phase of an examination.

(Amended by Stats. 2012, Ch. 360, Sec. 30. (SB 1309) Effective January 1, 2013.)

18938.5. When the employment list resulting from examination has been established, each competitor shall be notified in writing of the results of the examination. For competitors unsuccessful in an oral examination, the department or a designated appointing power shall, upon the written request of the competitor, specify the reasons why such person was unsuccessful.

(Amended by Stats. 2012, Ch. 360, Sec. 31. (SB 1309) Effective January 1, 2013.)

18938.6. The department or designated appointing power shall provide for the inspection of examination papers for all written test competitors.

(Amended by Stats. 2013, Ch. 427, Sec. 38. (AB 1062) Effective January 1, 2014.)

18939. The department or a designated appointing power may receive applications, conduct examinations, and create eligible lists on a continual basis consistent with board rules. The names of eligibles who took the same or a comparable examination on different

dates may be ranked for purposes of certification in the order of final earned ratings, except as the order may be modified by the application of veterans preferences or career credits, consistent with applicable statutes. Eligibility from a continuous examination may be deemed to be established as of the date of examination.

(Amended by Stats. 2018, Ch. 53, Sec. 21. (SB 866) Effective June 27, 2018.)

18940. Any applicant for examination may request reasonable accommodation for a disability or sincerely held religious belief pursuant to the Fair Employment and Housing Act or any other applicable law. The department may prescribe rules governing those requests.

(Repealed and added by Stats. 2013, Ch. 427, Sec. 40. (AB 1062) Effective January 1, 2014.)

18941. Any former state employee who was dismissed from state service pursuant to Chapter 7 (commencing with Section 19500) of Division 5 of this part may petition the department to be permitted to take a civil service examination in order to establish eligibility for appointment to state service. The department may grant such a petition for a particular examination or may grant the petition for any or all future examinations. If the department denies the petition, the former state employee may appeal that decision to the board.

(Repealed and added by Stats. 2013, Ch. 427, Sec. 42. (AB 1062) Effective January 1, 2014.)