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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 2.5. FEDERAL GRANT-IN-AID MERIT SYSTEM REQUIREMENTS [19800 - 19811]** ( Part 2.5 added by Stats. 1969, Ch. 1283. )

**CHAPTER 1. Administration [19800 - 19811]** ( Chapter 1 added by Stats. 1969, Ch. 1283. )

**19800.** The Department of Human Resources is hereby vested with the jurisdiction and responsibility of establishing and maintaining personnel standards on a merit basis and administering merit systems for local government agencies where such merit systems of employment are required by statute or regulation as a condition of a state-funded program or a federal grant-in-aid program established under federal laws, including, but not limited to: the Social Security Act, as amended; the Public Health Service Act; and the Federal Civil Defense Act, as amended.

(Amended by Stats. 2013, Ch. 427, Sec. 92. (AB 1062) Effective January 1, 2014.)

**19801.** For the purposes of administration of state or federally supported programs under Section 19800, the department shall, by regulation, establish and maintain personnel standards on a merit basis for local agencies (including standards of qualifications, competency, education, experience, tenure, and compensation) necessary for proper and efficient administration, and to ensure state conformity with applicable federal requirements.

(Amended by Stats. 2013, Ch. 427, Sec. 93. (AB 1062) Effective January 1, 2014.)

**19802.** Nothing in this chapter shall prevent any local agency from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to employees engaged in administering state and federally supported programs under Section 19800, such local systems and standards shall be subject to approval and review by the department to the extent necessary to qualify for federal funds.

(Amended by Stats. 2013, Ch. 427, Sec. 94. (AB 1062) Effective January 1, 2014.)

**19802.5.** Notwithstanding Sections 19801 and 19803, and after the department approves the memorandum of understanding standards, the department may waive administration of all or part of a local agency merit system where administration of merit system standards, including, but not limited to, certification, appointment and other transactions, layoff and reinstatement, position classifications, compensation standards, and disciplinary action are established pursuant to a legally binding memorandum of understanding negotiated between the local agency governing board and an employee organization recognized pursuant to applicable law representing employees engaged in federally supported programs under Section 19800. Upon request of the local agency governing board and the recognized employee organization, such waivers shall be granted on any or all standards following determination by the department that the provisions of the memorandum of understanding maintain merit system standards to the extent necessary to qualify for federal funds. All merit system standards waivers shall be subject to periodic audit, approval, or revocation by the department. Upon revocation of a waiver, the department may require any additional information as a condition of waiver reinstatement.

(Amended by Stats. 2013, Ch. 427, Sec. 95. (AB 1062) Effective January 1, 2014.)

**19803.** (a) The Department of Human Resources shall administer the merit system for employees engaged in administering programs under Section 19800 in a local agency not administering its own merit system approved under this chapter. The Department of Human Resources may delegate any of its duties under this article to a state department or agency. This may include, but is not limited to, recruitment, examination, certification, appointment and other transactions, position classification, compensation standards, and disciplinary actions. As part of such administration, the Department of Human Resources shall hear and decide

appeals of any applicant for employment or officer or employee from the decision of a local agency affecting the employment rights of those persons. Any decision rendered in such an appeal shall be binding upon the local agency.

(b) The Department of Human Resources may bill the state departments having responsibility for the overall administration of grant-in-aid programs for the costs incurred in conducting hearings involving employees of local agencies not administering their own merit systems pursuant to this chapter. Pursuant to Section 11255, the Controller shall transfer to the Department of Human Resources any moneys owed to that department by any state department for charges due under this subdivision.

*(Amended by Stats. 2019, Ch. 24, Sec. 6. (SB 83) Effective June 27, 2019.)*

**19804.** In the exercise of functions under this chapter, the department shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with established standards.

*(Amended by Stats. 2013, Ch. 427, Sec. 97. (AB 1062) Effective January 1, 2014.)*

**19805.** The department shall establish and administer procedures, including provisions for investigations and hearings, to determine whether a particular merit system is in conformity with the standards established or approved by the department pursuant to Section 19801. In conducting any hearing provided by such procedures, or in conducting an appeal hearing under Section 19803, the department shall have the same authority as it does in conducting hearings pursuant to Section 19815.

*(Amended by Stats. 2013, Ch. 427, Sec. 98. (AB 1062) Effective January 1, 2014.)*

**19806.** When the department, after hearing, determines that a local merit system is not in conformity with the established standards, it shall notify such local agency and appropriate state officer in writing of its decision. If the governing body of the local agency does not bring the system into conformity within 60 days of notification of the department's decision, or within such longer period as the department determines, the department shall certify to the state officer having responsibility for the overall administration of the program, pursuant to which the grant-in-aid requiring such merit system was made, that the particular merit system is not in conformity with established standards.

*(Amended by Stats. 2013, Ch. 427, Sec. 99. (AB 1062) Effective January 1, 2014.)*

**19807.** Notwithstanding any other law, upon receiving certification of the department, pursuant to Section 19806, the appropriate state officer shall take such action against the local agency as permitted by law or as necessary to obtain compliance without an additional administrative hearing being held by such officer.

*(Amended by Stats. 2013, Ch. 427, Sec. 100. (AB 1062) Effective January 1, 2014.)*

**19808.** Local agencies shall provide such information and reports relating to merit system administration as are required by the department.

*(Amended by Stats. 2013, Ch. 427, Sec. 101. (AB 1062) Effective January 1, 2014.)*

**19809.** State departments having responsibility for the overall administration of grant-in-aid programs under Section 19800 shall reimburse the Department of Human Resources for all costs incurred by that department in administering this chapter. The Department of Human Resources may equitably prorate those costs among the state departments. Pursuant to Section 11255, the Controller shall transfer to the Department of Human Resources any moneys owed to the department by any state department for charges due under this section.

*(Amended by Stats. 2019, Ch. 24, Sec. 7. (SB 83) Effective June 27, 2019.)*

**19810.** As used in this chapter, "local agency" means any city, county, city and county, district, or other subdivision of the state, or any independent instrumentality thereof.

*(Added by Stats. 1969, Ch. 1283.)*

**19811.** (a) To the extent that any regulations adopted to make specific or to carry out the provisions of this article are in conflict with the amendments made to this article or become outdated at any time due to a change in federal or state program requirements, the regulations shall be repealed.

(b) The Legislature further finds and declares that regulations interpreting and making specific this article are only necessary if the regulations are required by federal law.

(c) Requirements imposed on local agencies pursuant to this article shall not be considered regulations or standards of general application and shall not impose any duty on the department to adopt regulations.

*(Added by Stats. 2013, Ch. 427, Sec. 103. (AB 1062) Effective January 1, 2014.)*

