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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 5. Appointments [19050 - 19238] (Heading of Chapter 5 renumbered from Chapter 6 by Stats. 1985, Ch. 794, Sec. 18.)

ARTICLE 1. General [19050 - 19062.5] (Article 1 added by Stats. 1945, Ch. 123.)

19050. The appointing power in all cases not excepted or exempted by virtue of Article VII of the Constitution shall fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions, in strict accordance with this part and the rules prescribed from time to time under this part, and not otherwise. Except as provided in this part, appointments to vacant positions shall be made from employment lists.

(Amended by Stats. 1985, Ch. 794, Sec. 19.)

19050.2. (a) Subject to the approval of the board, the appointing authority may enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees.

(b) This section shall become operative on January 1, 2017.

(Repealed (in Sec. 2) and added by Stats. 2013, Ch. 310, Sec. 3. (SB 105) Effective September 12, 2013. Section operative January 1, 2017, by its own provisions.)

19050.3. Transfer of an employee from a position under one appointing power to a position under another appointing power may be made, subject to board rule.

(Added by renumbering Section 19994.5 by Stats. 1987, Ch. 316, Sec. 6.)

19050.4. A transfer may be accomplished without examination pursuant to board rules.

(Amended by Stats. 2018, Ch. 53, Sec. 23. (SB 866) Effective June 27, 2018.)

19050.5. Notwithstanding Section 3517.6, an appointing power may transfer any employee under his or her jurisdiction to a position in the same class or to another position in a different class pursuant to board rule.

(Amended by Stats. 2012, Ch. 360, Sec. 38. (SB 1309) Effective January 1, 2013.)

19050.7. Whenever any position is changed by the adoption of new, different or additional machines or processes while the purpose or product is the same or similar in nature, any civil service employee affected shall be given reasonable opportunity without change in class, status, or salary to learn to do the work with the new machine or process and to qualify for status in the different class of position required for the work; provided, that an employee shall not be promoted to a higher class under this section. An employee who qualifies for appointment in the different class shall be deemed to possess the specific education, experience, or other requirements for that class and shall be appointed thereto with the same status and seniority which he or she last had in his or her previous class.

An employee shall be deemed to be affected under this section if the adoption of the new, different or additional machines or processes results in his or her being laid off and if laid off that employee shall have the same opportunity to qualify for appointment to any vacancy in the same class or any new class created because of the adoption of the new, different or additional machines or processes as any other employee affected by this section who was not laid off.

The board may prescribe rules and procedures and make determinations for carrying out this section including provisions for such examinations and tests of fitness as are deemed appropriate.

(Added by renumbering Section 19994.8 by Stats. 1987, Ch. 316, Sec. 9.)

19050.8. The board may prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies for a period not to exceed two years or between jurisdictions for a period not to exceed four years for any of the following purposes:

- (a) To provide training to employees.
- (b) To enable an agency to obtain expertise needed to meet a compelling program or management need.
- (c) To facilitate the return of injured employees to work.

These temporary assignments or loans shall be deemed to be in accord with this part limiting employees to duties consistent with their class and may be used to meet minimum requirements for promotional as well as open examinations. An employee participating in that arrangement shall have the absolute right to return to his or her former position. Any temporary assignment or loan of an employee made for the purpose specified in subdivision (b) shall be made only with the voluntary consent of the employee.

In addition, out-of-class experience obtained in a manner not described in this section may be used to meet minimum requirements for promotional as well as open examinations, only if it was obtained by the employee in good faith and was properly verified under standards prescribed by board rule.

For purposes of this section, a temporary assignment or loan between educational agencies or jurisdictions shall be extended for up to two additional years upon a finding by the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, and with the approval of the Executive Officer of the State Personnel Board, that the extension is necessary in order to substantially complete work on an educational improvement project. However, the temporary assignment of any local educator who is performing the duties of a nonrepresented classification while on loan to a state educational agency may be extended for as many successive two year intervals as necessary by the Superintendent of Public Instruction or the Chancellor of the California Community Colleges with the concurrence of the educational agency or jurisdiction. Public and private colleges and universities shall be considered educational agencies or jurisdictions within the meaning of this section.

A temporary assignment within an agency or between agencies may be extended by the board for up to two additional years in order for an employee to complete an apprenticeship program.

- (d) This section shall become operative on January 1, 2017.

(Repealed (in Sec. 4) and added by Stats. 2013, Ch. 310, Sec. 5. (SB 105) Effective September 12, 2013. Section operative January 1, 2017, by its own provisions.)

19050.9. Whenever a function or the administration of a law is transferred from one state agency to another state agency, all persons serving in the state civil service and engaged in the performance of the function or the administration of the law shall be transferred to that agency. The status, positions, and rights of those persons shall be retained by them pursuant to this part and the State Civil Service Act. A state agency is not required to retain any unnecessary officers or employees.

"State agency" includes all departments, boards, offices, authorities, commissions, and other agencies of state government.

The board may provide by rule for the administration of this section.

(Added by renumbering Section 19994.10 by Stats. 1987, Ch. 316, Sec. 11.)

19051. Civil service appointments shall only be made to a class that is appropriate for the duties, functions, and responsibilities that will be performed.

(Repealed and added by Stats. 2018, Ch. 53, Sec. 25. (SB 866) Effective June 27, 2018.)

19052. Whenever a vacancy in any position is to be filled and not by transfer, demotion, or reinstatement, the appointing power shall provide any information the department requests, including the classification of the position, the number of vacancies to be filled, the tenure and time base of the position, the location of the position, and any other information as the department may require.

(Repealed and added by Stats. 2013, Ch. 427, Sec. 51. (AB 1062) Effective January 1, 2014.)

19054. Except as provided in Section 19054.1, the order of preference in certifying eligibles shall be: subdivisional reemployment list, departmental reemployment list, general reemployment list, subdivisional promotional list, departmental promotional list, multidepartmental promotional list, servicewide promotional list, departmental eligible list, and eligible list. The preferred limited-term list, in accordance with board rule, may be given preference over the departmental eligible list, and the eligible list when making limited-term appointments.

(Amended by Stats. 1982, Ch. 1245, Sec. 4.5.)

19054.1. When an examination for a managerial position is conducted on an open and promotional basis, the names of eligibles shall be placed on one list and ranked in relative order of the examination scores received.

(Amended by Stats. 2018, Ch. 53, Sec. 26. (SB 866) Effective June 27, 2018.)

19055. The department may, consistent with board rules, provide for certification of names from appropriate employment lists of the same or higher level in the event an employment list is not available for the class to which a position belongs.

(Amended by Stats. 2012, Ch. 360, Sec. 40. (SB 1309) Effective January 1, 2013.)

19056. If the appointment is to be made from a departmental reemployment list or subdivisional reemployment list, unless either one is used as an appropriate employment list, the person standing highest shall be certified and appointed.

(Amended by Stats. 1971, Ch. 1350.)

19056.5. Notwithstanding any other provision in this part, if the appointment is to be made from a general reemployment list, the names of the three persons with the highest standing on the list shall be certified to the appointing power.

(Amended by Stats. 2002, Ch. 1, Sec. 8. Effective January 16, 2002.)

19057.1. (a) Except for reemployment lists and State Restriction of Appointment lists, when an appointing power seeks to fill a vacant position by using an employment list, the department shall provide the appointing power with a certified list of the names and addresses of all eligibles whose scores at the time of certification represent the three highest ranks on the list and who have indicated a willingness to accept appointment under the conditions of employment specified. When there is more than one employment list or Limited Examination and Appointment Program referral list, the department shall, pursuant to applicable law and board rules, provide a single certified list of eligibles that combines the names and addresses of all eligibles.

(b) As an alternative to receiving a combined list of eligibles pursuant to subdivision (a), if requested by an appointing power, the department shall provide a list of eligibles that includes only the names and addresses of candidates, if any, on a Limited Examination and Appointment Program referral list and the names and addresses of candidates, if any, on any applicable reemployment or State Restriction of Appointment list or other priority list as required by law. The appointing power may use a list created pursuant to this subdivision to notify individuals listed of the opportunity to apply for the vacant position, to screen applications for candidates' eligibility, and to hire from among those applicants whose names appear on the list. The board may adopt or amend regulations, if necessary, to ensure that the procedures described in this subdivision are implemented in a manner consistent with merit principles and Article VII of the California Constitution.

(c) For purposes of ranking, scores of eligibles on employment lists covered by this section shall be rounded to the nearest whole percent. A rank shall consist of one or more eligibles with the same whole percentage score.

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

(d) Fractional examination scores shall be provided to, and used by, the Department of the California Highway Patrol for its peace officer classes.

(e) The department may, consistent with board rules, provide for certifying more or less than three ranks when the size of the certified group is disproportionate to the number of vacancies.

(Amended by Stats. 2022, Ch. 892, Sec. 2. (AB 1195) Effective January 1, 2023.)

19057.2. (a) An appointing power, before offering employment to an applicant, shall provide the applicant with an explanation of the benefits that accompany state service in the form of the materials described in subdivision (b). A formal offer of employment shall contain a written memorialization document acknowledging that the applicant received these materials before accepting employment.

(b) The department shall create documents for dissemination to applicants regarding the benefits of state service before accepting appointment. These documents shall include a summary of the applicable civil service position, with salary ranges and steps within them, as described in Section 19829, as well as information describing where on the internet website of the Department of Human Resources the applicant may find information on:

(1) Benefits afforded by membership in the Public Employees' Retirement System.

(2) Benefits and protections provided to public employees by the State Civil Service Act.

(Added by Stats. 2019, Ch. 447, Sec. 1. (AB 1033) Effective January 1, 2020.)

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

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

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

(d) Where there is more than one employment list or Limited Examination and Appointment Program referral list, the department may, pursuant to applicable law and board rules, provide a single certified list of eligibles that combines the names and addresses of all eligible candidates.

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

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

(Amended by Stats. 2018, Ch. 53, Sec. 28. (SB 866) Effective June 27, 2018.)

19058. When there is no employment list from which a position may be filled, the appointing power, with the consent of the department, may fill the position by temporary appointment. The temporary appointment to a permanent position shall continue only until eligibles are available from an appropriate employment list and shall not exceed the period prescribed by Section 5 of Article VII of the Constitution. Within the limits of the period prescribed therein, any temporary appointment to a limited-term position may, in the discretion of the appointing power and with the approval of the department, be continued for the life of such position. When temporary appointments are made to permanent positions, an appropriate employment list shall be established for each class to which a temporary appointment is made before the expiration of the appointment.

(Amended by Stats. 2013, Ch. 427, Sec. 54. (AB 1062) Effective January 1, 2014.)

19059. A person who does not possess the minimum qualifications for the class to which the position belongs shall not be appointed under a temporary appointment. A temporary appointee shall not acquire any probationary or permanent status or rights, and time spent under temporary appointment shall not contribute to the probationary period if the appointee is subsequently successful in an examination and is certified and appointed to the position.

(Amended by Stats. 2013, Ch. 427, Sec. 55. (AB 1062) Effective January 1, 2014.)

19061. Notwithstanding any other provision of law, a person appointed to a trade-rate apprentice class in the Office of State Printing shall be appointed to the appropriate journeyman trade-rate class upon completion of the apprenticeship.

A person who is first appointed to a trade-rate apprentice class on or after January 1, 1976, shall, while in that class, accrue seniority points at one-half of the rate of a journeyman.

(Added by Stats. 1975, Ch. 430.)

19062. If there are no vacancies in the appropriate journeyman trade-rate class, the employee completing an apprenticeship under Section 19061 shall be afforded the opportunity to elect one of the following:

(a) If the employee's seniority rating at the time of appointment to the appropriate journeyman trade-rate class is higher than that of any journeyman holding a permanent appointment in the appropriate journeyman trade-rate class, the employee shall be appointed to a permanent position.

(b) If there is a reemployment list for the appropriate journeyman trade-rate class, the employee shall be placed on the reemployment list of that class. The position of the employee on the reemployment list shall be established by provisions of Section 19997.3 at the time of the employee's appointment to the appropriate journeyman trade-rate class.

(c) Demotion under Section 19997.8.

(Amended by Stats. 1985, Ch. 794, Sec. 20.)

19062.3. An employee holding a full- or part-time appointment shall be entitled to the amount of employment specified at the time of the appointment, subject to provisions of law and rule governing work force reduction and separation from civil service positions.

(Added by renumbering Section 19064 by Stats. 1987, Ch. 56, Sec. 77.)

19062.5. The department may establish eligibility requirements governing movement of employees between full-time, part-time, and intermittent positions.

(Amended by Stats. 2013, Ch. 427, Sec. 56. (AB 1062) Effective January 1, 2014.)