

AMENDED IN ASSEMBLY AUGUST 24, 2015

SENATE BILL

No. 99

Introduced by Committee on Budget and Fiscal Review

January 9, 2015

An act relating to the ~~Budget Act of 2015~~, 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

SB 99, as amended, Committee on Budget and Fiscal Review. ~~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, in
7 which selection, as specified in Article 5 (commencing with Section
8 18990) of Chapter 4 and Article 9 (commencing with Section
9 19889) of Chapter 2.5 of Part 2.6, in which 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.

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

15 SEC. 2. Section 18990 of the Government Code is amended to
16 read:

1 18990. (a) Notwithstanding any other provision of law or rule,
2 persons employed by the Legislature for two or more consecutive
3 years shall be ~~eligible to apply for given an opportunity, upon~~
4 ~~request, to obtain civil service appointment list eligibility by taking~~
5 ~~any promotional civil service examinations, including examinations~~
6 ~~for examination or career executive assignments, assignment~~
7 ~~examinations for which they meet the minimum qualifications.~~
8 ~~qualifications of the class for which they seek appointment.~~ Persons
9 receiving passing scores shall ~~have their names placed on~~
10 ~~promotional lists resulting from these examinations or otherwise~~
11 ~~gain eligibility for appointment.~~ *gain list eligibility for appointment.*
12 In evaluating minimum qualifications, ~~related a person's legislative~~
13 ~~experience shall be considered state civil service experience in a~~
14 ~~comparable class, based on the class that has the same or~~
15 ~~substantially similar duties and responsibilities assigned.~~ *as the*
16 *person's legislative position.*

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

25 (c) ~~Employees~~

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

34 (d) ~~Employees~~ who meet the requirements of this section, ~~are~~
35 ~~employed by the office of the Auditor General or the office of the~~
36 ~~Legislative Analyst as of January 1, 1992, and who resign or are~~
37 ~~released from service due to a force reduction of the Legislature~~
38 ~~before January 1, 1994, shall be eligible to take promotional civil~~
39 ~~service examinations, including career executive assignments, for~~

1 ~~three years following their resignation or release in accordance~~
2 ~~with subdivisions (a) and (b).~~

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

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

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

11 18991. ~~(a) Notwithstanding any other provision of law, persons~~
12 ~~retired from the United States military, honorably discharged from~~
13 ~~active military duty with a service-connected disability, or~~
14 ~~honorably discharged from active duty, shall be eligible to apply~~
15 ~~for promotional civil service examinations, including examinations~~
16 ~~for and career executive assignments; assignment examinations~~
17 ~~for which they meet the minimum qualifications as prescribed by~~
18 ~~the class specification. qualifications of the class to which they~~
19 ~~seek appointment. Persons receiving passing scores shall have their~~
20 ~~names placed on promotional lists resulting from these~~
21 ~~examinations or otherwise gain list eligibility for appointment. In~~
22 ~~evaluating minimum qualifications, related the person's military~~
23 ~~experience shall be considered state civil service experience in a~~
24 ~~comparable class, based on the class that has the same or~~
25 ~~substantially similar duties and responsibilities assigned. as the~~
26 ~~person's position in the military.~~

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

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

37 18992. (a) Notwithstanding any other provision of law or rule,
38 persons holding, for two or more consecutive years, nonelected
39 exempt positions in the executive branch of government as defined
40 in subdivisions (c), (e), (f), (g), (i), and (m) of Section 4 of Article

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

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

24 (e) ~~Employees~~

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

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

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

39 *SEC. 5. Section 18993 of the Government Code is amended to*
40 *read:*

1 18993. (a) Notwithstanding any other provision of law, a
2 legislative or nonelected exempt executive branch employee who
3 is appointed to a career executive assignment pursuant to Section
4 18990 or 18992, shall be eligible to compete in his or her
5 department's appointing power's promotional examinations for
6 which he or she meets the minimum-~~qualifications~~: *qualifications*
7 *of the class to which he or she seeks appointment*. When such an
8 employee's career executive assignment is terminated by the
9 appointing power, he or she shall have the right to request a
10 deferred examination for any promotional eligible list ~~for that his~~
11 ~~or her department appointing power has~~ in existence at the time
12 of the ~~appointment termination~~ *if termination of the career*
13 *executive assignment and for which he or she meets the minimum*
14 ~~qualifications specified for the promotional examination~~:
15 *qualifications of the class to which he or she seeks appointment*.

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

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

22 ~~19057. Except as provided in Section 19056, there shall be~~
23 ~~certified to the appointing power the names and addresses of the~~
24 ~~three persons standing highest on the promotional employment~~
25 ~~list for the class in which the position belongs and who have~~
26 ~~indicated their willingness to accept appointment under the~~
27 ~~conditions of employment specified. If fewer than three names of~~
28 ~~persons willing to accept appointment are on the list from which~~
29 ~~certification is to be made, then additional eligibles shall be~~
30 ~~certified from the various lists next lower in order of preference~~
31 ~~until three names are certified. If there are fewer than three names~~
32 ~~on such lists, there shall be certified the number thereon. In such~~
33 ~~case the appointing power may demand certification of three names~~
34 ~~and examinations shall be conducted until three names may be~~
35 ~~certified. The appointing power shall fill the position by the~~
36 ~~appointment of one of the persons certified.~~

37 *SEC. 7. Section 19057.1 of the Government Code is amended*
38 *to read:*

39 ~~19057.1. Notwithstanding Section 19057, for positions in~~
40 ~~classes designated as professional, scientific, or administrative, or~~

1 ~~for any open employment list.~~ *Except for reemployment lists, State*
2 *Restriction of Appointment lists, and Limited Examination and*
3 *Appointment Program referral lists,* there shall be certified to the
4 appointing power the names and addresses of all those eligibles
5 whose scores, at the time of certification, represent the three highest
6 ranks on the employment list for the class, and who have indicated
7 their willingness to accept appointment under the conditions of
8 employment specified.

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

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

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

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

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

31 ~~19057.2. Notwithstanding the provisions of Section 19057, for~~
32 ~~positions in classes designated as management, there shall be~~
33 ~~certified to the appointing power the names and addresses of all~~
34 ~~those applicants whose scores, at the time of certification, represent~~
35 ~~the three highest ranks on the employment list for the class, and~~
36 ~~who have indicated their willingness to accept appointment under~~
37 ~~the conditions of employment specified.~~

38 For purposes of ranking, scores of eligibles on employment lists
39 for such classes shall be divided into six ranks. The first rank shall
40 consist of eligibles who receive a score of 95 percent or higher.

1 ~~The second rank shall consist of eligibles who receive a score of~~
2 ~~90 to 94 percent, inclusive. The third rank shall consist of eligibles~~
3 ~~who receive a score of 85 to 89 percent, inclusive. The fourth rank~~
4 ~~shall consist of eligibles who receive a score of 80 to 84 percent,~~
5 ~~inclusive. The fifth rank shall consist of eligibles who receive a~~
6 ~~score of 75 to 79 percent, inclusive. The sixth rank shall consist~~
7 ~~of eligibles who receive a score of 70 to 74 percent, inclusive. All~~
8 ~~examination scores for positions in these classes shall be rounded~~
9 ~~to the nearest whole percent.~~

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

21 ~~The department may certify less than three ranks where the size~~
22 ~~of the certified group is disproportionate to the number of~~
23 ~~vacancies.~~

24 *SEC. 9. Section 19057.3 of the Government Code is amended*
25 *to read:*

26 ~~19057.3. (a) Notwithstanding Section 19057, for~~ *For* a position
27 in the Department of Corrections and Rehabilitation, there shall
28 be certified to the appointing power the names and addresses of
29 all those eligibles for peace officer and closely allied classes whose
30 scores, at the time of certification, represent the three highest ranks
31 on the employment list for the class in which the position belongs
32 and who have indicated their willingness to accept appointment
33 under the conditions of employment specified.

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

38 (c) If fewer than three ranks of persons willing to accept
39 appointment are on the list from which certification is to be made,
40 then additional eligibles shall be certified from the various lists

1 next lower in order of preference until names from three ranks are
2 certified. If there are fewer than three names on those lists, and
3 the appointing power does not choose to appoint from among these,
4 the appointing power may demand certification of three names
5 and examinations shall be conducted until at least three names
6 may be certified. The appointing power shall fill the position by
7 the appointment of one of the persons certified.

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

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

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

17 ~~19057.4. Notwithstanding Section 19057, for positions in~~
18 ~~classes which are designated by the board as supervisory and not~~
19 ~~professional, scientific, or administrative, and are not examined~~
20 ~~for on an open basis, there shall be certified to the appointing power~~
21 ~~the names and addresses of all those eligible whose scores, at the~~
22 ~~time of certification, represent the highest rank on the employment~~
23 ~~list for the class, and who have indicated their willingness to accept~~
24 ~~appointment under the conditions of employment specified.~~

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

29 ~~If the highest rank contains fewer than three eligibles, then the~~
30 ~~next highest rank shall be certified until a minimum of three~~
31 ~~eligibles willing to accept appointment under the conditions~~
32 ~~specified are certified. If fewer than three names of persons willing~~
33 ~~to accept appointment are on the list from which certification is~~
34 ~~to be made, then additional eligibles shall be certified from the~~
35 ~~various lists next lower in order of preference until three names~~
36 ~~are certified. If there are fewer than three names available for~~
37 ~~certification, and the appointing authority does not choose to~~
38 ~~appoint from among these, the appointing authority may demand~~
39 ~~certification of three names. In that case, examinations shall be~~
40 ~~conducted until at least three names may be certified by the~~

1 ~~procedure described in this section, and the appointing authority~~
2 ~~shall fill the position by appointment of one of the persons certified.~~

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

5 *SEC. 11. Section 19889 of the Government Code is amended*
6 *to read:*

7 19889. It is the purpose of this article to encourage the
8 development and effective use ~~in the civil service~~ of well-qualified
9 and carefully selected executives. In order to carry out this ~~purpose~~
10 *purpose*, the State Personnel Board shall establish by rule a *merit*
11 ~~system of merit personnel administration~~ specifically suited to the
12 selection and placement of executive personnel. The department
13 shall be responsible for salary administration, position
14 classification, and for the motivation and training of executive
15 personnel. For the purpose of administering this system there is
16 established herewith a category of civil service appointment called
17 “career executive assignments.” The department shall designate
18 positions of a high administrative and policy influencing character
19 for inclusion in or removal from this category subject to review
20 by the State Personnel Board, except that the department shall not
21 so designate a position in which there is an incumbent already
22 appointed under the provisions of this part governing employees
23 other than career executives.

24 *SEC. 12. Section 19889.2 of the Government Code is amended*
25 *to read:*

26 19889.2. The provisions of this part governing the *examination*,
27 selection, classification, and tenure of employees in the regular
28 civil service shall not apply ~~in administering executive personnel~~
29 ~~through a merit system utilizing~~ to “career executive assignments”
30 ~~unless the application is provided for~~ by State Personnel Board
31 rule. The provisions of this part relating to punitive actions shall
32 apply to *all* employees serving in career executive assignments,
33 except that termination of a career executive assignment as
34 provided for in Section 19889.3 is not a punitive action. ~~With~~
35 ~~reference to termination of career executive assignments, the State~~
36 ~~Personnel Board rules shall, as at a minimum, afford an employee~~
37 *all employees whose career executive assignments are terminated*
38 *by the appointing power* a right of appeal to the State Personnel
39 Board for restoration of his or her assignment when he or she

1 alleges that ~~his or her~~ *the* termination was for reasons prohibited
2 in Chapter 10 (commencing with Section 19680) of Part 2.

3 *SEC. 13. Section 19889.3 of the Government Code is amended*
4 *to read:*

5 19889.3. (a) Eligibility for appointment to positions in the
6 career executive assignment category shall be established as a
7 result of competitive ~~examination of persons with permanent status~~
8 ~~in the civil service who~~ *examinations. All candidates shall* meet
9 such minimum qualifications as the State Personnel Board may
10 determine are requisite to the performance of high administrative
11 and policy influencing functions.

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

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

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

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

35 *SEC. 14. Section 19889.4 is added to the Government Code,*
36 *to read:*

37 *19889.4. In accordance with State Personnel Board rules, the*
38 *following shall apply when an appointing power terminates a*
39 *career executive assignment:*

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

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

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

37 (2) *A request for a deferred examination pursuant to paragraph*
38 *(1) shall not be made later than 10 days after the effective date of*
39 *the termination of the career executive assignment. The department*

1 *or its designee shall administer the deferred examination within*
2 *30 days of the date of the request.*

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

8 *SEC. 16. This act is a bill providing for appropriations related*
9 *to the Budget Bill within the meaning of subdivision (e) of Section*
10 *12 of Article IV of the California Constitution, has been identified*
11 *as related to the budget in the Budget Bill, and shall take effect*
12 *immediately.*

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