

CHAPTER 2
NONUNIFORMED HIRING AND APPOINTMENTS

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CHAPTER 2

NONUNIFORMED HIRING AND APPOINTMENTS

1. RESPONSIBILITIES.

a. Classification and Hiring. Classification and Hiring (CH), assigned to Selection Standards and Examinations Section (SSES), is responsible for the Department's nonuniformed hiring process and procedures, including transfers and promotions. The CH will coordinate and assist commands during the hiring process.

b. Personnel Transactions Unit. Human Resources Section (HRS), Personnel Transactions Unit (PTU), is responsible for processing all appointment documentation (including transfers and promotions).

c. Equal Opportunity and Access Section. The Equal Opportunity and Access Section (EOAS) is responsible for keeping all hiring free of discrimination. The Department fully conforms to Title VII of the Civil Rights Act of 1964, Fair Employment and Housing Act (FEHA); the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 (ADA); Title 2 of the California Code of Regulations (CCR), as well as other related state and federal civil rights laws.

2. NEPOTISM. Nepotism is defined as the practice of an employee using their power or influence to aid or hinder another in the employment setting because of a personal relationship. It is the policy of the State of California to recruit, hire, and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules, and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit-based civil service. The intent of this policy is first and foremost to prevent favoritism or bias based on a personal relationship.

a. Policy. It is the Department's policy that no employee shall use personal power or influence to aid or hinder other employees because of a personal relationship by virtue of blood, marriage, adoption, or cohabitation. In addition, there may be personal relationships beyond this general definition that may be subject to these policies. Accordingly, the Department seeks to avoid employment situations where a supervisory or command relationship exists between related employees assigned to the same command location. **Bargaining Unit (BU) 7 employees should refer to the nepotism policy in their contract.**

b. Definition of Related Employee. For purposes of this chapter, persons related by blood, marriage, or adoption are any of the following: husband, wife, father, mother, son, daughter, brother, sister, half-brother, half-sister, grandparent,

grandchild, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, and first cousin.

c. Assignment. To comply with this policy, applicants for employment, employees offered promotional opportunities, employees requesting transfer or reinstatement, and cadets requesting initial assignment preference shall be required to indicate if they are related to departmental employees within the same command to which they are seeking employment, or to indicate if the applicant or employee may supervise or command a related employee assigned to the same command location (as defined in paragraph 2.b. of this chapter). For transfer provisions, refer to General Order (GO) 10.6, Field and Headquarters Assignments and Transfers Nonuniformed Employees.

(1) Normally, all departmental employees, including immediate family members, may be allowed to work together as coworkers or partners in an operational environment. Commanders shall reserve the right to preclude **any** assignment of employees in the command if, in their judgment, the assignment could cause internal morale or supervisory problems.

(2) While there may be situations where it is appropriate for two employees who have a personal relationship to work in the same program or activity, the Department is particularly cautious regarding the following potentially sensitive situations:

(a) Where employees who have a personal relationship work in a small unit in close association.

(b) Where employees who have a personal relationship work for the same supervisor.

(c) Where employees who have a personal relationship have a direct or indirect supervisor/subordinate relationship.

(3) When evaluating the potential impact of personal relationships, the Department carefully evaluates the following factors to ensure there is no adverse effect on the workplace:

(a) The work production of the unit.

(b) The safety, security, and morale of the employees in the unit.

(4) The fair and impartial supervision and evaluation of employees. Employees who become related after assignment to the same command location and are in any type of subordinate/supervisory relationship shall notify

their commander immediately. Upon notification, the commander shall review the current assignments for conformity with departmental policy with consideration given to the needs of the command's operations. If the reporting relationship is deemed to be in violation of departmental policy, one of the related employees will be transferred or reassigned. If assistance is needed, commands may consult with their CH analyst. It will be at the discretion of both employees as to who will transfer or be reassigned. If the commander deems the reporting relationship acceptable, a request for exception to this policy shall be submitted through channels to the appropriate Assistant Commissioner for continuance of the assignments to be permitted. Commands reporting directly to the Commissioner will require Commissioner approval.

(5) Supervision.

(a) Related employees will not be assigned to the same command when either is the commander.

(b) Direct supervision of a related employee will not be permitted.

(c) Supervisory/subordinate relationships among related employees (whether direct, indirect, or in the direct line) may generate adverse effects on others within the command due to the potential supervisory influence, regardless of intent, concerning discipline, supervision, and evaluation of employees. Potential complaints from other employees claiming a lack of supervisory objectivity (whether real or imagined) may prove difficult to resolve. Careful consideration shall be given to situations in which a supervisor/manager has the potential to review and sign performance evaluations or similar transactional items for a related employee. Therefore, the assignment of related employees in any of the supervisor/subordinate relationships listed below will require the commander to request approval through channels from the appropriate Assistant Commissioner. Commands reporting directly to the Commissioner will require Commissioner approval.

1 Direct Line of Supervision. For example: A potential hire is the blood relative of a Staff Services Manager (SSM) II. The potential hire will report to an SSM I, who is directly supervised by the SSM II.

2 Indirect Supervision. For example: A potential hire is the blood relative of an SSM I. The potential hire will report to the other SSM I within the same unit and/or command.

3. DEFINITIONS.

- a. Applicant. An applicant is an individual who has applied for a nonuniformed position; however, the applicant was not selected to proceed in the hiring process.
- b. Candidate. A candidate is an individual who has applied for a nonuniformed position, met all the command's preestablished job-related screening criteria, interviewed for the position, and has been selected to proceed in the hiring process.
- c. Unit. For the purpose of promotions in place, "unit" is defined as employees who report to the same supervisor.

4. PROCEDURES FOR REQUESTING TO FILL POSITIONS. The following procedures shall be followed when filling nonuniformed positions:

a. CHP 127, Request for Position Action, Package:

(1) Each package shall contain the following **separate** file attachments:

(a) A CHP 127, Request for Position Action, with appropriate signatures, **as an Adobe Acrobat PDF file.**

(b) A current CHP 129, Duty Statement, for the position, (with a proposed CHP 129 if the duties have changed) **as an editable Adobe Acrobat PDF file.**

(c) A current organization chart (with a proposed organization chart if the position is new, has moved, or is being reclassified), signed and dated by the commander or designee, **as an Adobe Acrobat PDF file.**

(d) A completed Communications Network Message Information Template available on the SSES CHP Intranet, **as an editable Adobe Acrobat PDF file.**

1 Statement of Qualifications (SOQ) questions (optional) on page two of the Communications Network Message Information Template. If the command wishes to require applicants to submit an SOQ when applying for a vacant position, the command can provide up to three questions on the template to be utilized on the statewide advertisement. The SOQ is another tool available to assess an applicant's qualifications for the vacant position.

b. A CHP 127 package may be submitted via e-mail up to, but not exceeding, 90 days in advance of an anticipated position vacancy. The earliest date a position may be filled is:

- (1) The effective date as approved by CH.
- (2) The expiration of the prior employee's accumulated leave credits.

EXCEPTION: Approval to fill or overlap a position prior to the last date covered by the prior employee's accumulated leave credits must be obtained from the appropriate Commissioner through the CHP 127 process. The SSES, CH, will make appropriate notification regarding funding to Fiscal Management Section.

c. Routing and Approval Process.

(1) The CHP 127 packages to refill an existing nonuniformed position, with or without a change in duties, shall be submitted by the command to their respective Division for approval.

(a) All nonuniformed CHP 127 packages from offices reporting to the Commissioner and Deputy Commissioner shall be submitted to the Director of Operations captain in the Office of the Commissioner. Approved packages shall be submitted directly by the Director of Operations captain in the Office of the Commissioner to SSES, CH, via e-mail to CH-CHP127s@chp.ca.gov. These types of position actions only require the approval of the commander or designee, and do not need to be routed through channels to the Office of the Assistant Commissioner, Staff (ACS). The CH will review the CHP 127 package for appropriateness and legality and will either approve or deny the request. Upon approval, SSES, CH, will forward a copy of the approved CHP 127 to the command.

(b) All nonuniformed CHP 127 packages reporting to a Division shall be submitted by the command to their respective Division. Approved packages shall be submitted by the Division directly to SSES, CH, via e-mail to CH-CHP127s@chp.ca.gov, with a carbon copy (cc) to the command. These types of position actions only require the approval of the commander and the Division, and do not need to be routed through channels to the appropriate Commissioner. The CH will review the CHP 127 package for appropriateness and legality and will either approve or deny the request. Upon approval, CH, will forward a copy of the approved CHP 127 to the command.

(2) The CHP 127 packages to reclassify, transfer, overlap, or fill a newly budgeted nonuniformed vacant position requires the appropriate Commissioner's approval.

(a) All nonuniformed CHP 127 packages from offices or commands reporting to the Commissioner, Deputy Commissioner, and headquarter Divisions will submit the CHP 127 packages to ACS via e-mail at ACS_CHP127@chp.ca.gov. Requests to reclassify, transfer, overlap, utilize temporary help (blanket) funds, or fill a newly budgeted position require the approval of the commander, the Division, and ACS prior to being sent to SSES, CH. If approved, ACS will e-mail the CHP 127 package to CH for final review and approval or disapproval. Commissioner approval is in concept only; it is the responsibility of CH to determine the appropriateness and legality, and assess compliance of the request with existing regulations and statutes. Upon approval, CH will forward a copy of the approved CHP 127 package to the command.

(b) All nonuniformed CHP 127 packages from commands reporting to Field Divisions will submit the CHP 127 packages to the Office of the Assistant Commissioner, Field (ACF), via e-mail at ACF_CHP127@chp.ca.gov, with a cc to the command. Requests to reclassify, transfer, overlap, or fill a newly budgeted position require the approval of the commander, the Division, and ACF prior to being sent to SSES, CH. If approved, ACF will e-mail the CHP 127 package to SSES, CH, for final review and approval or disapproval. Requests to utilize temporary help (blanket) funds will be forwarded to ACS for review and consideration. It is the responsibility of SSES, CH, to assess compliance of the request with existing regulations and statutes. Upon approval, SSES, CH, will forward a copy of the approved CHP 127 package to the command.

(3) The CHP 127 packages to promote a nonuniformed employee in place shall be submitted by the command to their respective Division for approval. (Refer to paragraph 5. of this chapter regarding promotions in place.)

(a) All nonuniformed CHP 127 packages from offices reporting to the Commissioner and Deputy Commissioner shall be submitted to the Director of Operations captain in the Office of the Commissioner. Approved packages shall be submitted directly by the Director of Operations captain in the Office of the Commissioner SSES, CH, via e-mail to CH-CHP127s@chp.ca.gov. These types of position actions only require the approval of the commander or designee, and do not need to be routed through channels to ACS.

The SSES, CH, will review the CHP 127 package for appropriateness and legality, and SSES, CH, will either approve or deny the request. Upon approval, SSES, CH, will forward a copy of the approved CHP 127 package to the command.

(b) All nonuniformed CHP 127 packages reporting to a Division shall be submitted by the command to their respective Division. Approved packages shall be submitted by the Division directly to SSES, CH, via e-mail to CH-CHP127s@chp.ca.gov, with a carbon copy (cc) to the command. These types of position actions only require the approval of the commander and the Division, and do not need to be routed through channels to the appropriate Commissioner. The SSES, CH, will review the CHP 127 package for appropriateness and legality, and SSES, CH, will either approve or deny the request. Upon approval, SSES, CH, will forward a copy of the approved CHP 127 package to the command.

5. PROMOTIONS IN PLACE. In accordance with Title 2, Section 242 CCR, if some, but not all, eligible employees within the same unit are selected for promotions in place, the following procedures shall be followed:

a. The command shall inform the eligible employees not selected for promotion in person and in writing of the reasons for the decision. The command shall document the date, time, and any other relevant information regarding the meeting with the employee. The employee shall be provided the opportunity to obtain the competencies necessary for a promotion in place in the future.

b. For eligible employees selected for a promotion in place, the reasons why the selected employee was chosen for the promotion in place shall be documented on the CHP 127 and sent to SSES, CH, for review, approval, and retention in accordance with Title 2, Section 26 CCR (refer to paragraph 4.b. of this chapter for package submission procedure).

c. The memorandum provided to all eligible employees not selected for a promotion in place shall be sent via e-mail to the CH analyst upon receiving direction to do so. Originals shall not be routed to CH or the Division and shall be maintained by the command. The CH analyst will verify the memorandum(s) and ensure they are included in the CHP 128, Request for Personnel Action, package for retention in accordance with Title 2, Section 26 CCR. For the purpose of confidentiality, these memorandums shall not be included with the CHP 128 package being routed through channels for approval.

6. RECRUITMENT AND ADVERTISEMENT PROCESS. Commands should coordinate with their CH analyst to determine the most efficient approach to the

recruitment and advertisement process based on the classification and recruitment difficulty of the position. This may include advertising for longer periods of time or the command using alternative recruitment methods in addition to the normal process outlined below. Alternative recruitment methods may include working with the Department's Recruitment Unit, posting the job announcement on websites (e.g., LinkedIn, Monster, Indeed), attending job fairs, posting the job announcement on various departmental Facebook pages, utilizing eligibility lists established by other state agencies, and requesting an examination.

a. Post and Bid. To fill BU 12 positions, the Post and Bid process shall be adhered to as outlined in the collective bargaining unit contract and departmental policy contained in GO 10.6. If the command does not receive any interest during the Post and Bid advertisement, the CH analyst will determine if there are transfers on file. If there are no transfers on file, or if the transfers on file waive the transfer opportunity, the vacant position will be advertised statewide.

(1) During the Post and Bid advertisement period, interested employees are directed to submit their CHP 220N, Request for Transfer - Nonuniformed, directly to the command. Commands shall ensure the procedures outlined in GO 10.6 are followed for proper processing of CHP 220Ns. After five business days have elapsed since the final filing date, the command shall submit, via e-mail, signed copies of all CHP 220Ns received to their CH analyst. If no CHP 220Ns were submitted during the advertisement period, the command shall notify their CH analyst via e-mail.

b. Seniority Transfers. In accordance with GO 10.6, the CH analyst will determine if there are transfers on file prior to advertising the position for classifications subject to the seniority transfer process.

(1) If there are no transfers on file, or if the transfers on file waive the transfer opportunity, the vacant position shall be advertised statewide. If the classification has seniority transfer provisions for advertised positions, the most senior and same-class transfer who responds electronically by the final filing date, or by hard copy within five business days after the final filing date, shall be selected. If the classification does not have seniority transfer provisions, interested same-class employees need to apply following all instructions on the announcement and compete for the vacant position.

c. Advertising Vacancies Statewide. All vacant positions shall be advertised for a minimum of ten calendar days in accordance with Title 2, Section 249.2 CCR. The advertisement is valid for 180 days from the posted date. If a conditional offer of employment has not been made within that time frame, the vacant position shall be readvertised. No command shall reassign a duty statement from a vacant position to a current employee.

(1) The CH analyst shall advertise the vacant position statewide on the California Department of Human Resources (CalHR) website at www.calcareers.ca.gov and by sending a departmental Communications Network (Comm-Net) message. For statewide advertisements, commands shall accept applications submitted electronically, dropped off, or mailed. Advertising statewide provides employment opportunities for all qualified potential applicants including persons with disabilities. This will comply with the Department's Equal Employment Opportunity (EEO) objectives.

(a) The Comm-Net message will be developed by the CH analyst utilizing the required information provided by the command on the Communications Network Message Information Template submitted with the CHP 127 package. Commands shall electronically submit the template with the CHP 127 package (refer to paragraph 4.b. of this chapter for submission procedures).

(b) The following statement indicating the expected duration of the selection process shall be included: Although the intent is to fill this vacancy as soon as possible, the exact duration of the selection process can vary and is unknown at this time.

(c) The CH analyst shall order a certification list for the position being advertised and determine whether eligibles on the certification list should be contacted via a STD. 628, Employment Inquiry, to determine their interest in the position.

1 Soliciting Waivers is Illegal. Section 19681(c) of the Government Code (GC) prohibits any person "to use any unfair means to cause or attempt to cause any eligible to waive any rights..." Waivers are not to be solicited, and care should be taken to avoid making any statements which would be construed as asking or instructing an eligible to waive a position or to place the eligible's name on the inactive list.

(2) In accordance with Title 2, Section 249.3 CCR, a command may have the option of not advertising a vacant position if an identical vacancy was advertised previously and fewer than 180 calendar days have elapsed since the identical vacancy's final filing date (unless excluded by the applicable BU contract). Commands should work with their CH analyst to determine whether this is a viable option for their vacant position.

(3) When the position is being filled on a limited-term basis, and the position may be filled permanently at a later date, a statement shall be included in the Comm-Net message indicating this option. The statement may allow

commands to hire the present incumbent into the permanent position, without readvertising the position.

d. Clearing General Reemployment Certification Lists and State Restriction of Appointments/Surplus Employees. The CH analyst will determine whether clearance of these lists is required for the advertised position.

(1) Clearance of General Reemployment Lists. The Department must hire one of the top three names on the list. If there are less than three names, the Department can add names from the next list (e.g., State Restriction of Appointments [SROA] or a promotional list). In accordance with Title 2, Section 242 CCR, clearing of a general reemployment list is not required for promotions in place.

(2) Clearance of the State Restriction of Appointments List. Clearing an SROA list is required whenever a vacancy will be filled through any of the following:

- (a) Hire from an open certification list.
- (b) Permissive reinstatement.
- (c) State employee from outside the Department.
- (d) Hire from a promotional certification list (does not include promotions in place).

(3) Clearance of the State Restriction of Appointments/Surplus is **NOT** Required. The SROA/surplus is not a consideration when a position is filled by a departmental employee through any of the following:

- (a) Transfers (same or different classifications).
- (b) Voluntary demotions.
- (c) Training and Development (T&D) assignments.
- (d) Promotions in place (must meet CalHR criteria).

(4) Procedures for Clearing General Reemployment and State Restriction of Appointments/Surplus.

- (a) All eligibles on the general reemployment and SROA certification lists shall be contacted to determine interest in the position.

(b) Because eligibles on the SROA certification lists are not ranked, hiring interviews must be conducted for all eligibles on the SROA certification lists who are interested in the position and for all surplus employees who respond to the job posting on CalHR's website. Prior to releasing the applications to the command, the CH analyst will verify whether any applicants have valid surplus status. If the applicant is an identified surplus employee, the command may:

- 1 Hire the applicant.
- 2 Obtain an exemption to bypass the applicant (refer to paragraph 6.d.[4][f] of this chapter).

(c) If the applicant is not specifically identified as surplus, the command is not obligated to select the individual.

(d) A surplus employee need only be considered if the employee possesses personal skill and experience in the occupational area encompassed by the classification. The skill and experience may have been obtained either inside or outside state service.

(e) An SROA/surplus employee need not be considered if the employee's performance was documented as less than satisfactory in the employee's current classification, upon which SROA/surplus eligibility is based. This performance documentation includes:

- 1 A performance report during the last 12-month period with an overall rating of Improvement Needed or Unsatisfactory.
- 2 A performance report during the last 12-month period with a rating of Improvement Needed or Unsatisfactory in a factor that is critical to success in the position to be filled. For example, an employee on the SROA certification list for a supervisory classification whose supervisory skills were rated Improvement Needed or Unsatisfactory.
- 3 A rejection during probation within the last three-year period in the SROA classification.
- 4 A formal adverse action during the last three-year period if the cause of the action was related to performance of the duties of the position.
- 5 Letters of correction from supervisors.

(f) The CalHR must approve any exemptions to bypass SROA/surplus employees who respond as being interested prior to a conditional offer of employment being made to a non-SROA/surplus applicant.

(g) To clear general reemployment and SROA/surplus, the following steps shall be documented:

1 A waiver is received from all general reemployment and SROA employees whose names appear on the certification list.

2 The CH analyst shall certify by sending an e-mail message to the hiring command whether a response was received from SROA/surplus employees to the job posting on CalHR's website, or those surplus employees who responded they are not interested in the position.

3 The SROA/surplus employee is disqualified under one of the factors stated in 6.d.(4)(d) and 6.d.(4)(e) above **and** CalHR has granted an exception to bypass the employee.

7. PROCESSING OF APPLICATIONS SUBMITTED DIRECTLY TO COMMANDS DURING STATEWIDE ADVERTISEMENT.

a. STD. 678, Examination/Employment Application. All statewide advertisements and Comm-Net messages direct applicants to submit their STD. 678, Examination/Employment Application, and other required documents directly to SSES. In the event a command receives an STD. 678, the command shall ensure the following steps are taken:

(1) Upon receipt, immediately date stamp the front side of the first page of the application with the date received and forward to their CH analyst. Commands shall **not** review any documentation contained within the STD. 678 or additional documents.

b. CHP 220N, Request for Transfer - Nonuniformed. For classifications subject to the seniority transfer process for advertised positions, the advertisement will direct current same-class transfers to submit their CHP 220N directly to SSES. In the event a command receives a CHP 220N, the command shall ensure the following steps are taken:

(1) Upon receipt, immediately date stamp the front side of the CHP 220N in the "date stamp" field with the date received.

(a) The CHP 220N must be received within five business days after the final filing date if being mailed utilizing a departmental route slip. When submitting the CHP 220N electronically through the applicant's CalCareer account, the CHP 220N shall be submitted on or before the final filing date. The CH analyst will verify timely submission of all CHP 220Ns received by the command.

(2) Coordinate with their CH analyst to ensure the CHP 220N is signed by all appropriate parties within the advertisement period as outlined in GO 10.6.

(3) Forward a PDF of the signed CHP 220N to their CH analyst via e-mail.

(4) The CH analyst will determine seniority for same-class transfers. The most senior, same-class employee who responded to the statewide advertisement shall be selected.

8. EXAMINATION AND CERTIFICATION ONLINE SYSTEM. The Examination and Certification Online System (ECOS) is utilized by all state departments during the hiring process. Hiring supervisors and managers requiring access to applications will be required to utilize ECOS throughout the hiring process for all vacant positions which required statewide advertisement. Rank and file employees not currently assigned to SSES will not be granted ECOS access.

a. Obtaining Examination and Certification Online System Access.

(1) Hiring supervisors and managers shall create an ECOS account at www.ecos.ca.gov, ensuring Department code 6999 is selected.

(2) Review and complete the ECOS Security Agreement located under the SSES CHP Intranet. The requestor shall complete the "Employee Certification" section, and the employee's manager shall complete the "Manager Certification" portion.

(3) Submit a PDF of the completed form to their CH analyst via e-mail for processing. Notification will be made via e-mail once the account has been approved.

b. Annual Submission Requirement. In accordance with the CalHR Decentralized Delegation Agreement with the CHP, all ECOS Security Agreements shall be reviewed and renewed every 12 months. Hiring supervisors and managers requiring ECOS access shall complete the ECOS Security Agreement, and submit it electronically to ECOSSecurity@chp.ca.gov by March 1 of each year (refer to paragraph 8.a.[2] of this chapter for form completion requirements). Individuals who do not submit the ECOS Security Agreement by the annual deadline will be

deactivated until the completed form is received. This e-mail address is only to be utilized during the annual submission of the ECOS Security Agreements. Requests outside this time can be made in accordance with paragraph 8.a. of this chapter.

9. APPLICATION PROCESSING ROLES AND RESPONSIBILITIES AFTER ADVERTISEMENT.

a. Classification and Hiring Unit. After the final filing date, prior to applications being released to commands, SSES, CH, will review all applications and additional documents submitted during the advertisement period, redact all confidential information, and scan and upload all hard copy applications received into ECOS. At the conclusion of this precursory review, the CH analyst will release all applications to the hiring command in ECOS and notify the hiring supervisor or manager via e-mail.

b. Hiring Command. Hiring supervisors and managers shall electronically review all applications received, apply the preestablished application screening criteria to all applications (refer to paragraph 10.a. of this chapter), and update the hiring actions in ECOS for all applicants.

10. APPLICATION SCREENING BY THE HIRING COMMAND. When screening applications, the hiring command shall consider all types of eligibles (refer to Annex A). In accordance with Title 2, Section 249.7 CCR, if an applicant has employment list and/or Limited Examination and Appointment Program (LEAP) referral-list eligibility, the list upon which the applicant is eligible shall not be disclosed during the hiring process to any employee not assigned to CH. For additional information regarding LEAP, refer to Highway Patrol Manual (HPM) 10.12, Equal Employment Opportunity Manual, Chapter 4, Sexual Harassment and Abusive Conduct Prevention, or contact EOAS.

a. Application Screening Process. Prior to reviewing applications, commands shall develop job-related screening criteria which directly relates to the minimum requirements and the duties of the vacant position by utilizing the classification specification located on the CalHR's website and the duty statement for the position. The application screening criteria should focus on work experience, education, any special requirements, essential skills, and job-related knowledge an individual must possess in order to perform the duties of the position (e.g., communication skills, managerial experience).

(1) Hiring managers and supervisors should identify and document job-related knowledge, skills, and abilities (KSA) listed on the classification specification which have a legitimate nexus to the duties of the vacant position and use them as a basis for developing the screening criteria. The essential functions listed on the position's duty statement are another resource for developing

screening criteria. General screening criteria may also be used, such as the applicant's ability to follow instructions when submitting their application, providing required documents, and their attention to detail. Screening criteria may be modified after the initial review of the applications if none or too many of the applicants meet the screening criteria.

(2) Scoring criteria shall be established for each screening criterion utilizing a point-based scale. It is imperative the scoring criteria be as objective as possible in the event the command is required to defend the hiring process for the position. The command may also utilize a "hurdle." For example, a hurdle may be set requiring applicants to submit all required documents (e.g., STD. 678; Criminal Record Supplemental Questionnaire; SOQ). Any applicant who did not submit all required documents will be automatically disqualified.

(3) After determining the screening criteria to be utilized and establishing the scoring criteria, the command shall develop an application screening matrix. It is recommended the scoring criteria be listed directly on the application screening matrix for ease; however, the scoring criteria may be maintained on a separate document. A sample application screening matrix can be located on the SSES CHP Intranet.

(4) The application screening matrix shall be used during the application review process to document the scores awarded for each established criterion and shall include the following information:

- (a) Classification and position number of the position being recruited for.
- (b) The name of every applicant for the position.
- (c) Each screening criterion established for the position.
- (d) Scores for each criterion and the total score for each applicant based on a thorough review of each application.

(5) When screening applications, the command shall not consider the "HR Status" or "Reachable" fields listed in ECOS for each applicant.

(6) At the conclusion of reviewing the applications, the completed application screening matrix will aid the command in identifying the most qualified applicants to interview for the position.

(7) Commands may contact their CH analyst for guidance and assistance when creating the application screening criteria, or to aid in determining whether the screening criteria are appropriate for the classification.

(8) Commands shall maintain a copy of the application screening matrix with their hiring records (refer to paragraph 22. of this chapter). This record verifies the command conducted a fair, impartial process using screening criteria directly related to the KSAs for the position. It is also a critical record if the command is later required to defend the hiring process for the position.

11. PREPARING FOR THE INTERVIEW. Prior to conducting interviews, the command shall establish interview questions, evaluation, and rating criteria, and determine the best interview method for the position.

a. Interview Questions. In order to assess an applicant's qualifications and potential for success in the position, interview questions should be open-ended and job-related. It is important to ask each interviewee the same questions during the interview; however, specific questions may be asked related to their application or work experience. Accordingly, interviewees may be asked follow-up questions to clarify specific experience listed on their application.

(1) If internal and external applicants are being interviewed, it is inappropriate to develop questions requiring internal knowledge gained only from working at the CHP. Such questions are impermissible because they create an unfair advantage for internal candidates.

b. Interview Rating Criteria. Commands shall establish interview rating criteria based on job-related qualifications when developing interview questions.

(1) Interview rating criteria should assess the interviewee's responses to the interview questions relative to education, experience, communication skills, transferable skills, and other job-related qualifications. Commands must be able to substantiate their selection was made based upon a fair and objective assessment of job-related qualifications.

(a) An interview ratings matrix, listing the interview questions and providing a box for scoring applicant responses, is a valuable tool to determine which candidate is most qualified for the position.

(2) Sample interview rating criteria and interview ratings matrix can be located on the SSES CHP Intranet.

(3) Commands shall maintain a copy of the criteria used to rate each candidate with their hiring records (refer to paragraph 22. of this chapter).

c. Interview Methods. Interview methods vary widely; the most appropriate interview method for the position should be used.

- (1) Patterned Interview. Interviewees appear before a panel of two or more evaluators who ask each interviewee the same predetermined questions, evaluate their responses, and assign ratings based on the preestablished evaluations and rating criteria.
- (2) Structured Interview. Prior to appearing before the interview panel, interviewees are given a specified amount of time to prepare responses to predetermined questions or problems. Responses are generally discussed with the panel during the interview.
- (3) Written Exercise. Interviewees are given a topic and asked to prepare a written narrative response. The written product is subsequently evaluated to assess their writing ability and their ability to organize and integrate information and ideas.
- (4) In-Basket Exercise. Evaluates the interviewee's ability to prioritize and/or identify the appropriate action needed to complete the job-related tasks. Interviewees may perform a job-related mock assignment.
- (5) Behavioral-Based Interview. Premised on the concept that the best predictor of a candidate's future performance is past performance; the interview questions are built around specific job-related activities previously performed by the interviewee. The candidate is asked to describe what they have in fact done rather than what they would do in a 'what if' situation. Examples can be located on CalHR's website at www.calhr.ca.gov/Training/Pages/supervisors-sample-interview-guides.aspx.

12. CONTACTING ELIGIBLES.

a. Minimum Response Time Frames. In accordance with Title 2, Section 258 CCR, when establishing the time periods for eligibles to reply to an employment inquiry, the following minimum time frames shall apply:

- (1) Verbal/Telephone: A minimum of two business days response time following the initial contact, including a voicemail message.
- (2) Mail: A minimum of six business days after the date the written notice is sent.
- (3) Electronic: A minimum of six business days after the date the electronic notice is sent.

13. CONDUCTING THE PREEEMPLOYMENT INTERVIEW. After determining which applicants warrant an interview and the interview method to be utilized, the command **shall** conduct interviews in accordance with Title 2, Section 250 CCR.

a. Definition of Preemployment. “Preemployment,” as it is used in this section, is defined as meaning prior to the employer’s determination to hire the applicant and to the applicant being informed of the decision.

b. Guide for Conducting Preemployment Interviews. Refer to Annex B for a guide to be used when conducting preemployment interviews. This guide is not intended to be an exhaustive compilation of all acceptable and unacceptable inquiries; however, the examples listed are representative of questions frequently asked.

c. Documents to be Completed by all Internal and External Applicants.

(1) CHP 423, Employment Applicant Disclosure. The CHP 423, Employment Applicant Disclosure, shall be completed at the time of interview by **all** interviewees for nonuniformed positions. This provides the interviewee the opportunity to authorize a representative of the Department to review their Official Personnel File (OPF) and contact their references. This also aids in identifying and preventing inappropriate subordinate/supervisory relationships within the command for potential new hires, and in preventing multiple simultaneous background investigations being conducted. (Refer to paragraph 2. of this chapter.)

(a) The command shall submit completed and signed copies of CHP 423s via e-mail to their CH analyst when requesting eligibility verifications for the applicant(s) they wish to consider for the position.

d. Documents to be Completed by External Applicants. The following documents shall be completed by a **non**-CHP applicant at the time of interview:

(1) CHP 101, Appropriate Use of Automated Information & Systems Statement. As part of the interview process, the command shall ensure the applicant is aware reading and signing the CHP 101, Appropriate Use of Automated Information & Systems Statement, is a condition of employment. Refer to HPM 40.4, Information Security and Administration Manual.

(2) CHP 420, Applicant Drug History Questionnaire-Nonuniformed. The CHP 420 provides information regarding the applicant’s last use, if any, of illegal drugs or illegally used prescribed drugs. The command shall review the information provided on the CHP 420 to determine if the applicant meets the drug criteria established for the classification (refer to HPM 10.1, Applicant Investigation Manual, Chapter 8, Applicant Investigation Process: Nonuniformed Classifications).

e. Prohibited Interview Questions/Inquiries. In addition to the interview guidelines provided in Annex B and those already provided, commands shall be aware of the following information regarding applicant questions/inquiries:

(1) The California FEHA prohibits any nonjob-related inquiry, either verbal or through the use of an application form, which directly or indirectly limits a person's employment opportunities (refer to HPM 10.12, Equal Employment Opportunity Manual, Chapter 2, Protected Characteristics, Activities, Terms, and Definitions, for a complete list of protected characteristics).

NOTE: The protected groups listed above are not all inclusive. Questions regarding protected groups or any other concerns relating to FEHA or EEO regulations should be directed to EOAS.

(2) Consistent with federal discrimination regulations and state laws, departmental policy prohibits preemployment inquiries regarding disabilities. For the purpose of compliance with this policy, a disabled person is defined as "Anyone who has a physical or mental impairment which substantially limits one or more of that person's major life activities; has a record of such impairment; or is regarded as having such impairment." Refer to HPM 10.12, Chapter 4, Sexual Harassment and Abusive Conduct Prevention, for examples.

(3) Fair Employment and Housing Commission guidelines prohibit persons who in fact hire, or make a recommendation to hire, from having an applicant's ethnic identification available at the time of an employment interview. To this end, CH will ensure the EEO page of the STD. 678 is immediately detached and destroyed if it is returned as part of an application package.

(4) Departmental policy prohibits questions regarding union affiliation during the preemployment interview. No reference is to be made to membership in, or attitude towards, any union during the interview.

(5) Section 432.7 of the Labor Code prohibits asking an applicant for employment to disclose information concerning an arrest which did not result in a conviction. It also prohibits employers from obtaining such information from any source or utilizing it in a determination for hiring the applicant unless an arrest for which a trial is pending is involved. This Labor Code Section does not apply to persons seeking employment as peace officers or other positions with access to criminal offender record information. Questions regarding convictions are permitted for any applicant.

14. VERIFICATION OF APPLICANT ELIGIBILITY. The command should work with their CH analyst to determine at what point during the hiring process they should request for

eligibility verifications to be conducted. Due to the unique hiring needs of each command, the CH analyst will work with the command to determine whether eligibility verifications will be conducted prior to releasing the applications to the command, prior to conducting interviews, or after interviews and a selection being made. This determination will be made based on the classification, the recruitment difficulty of the position, the number of applications received for the position, and the number of eligibility verifications the command is requesting be conducted. Below are some examples of how the process may differ for each hire:

- a. A command has one vacant Public Safety Dispatcher (PSD) position for which they have 15 applicants who are all reachable on the certification list and they wish to consider all 15 applicants for the position. It is not feasible for the CH analyst to conduct 15 eligibility verifications for one position; therefore, the CH analyst may advise the command to conduct interviews and then submit the name of their selected candidate for eligibility to be verified.
- b. A command has one vacant Associate Governmental Program Analyst (AGPA) position for which they receive 150 applications. The CH analyst may advise the command to screen all 150 applications and provide the names of their top eight applicants in order for the CH analyst to conduct eligibility verifications prior to the command scheduling interviews. If the command advises they have 18 applicants who they wish to have vetted prior to the interview, the CH analyst may advise the command that due to the lengthy verification process for the AGPA classification it is not feasible to conduct 18 eligibility verifications. Therefore, the command will need to interview all 18 applicants and then submit the name of their selected candidate for eligibility to be verified.

(1) Requesting Eligibility Verifications. When the command has determined which applicant(s) they wish to consider for the position, they shall e-mail the name(s) of the applicant(s) to their CH analyst and include a PDF of the completed CHP 423 for each applicant. Once eligibility is confirmed, the CH analyst will advise the command how to proceed in the hiring process (e.g., conduct interviews, make a conditional offer, start the nonuniformed applicant investigation process, start the medical process).

- (a) It is extremely important to wait for instruction from the CH analyst regarding how to proceed after requesting eligibility be verified as the next steps in the process will vary for each type of hire (e.g., current CHP employee, new to state, transfer from another state agency).

15. NONUNIFORMED APPLICANT INVESTIGATION PROCESS. Commands shall not commence with the applicant investigation process until CH has advised it is appropriate to do so. A conditional offer of employment shall **not** be made prior to completion of the

investigation, including return of fingerprint and driver's license inquiry results. Refer to HPM 10.1, Chapter 8, for instructions on how to complete the applicant investigation. For information regarding when an applicant investigation shall be conducted, the following shall be adhered to:

- a. The appropriate level background investigation (nonsensitive/sensitive) shall be completed for all hires that are new to state service, permissive reinstatements to state service, and transfers from another department.
- b. For appointments to a classification within the PSD series (from any classification not within the PSD series), a Peace Officer Standards and Training sensitive background investigation, including fingerprint inquiry, shall be conducted to ensure compliance with Title 11, Section 1959 CCR.

NOTE: The Public Safety Operator (PSO) classification is not encompassed in the PSD series.

- c. A CHP employee currently in a nonsensitive classification receiving an appointment to a sensitive classification (not within the PSD series) will require a sensitive background investigation; however, a fingerprint inquiry will not be required.
- d. A CHP employee currently in a nonsensitive classification receiving an appointment to another nonsensitive classification will not require a background investigation.
- e. A CHP employee currently in a sensitive classification (not within the PSD series) receiving an appointment to another sensitive classification (not within the PSD series) will not require a background investigation.
- f. A CHP employee currently in a sensitive classification (not within the PSD series) receiving an appointment to any nonsensitive classification will not require a background investigation.
- g. For the situations where a background investigation is not required, it is highly recommended the command conduct reference checks and review the OPF and Field Folder prior to extending a conditional offer of employment, regardless of whether the applicant is internal or external. Commands are encouraged to review the OPF for all hires (if available) as it particularly contains valuable and important information not contained within the Field Folder.
- h. The command shall notify their CH analyst via e-mail regarding the outcome of the applicant investigation (e.g., recommended for employment, disqualified, withdrew during the process). The CH analyst will advise the command on how to proceed.

i. For nonsensitive and sensitive background investigations resulting in the applicant being recommended for hire (excluding PSD), the command shall hold the recommended investigation package until the approved CHP 128 is received from SSES, CH. At that time, the recommended investigation package shall be submitted to HRS, Personnel Files Services (PFS). For all other types of investigation packages, refer to HPM 10.1, Chapter 8, for guidance. Questions relating to routing/retention of investigation packages shall be directed to the Uniformed Hiring Section (UHS), Cadet Hiring Unit (CHU).

(1) Fingerprint results shall not be included in the applicant investigation package with the exception of applicant investigation packages for the PSD series.

j. All applicant investigation packages for the PSD series shall be sent directly to UHS, CHU, for review before they are filed with HRS, PFS. In these situations, the command shall not wait for the approved CHP 128 from SSES, CH, to be received before submitting the applicant investigation package to UHS, CHU.

16. SALARY RATES. The tentative salary rate for an applicant will be provided to the command at the time the CH analyst approves the command to make a conditional offer of employment. Appointments of employees new to state service are normally made at the minimum salary rate for the classification involved, unless SSES, CH, determines the requirements to offer a higher salary are met. The Section 19836 of the Government Code authorizes payment at any step above the minimum salary limit to classifications or positions in order to meet recruiting problems, to obtain a person who has extraordinary qualifications, to correct salary inequities resulting from actions by the Department or State Personnel Board, or to give credit for prior state service in connection with appointments, promotions, reinstatements, transfers, reallocations, or demotions. The following are the types of conditions for which a salary rate above the minimum may be permitted:

a. Hire-Above-Minimum Salary Rate. The Hire-Above-Minimum (HAM) procedure allows payment above the minimum rate in the salary range of a classification if they are being appointed to one of the authorized classifications as listed in the Civil Service Pay Scales, Section 5.

(1) A HAM salary rate shall be requested and approved prior to the applicant accepting employment. The CH analyst will provide the applicant's tentative salary to the command via e-mail when authorizing the command to make a conditional offer of employment. The command shall provide the tentative salary to the applicant prior to obtaining the applicant's signature on the CHP 437, Job Commitment Disclosure Nonuniformed Applicant. Once the applicant signs the CHP 437, a HAM salary rate shall not be requested.

(2) To request a HAM salary rate, commands shall send a written justification to their CH analyst. The justification shall specify the requested salary and extraordinary qualifications as described in paragraph 16.a.(4)(a) of this chapter. The SSES, CH, will determine whether the request meets all the requirements for the HAM salary rate to be approved.

(3) Section 432.3 of the Labor Code prohibits employers from requesting salary history information from an applicant seeking employment. An applicant's prior salary, current salary, or competing job offer salary shall not be requested or used to set a HAM salary rate.

(4) Prior to the approval of a HAM salary rate, the request shall meet all the following standards:

(a) Contribution to the Agency. Persons with extraordinary qualifications should contribute to the work of the Department significantly beyond that which other applicants offer.

1 Extraordinary qualifications may provide expertise in a particular area of a department's program. This expertise should be well beyond the minimum qualifications of the class.

2 Unique talent, ability, or skill as demonstrated by previous job experience may also constitute extraordinary qualifications. The scope and depth of such experience should be more significant than its length.

3 The degree to which a candidate exceeds minimum qualifications should be a guiding factor rather than a determining one. When a number of candidates offer considerably more qualifications than the minimum, it may not be necessary to pay above the minimum to acquire unusually well-qualified people.

4 The qualifications and hiring rates of state employees already in the same class should be carefully considered, since questions of salary equity may arise if new higher entry rates differ from previous ones.

(b) Recruitment Difficulty. Recruitment difficulty is a factor to the extent that a specific extraordinary skill should be difficult to recruit, even though some applicants are qualified in the general skills of the class.

(5) Prior State Employment. Applicants with prior state service should be evaluated in the same manner as other applicants. However, to qualify for a higher rate of pay than they received in prior state employment, they should

clearly have enhanced their qualifications above those they possessed in the prior state employment.

- b. Alternate Ranges. Appointment to an alternate range may be appropriate when an applicant's application/résumé exhibits the required experience to qualify for an alternate range in the classification to which they are seeking appointment. When determining the appropriate salary rate to be offered to the applicant, the CH analyst will determine whether the applicant meets the minimum requirements outlined in the alternate range criteria for the classification.
- c. Reinstated Employee. A salary rate higher than the minimum rate may be appropriate when an applicant has prior state service, regardless of whether a break in service occurred. When determining the appropriate salary rate to be offered to the applicant, the CH analyst will determine whether the applicant meets the requirements outlined in the applicable salary regulation for appointment at a salary rate higher than the minimum of the classification.
- d. Salary Upon Transfer to a Deep Classification. To prevent salary loss upon transfer to a deep classification, the employee may be placed on a T&D assignment until they meet the alternate range criteria that will allow the transfer without a loss in salary. The CH analyst will evaluate the circumstances and determine whether a T&D assignment is an appropriate option. Refer to Chapter 34, Training and Development Assignments, of this manual.

17. CONDITIONAL OFFER OF EMPLOYMENT. Commands shall not make a conditional offer of employment until SSES, CH, has advised it is appropriate to do so.

- a. Definition. A conditional offer of employment is a hiring commitment made to a candidate, provided the individual successfully completes the medical evaluation and/or health questionnaire.
- b. CHP 437, Job Commitment Disclosure Nonuniformed Applicant. The candidate shall read and sign the CHP 437 at the time of the conditional offer of employment. The CHP 437 informs the candidate employment with the CHP is contingent upon the successful clearance of the applicant's medical (including a urinalysis, if applicable).
- c. Citizenship Requirements. A person considered for appointment to a position is not required to be either a United States (U.S.) citizen or a California resident. Noncitizens who are authorized to work in the U.S. may be appointed in any non-peace officer civil service position.

(1) The U.S. Immigration Reform and Control Act of 1986 (IRCA) mandates every employer shall implement an employment verification system in order

to control unauthorized immigration. The IRCA requires a Form I-9, Employment Eligibility Verification, be completed for every new/reinstated (mandatory or permissive) state employee. Instructions for completion of Form I-9 are on the reverse side of the form. Form I-9 is available on the CHP Intranet under Forms.

(2) A photocopy of the document(s) examined as evidence of identity and employment eligibility shall be attached to the completed form. Supervisors and managers are authorized to sign Form I-9 as the verifying departmental representative.

(3) Commands shall attach the Form I-9, along with the photocopy of the appropriate documents, to the CHP 128 package.

d. Social Security Administration Requirement. Section 419(c) of the Public Law 108-203, the Social Security Act of 2004, requires state employers to provide a statement to employees hired in a job not covered under Social Security. The purpose of this statement is to make individuals aware accepting employment in a position subject to a retirement plan, that excludes participation in Social Security, could reduce their social security benefits or disqualify them from receiving social security benefits in the future.

(1) Individuals hired in the following classifications are required to sign a Form SSA-1945, Statement Concerning Your Employment in a Job Not Covered by Social Security, prior to beginning employment:

- (a) Motor Carrier Specialist I.
- (b) Public Safety Dispatcher.
- (c) Public Safety Operator.
- (d) School Pupil Transportation Safety Coordinator.

(2) Form SSA-1945 is available at the following website: www.socialsecurity.gov/form1945/. The employee shall **print** the required information at the top of the form, including their name and employee ID (Social Security number). The employee must sign and date the bottom of the form.

(3) Commands shall complete Form SSA-1945 using the employer's name (California Highway Patrol) and employer ID (5000). The form shall be attached to the CHP 128 and kept in the employee's OPF, and a copy will be sent to California Public Employees' Retirement System (CalPERS) by SSES, CH.

18. MEDICAL CLEARANCE OF APPLICANTS. Commands shall not commence with the medical clearance process for a candidate until SSES, CH, has advised it is appropriate to do so.

a. Medical examinations and health questionnaires shall not be obtained from candidates prior to a conditional offer of employment. The candidate shall be informed the job offer is contingent upon medical approval and their eligibility for appointment.

b. STD. 910, Essential Functions Health Questionnaire. An approved STD. 910 Essential Functions Health Questionnaire, is required for:

- (1) Initial appointment to all classifications **not** listed in paragraphs 18.d.(1) and 18.d.(2) of this chapter.
- (2) Any change in classification.
- (3) Any change of duties in the current position.
- (4) Any change in command.

c. Approved List of Physicians and Clinics. For the classifications listed in paragraphs 18.d.(1) and 18.d.(2) of this chapter, commands shall have the candidate select a medical facility listed on the SSES CHP Intranet. Failure to utilize one of the approved locations may result in the Department not paying for the medical expenses incurred.

NOTE: This list is updated often. To ensure the candidate is selecting a facility which is currently approved for use, commands shall access this listing electronically through the **main** SSES CHP Intranet (the link itself changes with every update) for every single hire.

d. STD. 610, Health Questionnaire (And Physician's Report). An approved STD. 610, Health Questionnaire (And Physician's Report), and CHP 446D, Authorization to Release Medical Information, are required prior to appointment for all classifications listed in paragraphs 18.d.(1) and 18.d.(2) of this chapter. An approved STD. 610 is valid for one year following the date of the medical examination.

(1) Nonsensitive Classifications. For the following classifications, an STD. 610 shall be completed by the candidate and a licensed physician from the Department's approved list of physicians and clinics (refer to paragraph 18.c. of this chapter).

- (a) Audio Visual Equipment Technician.

- (b) Baker I.
- (c) Building Maintenance Worker.
- (d) Cook Specialist I & II.
- (e) Custodian I & II.
- (f) Food Service Technician I.
- (g) Groundskeeper.
- (h) Lead Groundskeeper.
- (i) Mailing Machine Operator I.
- (j) Maintenance Mechanic.
- (k) Maintenance Worker, Department of CHP.
- (l) Mill and Cabinet Worker.
- (m) Painter I.
- (n) Physician & Surgeon.
- (o) Skilled Laborer.
- (p) Stationary Engineer.
- (q) Stock Clerk.
- (r) Supervising Cook I & II.
- (s) Supervisor of Building Trades.
- (t) Television Specialist.

(2) Sensitive Classifications.

(a) For the following classifications, an STD. 610 and a preemployment drug screening shall be completed by the candidate and a licensed physician from the Department's approved list of physicians and clinics (refer to paragraph 18.c. of this chapter).

- 1 Automobile Mechanic.

- 2 Automotive Technician I, II, & III.
- 3 Commercial Vehicle Inspection Specialist.
- 4 Gunsmith.
- 5 Heavy Truck Driver.
- 6 Lead Automobile Mechanic.
- 7 Lead Motorcycle Mechanic.
- 8 Motor Carrier Specialist I, II, & III, CHP.
- 9 Motorcycle Mechanic.
- 10 Public Safety Dispatcher, CHP.

NOTE: A Pure Tone Audiogram is also required for this classification.

- 11 Public Safety Dispatch Supervisor I & II, CHP.
- 12 Public Safety Operator, CHP.
- 13 School Pupil Transportation Safety Coordinator.
- 14 Telecommunications Facilities Technician I & II, CHP.
- 15 Warehouse Worker.

(b) Positive drug screening results will disqualify candidates.

(c) Current Employee. When making an appointment to one of the above sensitive classifications, the following should be considered:

1 A state employee from another department currently in a sensitive or nonsensitive classification receiving an appointment to a sensitive classification (not within the PSD series) would require a medical examination and a drug screening.

2 For appointments to a classification within the PSD series (from any classification **not** within the PSD series), a medical examination and a drug screening will be required regardless of the last clearance date of these items.

a A CHP employee currently in the PSD series who demotes or promotes within the PSD series will not require a medical examination or a drug screening.

NOTE: The PSO classification is not encompassed in the PSD series.

3 A CHP employee currently in a nonsensitive classification (which did **not** require a medical examination) receiving an appointment to a sensitive classification (not within the PSD series) will require a medical examination and drug screening.

4 A CHP employee currently in a nonsensitive classification (which required a medical examination, refer to paragraph 18.d.[1] of this chapter) receiving an appointment to a sensitive classification (not within the PSD series) will require a drug screening only; **no** medical examination will be required.

5 A CHP employee currently in a sensitive classification (not within the PSD series) receiving an appointment to a sensitive classification (not within the PSD series) will **not** require a medical examination, or drug screening.

6 A CHP employee currently in a sensitive classification (not within the PSD series) receiving an appointment to any nonsensitive classification will **not** require a medical examination.

7 Training and Development Assignments. Classifications are designated as sensitive when the duties involve a greater than normal level of trust for, responsibility for, or impact on the health and safety of others, and when errors in judgment, inattentiveness, or diminished coordination, dexterity, or composure while performing the duties could result in mistakes that would endanger the health and safety of others. Employees remain in their current classification while serving on a T&D assignment; however, due to the liability involved with work performed by sensitive classifications, employees serving on T&D assignments into sensitive classifications shall comply with the same requirements outlined above.

e. Fee(s). The Department will pay the fees for a medical examination and an additional examination, such as a drug screening, required prior to employment up to a maximum determined by the Department of Health Care Services. If there should be additional studies or examinations required for a more complete evaluation of the individual, these examinations will be at the expense of the candidate.

f. Documents Processing. The command shall provide the applicant with the appropriate health questionnaire (STD. 910 or STD. 610), the CHP 446D, and the instructions for completion and return of the forms.

(1) CHP 438, Preemployment Medical Examination Process Nonuniformed Classifications. The CHP 438, Preemployment Medical Examination Process Nonuniformed Classifications, provides the command and candidate with instructions on the STD. 610 medical process. The command shall review the instructions on the CHP 438 with the candidate.

(2) STD. 610, Health Questionnaire (And Physician's Report).

(a) The command is responsible for completion of the top portion of page 1 and ensuring the candidate has signed and dated the form in the required box on page 2. The hiring agency information shall be completed as follows:

Hiring Agency Name	California Highway Patrol
Agency Address	P.O. Box 942898
Sacramento, CA 94298-0001	

Hiring Manager's Name	Command/Location Code
Telephone Number	(916) 843-3820

(b) The command shall provide the candidate with the CHP 446D for completion. The CHP 446D shall be attached to the CHP 128.

(c) Physicians or clinics performing the medical examinations shall send the STD. 610, with their reports and their bills, directly to CH. To ensure receipt of the STD. 610 from the medical facility, the command shall provide the applicant with a stamped preaddressed envelope as follows:

California Highway Patrol
Selection Standards and Examinations Section
Classification and Hiring—052
P.O. Box 942898
Sacramento, CA 94298-0001

(d) Billing instructions for physicians are listed on the reverse side of the STD. 610. Two weeks should be allowed for the State Medical Officer to review and approve prior to the proposed appointment date.

(3) Hiring Committee Review. The CHP Hiring Committee reviews cases for all departmental open examinations involving candidates who are being considered for employment with the CHP but have specific medical limitations

which may prevent them from performing all of the essential functions for the position with or without reasonable accommodation.

(4) STD. 910, Essential Functions Health Questionnaire.

(a) New Hire. The command shall complete and sign the front side of the STD. 910 and attach a copy of the CHP 129. The candidate will be required to complete and sign the backside of the STD. 910 certifying their ability to perform the essential functions of the position with or without reasonable accommodation. The supervisor and the candidate shall sign the CHP 129. Commands shall attach the completed STD.910 and signed CHP 129 to the CHP 128.

(b) Change in Duties. After the SSES, CH, has approved the change in duties (coordinate this with the CH analyst), the command shall complete and sign the front side of the STD. 910 and attach a copy of the CHP 129. The employee will be required to complete and sign the backside of the STD. 910 certifying their ability to perform the essential functions of the position with or without reasonable accommodation. The supervisor and employee shall sign the CHP 129. The completed STD. 910 and signed CHP 129 shall be submitted to the CH analyst.

g. After the command is provided the medical approvals via e-mail from SSES, CH, the command shall prepare the CHP 128 and all required documentation (refer to paragraph 20. of this chapter).

(1) If no medical approvals are necessary, upon instruction from SSES, CH, the command shall prepare the CHP 128 and all required documentation (refer to paragraph 20. of this chapter).

19. EXPEDITED HIRING OF NEW PUBLIC SAFETY OPERATORS/PUBLIC SAFETY DISPATCHERS.

a. To expedite the hiring of new PSOs/PSDs (including reinstatements, etc.), the procedures below shall be followed:

(1) After the applicant investigation, medical examination, and drug screening approvals are received, commands shall submit the following appointment documentation to Division for approval and forward to SSES, CH:

(a) CHP 128.

(b) STD. 678.

- (c) Criminal Record Supplemental Questionnaire.
 - (d) Form I-9 with proper identification attached (for new/reinstatement to state service).
 - (e) Copy of Social Security card (for new/reinstatement to state service).
 - (f) Form SSA-1945.
 - (g) CHP 446D.
 - (h) Typing Certificate.
- (2) Commands shall request an appointment package from HRS, PTU. It is suggested commands maintain a supply of these appointment packages.
- (3) The following appointment documents shall be completed and routed to the assigned personnel specialist in HRS, PTU:
- (a) STD. 686, Employee Action Request.
 - (b) CalHR 1070, State Employee Race/Ethnicity Questionnaire (for new/reinstatement to state service).
 - (c) STD. 689, Oath of Allegiance and Declaration of Permission to Work for Persons Employed by the State of California.

NOTE: Commands shall ensure the original appointment documents are forwarded in a timely manner and shall pay special attention to appointments made just prior to payroll cutoff (normally from the 18th to the 20th of the month). Commands shall contact HRS, PTU, via telephone or e-mail with appointment information if there is a concern the appointment documents will not reach HRS, PTU, prior to cut-off to ensure the employee receives a salary warrant.

b. Mandatory Training for Public Safety Operators/Public Safety Dispatchers.

- (1) Prospective PSOs/PSDs should be advised they will be required to attend a Module A training class immediately upon hire. Reporting instructions will be provided to commanders by the Communications Centers Support Section, Communications Training Program staff. Commanders shall ensure a copy of the reporting instructions is provided to each new employee as soon as a conditional offer of employment has been made.

(2) Hiring and reporting dates must coincide with scheduled Module A training dates. Commanders may hire outside of scheduled training dates and assign employees directly to the communications center **only** when justified by **critical need** and approved by the appropriate Division Chief. Employees hired under such conditions shall then be scheduled for, **and must attend**, the next available Module A training class.

20. CHP 128, REQUEST FOR PERSONNEL ACTION, COMPONENTS. The CHP 128 is used to document the selection of a candidate for appointment. The CH analyst will provide the command with a list of required documents to be included with the CHP 128.

a. The CHP 128 and any required documents shall be submitted by the command directly to their CH analyst, using the departmental e-mail system and the provided encryption function (select New Email, Options and Encrypt), or it may be routed through the mail. The CHP 128 will only require the approval of the commander or designee and does not need to be routed to their Division for approval.

b. The appointment is contingent upon final approval by SSES, CH. The requested effective date on the CHP 128 is **tentative**. The tentative date shall allow sufficient time for command review and approval of the CHP 128 package, as well as a thorough review of the CHP 128 package and other hiring documents by SSES, CH. The SSES, CH, shall be provided a minimum of one week to thoroughly review the complete CHP 128 package from the date all documents are received by the CH analyst. Any discrepancies in the required documents received may cause a delay in the SSES, CH, approval process. **The employee shall not report prior to the command receiving approval from SSES, CH**, and may be sent home or returned to their prior position if approval has not been granted. It is the responsibility of the hiring command to follow up with SSES, CH, if the tentative start date is approaching and approval has not been received. The command will be notified via e-mail by SSES, CH, of the approved CHP 128 and all necessary documentation will be forwarded to HRS, PTU, for processing of the appointment.

c. For employees new to state service, CH will notify HRS, PTU, to forward a new appointment package to the command containing required material for completion of the appointment and employee orientation.

(1) All newly appointed nonuniformed employees shall have an orientation, during which time they shall be provided with information regarding the Department's mission, policies, procedures, working conditions and regulations, and employee rights and responsibilities.

d. Required documents shall be returned promptly to HRS, PTU, to avoid omission of the employee's name from the payroll and late receipt of the salary warrant. Once these documents have been processed, a Notice of Personnel

Action (NOPA) confirming the appointment will be sent to the employee for review and signature.

e. The SSES, CH, will send a copy of the approved CHP 128 to the hiring command. Upon receipt of the approved copy of the CHP 128 from SSES, CH, commands shall forward the applicant investigation package and driver's license inquiry to HRS, PFS.

21. NOTIFICATION TO APPLICANTS OF NONSELECTION. Applicants who have expressed an interest in a nonuniformed position, whether interviewed or not, shall be notified of their nonselection within 30 days of the selected candidate's start date. Notification may be made via the following:

- a. E-mail. If notification is made via e-mail, one notification may be sent to all applicants via blind carbon copy (bcc). The bcc is to ensure the applicants' privacy.
- b. Departmental Letterhead. Refer to the specifications contained in HPM 5.1, Correspondence Manual, Chapter 4, Category 2 Correspondence.

22. RETENTION OF HIRING RECORDS. In accordance with Title 2, Section 26 CCR, merit, selection, and appointment records, including, but not limited to, the duty statement of the position being filled; all job announcements and bulletins; all applications received for the job opening; preemployment background and reference checks; minimum qualification verifications; application screening criteria; interview rating criteria; interview questions; interview scoring or rating sheets; records documenting the reasons why the selected candidate was hired for the position; the NOPA; probationary reports; the Request for Personnel Action; records related to established positions describing the title, series, grade, duties, and responsibilities of the position, regardless of the funding source; and any requests for classification of new positions or reclassification of existing positions, shall be retained for a minimum of five years from the date of creation of these records, or date of hire, whichever is later. However, upon notice a verified complaint has been filed related to a specific hiring decision, the command shall maintain and preserve any and all of these records and files until the complaint is fully and finally disposed of and all appeals and related proceedings are completed.

23. TEMPORARY APPOINTMENTS. In accordance with Title 2, Section 265.1 CCR, a temporary appointment to a classification shall only be made when there is no employment list for the classification. Pursuant to Title 2, Section 265 CCR, an employment list is considered not to exist where there is an open eligible list comprised of three or fewer names of persons willing to accept appointment and no other employment list for the classification is available.

- a. Working Limit. An employee serving in a temporary appointment has a maximum working limit of nine months in a 12-consecutive month time frame. This nine-month working limit shall be counted on a daily basis with every 21 days worked counting as one month or 189 days equaling nine months. When counting 189 days, every day worked, including partial days worked and paid absences, is counted. The hours worked in one day is not limited by this rule. The employee shall serve no longer than 189 days in a 12-consecutive month period. A new 189-day working limit in a 12-consecutive month time frame may begin in the month immediately following the month that marks the end of the previous 12-consecutive month time frame or any subsequent month.
- b. The 189-day working limit shall be calculated per employee, not agency.
- c. For student, youth, and seasonal classifications, a maximum work-time limit of 1,500 hours within 12-consecutive months may be used rather than the 189-day calculation.
- d. Persons hired as a retired annuitant into a temporary position are subject to applicable retirement law requirements, including any wait-period restrictions and the working restriction of 960 hours per fiscal year (refer to paragraph 26. of this chapter).

24. LIMITED-TERM APPOINTMENTS. A limited-term appointment shall be made only for temporary staffing needs and is an appointment made for a limited duration by a reinstatement, transfer, or certification list. If the limited-term appointment may result in a permanent appointment, a statement shall be included on the advertisement advising potential applicants the position may result in a permanent appointment.

- a. Duration. In accordance with Section 19080.3 GC, limited-term appointments shall not individually or consecutively exceed one year. Such appointments may be made for a total duration of two years when a permanent appointment would be likely to cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need.
- b. Authorized Use. Limited-term appointments may only be used for limited duration staffing needs. Such appointments shall not be used to fill positions on an ongoing basis since that circumvents consideration of those who are eligible for and interested in permanent positions. The use of limited-term appointments may include, but are not limited to:
 - (1) Seasonally recurring positions.
 - (2) Positions established for a specific study or project.

- (3) Temporary vacancies such as those covering leaves of absence.
- (4) A temporary vacancy created by the appointment of a permanent employee to a limited-term position, or a permanent employee who is on a T&D assignment.

c. All LEAP candidates competing in an examination appointment are appointed by way of a limited-term appointment per Title 2, Section 280 CCR. At the completion of the job examination period, the LEAP candidate will be transitioned to the parallel civil service classification.

d. Limited-term appointments are distinguished from permanent and probationary appointments by the fact they are not granted civil service employment rights beyond the specified time. Per Title 2, Section 281 CCR, no time an employee or LEAP candidate serves in a limited-term appointment may count toward acquiring permanent status in any position. Limited-term appointees do not serve a probationary period; therefore, no time served in a limited-term appointment may count toward acquiring probationary status in any position and may not be used to complete probation or to otherwise qualify for permanent status.

e. Department-Initiated Termination. In accordance with Title 2, Section 282 CCR, except for LEAP candidates competing in an examination appointment by way of a limited-term appointment, the Department may terminate a limited-term employee at any time. The appointing power shall provide the employee oral or written notice of the termination. A limited-term employee whose term of employment has been terminated has no right of appeal.

f. Employee-Initiated Termination. A limited-term appointment may be terminated at any time by the employee.

g. Return Rights. As provided in Section 19140.5 GC, upon the termination of a limited-term appointment, an employee who previously had permanent status, and since receiving permanent status has not had a break in the continuity of state service due to a permanent separation, shall be reinstated to their former position provided the following conditions apply:

- (1) The employee accepted the appointment without a break in the continuity of state service.
- (2) The reinstatement is requested within ten working days after the effective date of the termination.

h. A limited-term appointment is **not** guaranteed to result in a permanent appointment to the position at the termination or expiration of the limited-term appointment. To become permanent, limited-term appointments made

utilizing list eligibility require the individual hired into the position to be reachable on the **permanent** certification list at the time a permanent appointment becomes an option.

NOTE: If a certification list is abolished prior to a permanent appointment, or the employee's list eligibility expires prior to a permanent appointment, the employee must participate in a new examination.

i. As an alternative to limited-term appointment in offices that employ a full-time and a part-time employee in the same classification, the services of the part-time employee may be used on a full-time basis for short periods when approved by the Division commander. In these cases, the hours are reported as overtime on the CHP 71, Attendance Report. Cash payment is made by separate warrant for the additional hours worked. The rate is normally at straight time since a part-time employee is usually scheduled to work less than a 40-hour week.

25. EMPLOYMENT OF RETIRED ANNUITANTS. The Department may hire retired annuitants to perform duties deemed by the Department to be critical to the Department's core mission. Retired annuitants are to be temporary in nature and cannot be appointed to a budgeted position on a permanent basis.

a. Pursuant to Section 7522.56 GC, a retired person shall not be eligible for employment as a retired annuitant for a period of 180 calendar days after the date of retirement unless the appointment is necessary to fill a critically needed function. The 180-day waiting period does not apply to:

- (1) A retired peace officer or firefighter hired to perform functions regularly performed by a peace officer or firefighter.
- (2) A retiree who takes office as a judge of a court of record or a retiree under the Judges' Retirement System I/II who is appointed as a retired judge.

b. Definition of Critical Need for Exception to 180-Day Waiting Period. An immediate need for a particular skill set that only the retired annuitant can provide to complete a function for the Department to meet one of the requirements outlined below and cannot be met by a current state employee:

- (1) Legislative mandate.
- (2) Court-ordered mandate.
- (3) Health and safety emergencies.
- (4) Fiscal impact—loss of funding.

(5) Any disruption in normal business that may result in failure of business operations.

c. Pursuant to Section 21224 GC, persons retired from CalPERS are permitted to work up to 960 hours in any fiscal year without reinstating from retirement when they have the skills needed to perform work of a limited duration, or their employment is needed during an emergency (e.g., floods, earthquakes) to prevent stoppage of public business. While these workloads may last more than one fiscal year, the employment shall be terminated when the limited duration work the retired annuitant was hired to perform is completed. Retired annuitants may be appointed for the following:

- (1) To eliminate a backlog.
- (2) To complete work in excess of what regular staff can do.
- (3) To conduct a special project of limited duration.
- (4) To cover emergency-related work.

d. California law prohibits appointments of retired annuitants by a CalPERS employer if, during the 12-month period prior to an appointment, the retired person received unemployment insurance compensation for prior retired annuitant employment with any CalPERS employer. This prohibition is intended to prevent retired state employees from collecting three public stipends: a CalPERS retirement allowance, state salary, and unemployment insurance. The law does not apply to the following situations:

- (1) The first time an employee is appointed as a state retired annuitant (it only applies to subsequent state annuitant hires under Section 21224 GC).
- (2) The unemployment insurance was received as the result of employment with a private employer (such as a registry or a retailer).
- (3) The unemployment insurance was received as the result of employment with a public employer who does not provide retirement benefits under CalPERS.

e. If it is discovered after the appointment of a retired annuitant that during the previous 12 months the retired annuitant was paid unemployment insurance compensation based on prior retired annuitant employment with any CalPERS employer, their employment shall be terminated on the last day of the current pay period. The retired annuitant will not be eligible for appointment as a retired annuitant with any CalPERS employer for 12 months following the termination date of the current employment.

f. Retired annuitants who have previously been appointed as a retired annuitant are required to complete the following forms:

(1) CalHR 715, Retired Annuitant Self Certification. The CalHR 715, Retired Annuitant Self Certification, requires the retired annuitant to certify whether or not the retired annuitant has received unemployment insurance.

(2) DE 1181, Authorization for Release of Unemployment Insurance Records for Retired Annuitant. The DE 1181, Authorization for Release of Unemployment Insurance Records for Retired Annuitant, authorizes the Employment Development Department to release the retired annuitant's records regarding unemployment insurance payments.

g. Applicants who are CalPERS disability retirees may be employed as a retired annuitant. The employment must be in a position significantly different from the one from which they retired. The position should not include duties or activities they were previously restricted from performing at the time of their disability retirement. The Department will be required to ensure the job duties of the vacant position differ significantly from those required of the position from which the applicant retired.

h. Employment as a retired annuitant is not allowed if the applicant is younger than the normal retirement age on their retirement date unless both of the following conditions are met. This restriction, which is in California retirement law, complies with Internal Revenue Service Code tax regulations prohibiting in-service distribution of pension benefits.

(1) There is no verbal or written agreement to return to work as a retired annuitant between the employee and the employer before the employee retired.

(2) There is a bona fide break in service of 60 days between the employee's retirement date and the date employment as a retired annuitant will begin.

i. Eligibility Requirement. Retired annuitants shall be appointed to a nonuniformed classification in which the person had permanent or probationary status at the time of retirement or in another classification to which the employee could have permanently transferred, reinstated, or demoted at the time of retirement. Retired annuitants shall be placed into classifications commensurate with the duties being performed.

j. Funding. Retired Annuitants shall be funded from temporary blanket funds; approval is subject to available funding.

k. Salary. Retired annuitants shall be paid at a rate substantially the same as other employees performing comparable duties and shall be within the minimum and maximum salary for the classification.

l. Benefits. Retired annuitants shall be compensated only for actual time worked and shall not earn benefits of any kind (e.g., sick leave, vacation, holiday pay, personal holiday, or retirement credits).

m. Medical Clearance. An approved medical examination or health questionnaire is required prior to hiring a retired annuitant regardless of classification. Refer to paragraph 18. of this chapter.

n. Documentation Required. A CHP 127, CHP 129 for the position, and a current and proposed organization chart shall be submitted electronically (as detailed in paragraph 4. of this chapter) through channels to the appropriate Commissioner for approval. The CHP 127 shall contain the following information:

- (1) Purpose of the hire and justification (e.g., the position is for a limited time and requires specific expertise).
- (2) Skills provided by the retired annuitant.
- (3) Expected beginning and ending dates, and estimated cost of appointment.

o. Exclusions.

- (1) The Department shall not loan retired annuitants to other agencies or departments.
- (2) Retired employees who will be providing testimony will not be hired as retired annuitants, but through the use of personal services contracts.
- (3) Uniformed classifications shall not be used for retired annuitants.

26. PERMANENT REINSTATEMENT FROM RETIREMENT.

p. Service Retirement. Service retirees will be required to reinstate from service retirement in order to be appointed to a permanent position. The command shall have the applicant complete sections one and three of the PERS-BSD-145, Reinstatement from Service Retirement Application, and forward the form to the CH analyst who will complete section two and mail the form to CalPERS. Approval from CalPERS is **not** required prior to the applicant beginning active employment. However, to avoid an overpayment of retirement benefits and prevent payroll

reporting problems for the Department, it is important the PERS-BSD-145 be submitted to CalPERS in a timely manner.

q. Disability Retirement. Disability/industrial disability retirees will be required to obtain CalPERS preapproval for reinstatement prior to being appointed to a permanent position. The reinstatement process can take three to six months; the reinstatement date cannot be prior to the date of CalPERS' approval.

(1) Pursuant to Section 21192 GC, any disability/industrial disability retiree applying for reinstatement from retirement and who is under the minimum age for voluntary service retirement may be required to undergo a medical examination for the approved disabling condition. If CalPERS determines the applicant is not incapacitated for duty, the Department will be notified the applicant is eligible for reinstatement.

(2) The reinstatement process and required documentation can vary depending on the employer the applicant retired from and what position the retiree has applied for with the CHP. For this reason, applicants for reinstatement from disability/industrial disability retirement and the command should refer to the reinstatement from retirement guide available on CalPERS website.

27. EMPLOYMENT OF STUDENT ASSISTANTS/YOUTH AIDS.

a. The Student Assistant, Graduate Student Assistant, and Youth Aid classifications are non-testing classifications used on a temporary basis for summer employment and at other times of the year under the conditions outlined below.

b. Student Assistants. This classification is designed for undergraduates performing preprofessional duties. Students receive on-the-job instruction, perform work that will provide practical experience related to their field of study, and develop familiarity with the laws and programs administered by the State of California. Students with undeclared majors should be assigned duties which are in accord with their scholastic interests.

(1) Employment is based on continued enrollment in a college curriculum and is restricted to students who are admitted for enrollment in a curriculum that will prepare them to attain the objectives of the organization where they are/will be employed.

(2) The work assigned must be directly related to their college curriculum and academic goals. Typical tasks would include computation, programming, analysis of data, assisting in research and analysis, and other related activities in the Department.

c. Graduate Student Assistants. The Graduate Student Assistant classification is restricted to students in a college or university curriculum leading to an advanced degree in a professional area and requires the performance of entry-level professional work. This class is designed to provide graduate students with an opportunity to familiarize themselves with the state's professional work. It enables state agencies to utilize the services of graduate students during the course of their graduate training and facilitates more effective recruitment of applicants for professional careers in state service.

(1) Employment is based on continued enrollment in a college curriculum and is restricted to students who are admitted for enrollment in a curriculum that will prepare them to attain the objectives of the organization where they are/will be employed.

(2) The work assigned must be directly related to their college curriculum and academic goals. Typical tasks would include performing research; analyzing and evaluating data; and preparing recommendations, reports, and correspondence.

d. Youth Aids. Youth Aids perform a variety of tasks considered to be the least difficult for jobs requiring limited or no work experience. The Youth Aid performs routine tasks and assists other state employees in one or more of the following activities: clerical, manual labor, storekeeping, reception, telephone answering, food service and preparation, nonmedical patient care, office equipment operation, and grounds maintenance.

e. Funding. Student Assistants, Graduate Student Assistants, and Youth Aids shall be funded from temporary blanket funds; approval is subject to available funding.

f. Duration of Appointment. An individual may not work more than a total of 1,500 hours in any consecutive 12-month period.

g. Documentation Required. A CHP 127 with a CHP 129 for the position, a current and proposed organization chart, and a Communications Network Message Information Template shall be submitted electronically as detailed in paragraph 4. through channels to the appropriate Commissioner for approval. The CHP 127 shall contain the following information:

(1) Purpose of hire and justification (e.g., the position is for a limited time to assist with a special project).

(2) Expected beginning and ending dates, and estimated cost of appointment.

h. All Student Assistants must provide a copy of their official college/university transcripts **and** verification of college/university enrollment. At the beginning of each semester/quarter, students will be required to provide proof of college enrollment in order to continue employment with the Department. Student Assistants appointed during the summer months must produce evidence of eligibility for such registration in the following enrollment period.

i. Youth Aids under 18 years of age must possess an appropriate work permit required by the California State Education Code.

28. EMPLOYMENT OF SPECIAL CONSULTANTS. The Special Consultant is a non-testing classification used to make temporary appointments to meet short-term needs for highly specialized services that cannot be accommodated within the civil service classification structure. In the event the classification plan and existing eligible lists cannot meet the needs of the Department, the Special Consultant classification may be utilized as an exception to the use of civil service classifications and selection plans to meet the highly specialized needs. In some cases, it may be possible to obtain specialized services from other state agencies under interagency agreements rather than through use of the Special Consultant classification.

a. A department may make a temporary appointment to the Special Consultant classification when all of the following criteria are met:

- (1) The work or project is of an expert, unique, or technical nature.
- (2) The work is short-term but may involve multiple phases and goals.
- (3) The anticipated duration of the work shall not exceed nine months.
- (4) Specialized skills, knowledge, and experience are needed for the work or project which are not available within existing civil service classifications.
- (5) The candidate's background matches the specialized requirements used to justify and describe the Special Consultant position.
- (6) The salary is within the established guidelines outlined below.

b. Salary. In accordance with Section 432.3 LC, prior salary, current salary, or competing job offer salary may not be used to set a salary rate. This means commands may not inquire (directly or indirectly) about a candidate's salary history information, including compensation and benefits. While there is no salary range for Special Consultant classification, the established maximum salary guidelines for each type of Special Consultant are as follows:

- (1) Certified Medical Specialist. The salary rate shall not exceed the maximum salary rate of the Physician and Surgeon, Range D.
 - (2) Licensed Physician. The salary rate shall not exceed the maximum salary rate of the Physician and Surgeon, Range D.
 - (3) Attorney. The salary rate shall not exceed the maximum salary rate of the Deputy Attorney General IV, Range A.
 - (4) For all other Special Consultants, the salary rate shall not exceed the maximum salary rate of the Research Specialist IV-Variety Studies, Range A.
- c. Funding. Special Consultant positions shall be funded from temporary blanket funds—approval is subject to available funding.
- d. Documentation Required. A CHP 127, CHP 129 for the position, and a current and proposed organization chart shall be submitted electronically (as detailed in paragraph 4. of this chapter) through channels to the appropriate Commissioner for approval. The CHP 127 shall contain the following information:
- (1) Description of the need for a Special Consultant.
 - (2) Description of how and why the work is important or mission critical.
 - (3) Description of the needed expertise to meet the Department's needs.
 - (4) Expected beginning and ending dates, and estimated cost of appointment.
- e. The Special Consultant classification shall not be used for long-term or ongoing work. Special Consultant appointments shall not exceed nine months (refer to paragraph 24. of this chapter.). The nine-month period may be computed on a calendar or actual time worked basis. Intermittent appointments to the Special Consultant classification may proceed on an actual time worked basis until 189 days have been reached within a calendar period of 18 months or less.

29. TEMPORARY ASSIGNMENTS.

- a. Temporary assignments or loan of employees can only be permitted if the duties to be performed are within the scope of the employee's current classification. Temporary assignments shall be coordinated with SSES, CH.
- b. Temporary assignments or loan of employees within CHP or between departments (e.g., T&D assignments), may be made for a period not to exceed two years. Refer to Chapter 34 of this manual.

c. Temporary assignments or loan of employees between jurisdictions may be made for a period not to exceed four years in accordance with Section 19050.8 GC. Requests to fill behind an employee on this type of assignment shall be coordinated with CH.

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ANNEX A

CATEGORIES OF ELIGIBLES TO BE CONSIDERED

1. Reasonable Accommodation/Alternate Job Placement. The Department must make every effort to ensure a qualified person with a disability receives a reasonable accommodation. A reasonable accommodation is any logical adjustment made to a position and/or the work environment which enables a qualified individual with a disability to perform the essential functions of their position. Should an employee no longer be qualified for their current position, the Department may provide an alternative job placement as part of the reasonable accommodation process. The Equal Opportunity and Access Section will notify the commander, and their employee will work with the Return-to-Work Coordinator in Injury Case Management Section, to continue the reasonable accommodation process.
2. General Reemployment Certification List. Reemployment is a method to assist terminated or demoted employees in returning to their former classification. An employee who is laid off or elects to demote in lieu of layoff from a classification and has held either permanent or probationary status in the classification, will be placed on the appropriate reemployment list for that classification. In addition, appropriate reemployment list eligibility will generally be provided for all classifications through which the employee was given the right to demote during layoff. Employees appear in seniority order on all general reemployment lists.
3. State Restriction of Appointments/Surplus Program. The State Restriction of Appointments (SROA)/surplus program is an alternative to laying off state employees that gives the California Department of Human Resources the authority to restrict the methods of appointment available to appointing powers in order to give employees in jeopardy of layoff an opportunity to retain state employment. "Surplus" designates a classification in which a department expects to lay off some or all of its employees in a designated area. Designations of surplus or SROA entitle the employee to equal hiring preference when applying for a vacancy. The only distinction is that an employee on an SROA list may be notified by departments filling a vacancy, whereas employees with surplus status need to seek out and apply for vacancies in classifications they feel they are eligible to transfer to.
4. Promotional Certification List. A promotional certification list is established from an examination held on a promotional basis for classifications where the most logical competition exists within state service.

ANNEX A

CATEGORIES OF ELIGIBLES TO BE CONSIDERED (*continued*)

5. Open Certification List. An open certification list is established from an examination held on an open basis for classifications typically at entry levels for which there is no clearly identifiable group of promotional competitors within state service.

6. Limited Examination and Appointment Program. A Limited Examination and Appointment Program (LEAP) referral list consists of qualified persons with disabilities who are eligible for an examination appointment to a LEAP-certified classification. The LEAP is an alternative to the traditional civil service examination and appointment process. As part of the hiring process, LEAP applicants will compete with non-LEAP applicants as a way of filling vacancies.

7. Transfer. Vacancies may be filled through the transfer process as follows:
 - a. Transfer of an employee in the same classification from within the California Highway Patrol (CHP) or another state department.

 - b. Transfer of an employee to a different classification from within the CHP or another state department.

8. Training and Development Assignment. A Training and Development assignment is a voluntary, temporary assignment for up to two years for the purpose of training. It must involve the performance of duties in a classification other than the employee's appointment classification and may be made within or between departments. Refer to Chapter 34 of this manual.

9. Permissive Reinstatement. A permissive reinstatement is an appointment of an applicant who had permanent or probationary status in the classification (or substantially the same or higher classification) of the position being filled, who has, since appointment, separated without cause from state service.

10. Voluntary Demotion. A voluntary demotion is when an employee voluntarily elects to demote to a lower classification (e.g., Public Safety Operator/Dispatcher to Office Assistant).

11. Limited-Term. A limited-term appointment is an appointment authorized for up to one year with an additional one-year extension. An applicant shall be reachable on a

ANNEX A

CATEGORIES OF ELIGIBLES TO BE CONSIDERED (*continued*)

certification list, or be eligible to transfer, demote, or reinstate into the classification. No civil service employment rights are obtained from a limited-term appointment (refer to paragraph 24. of this chapter).

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ANNEX B

GUIDE FOR CONDUCTING PREEMPLOYMENT INTERVIEWS

SUBJECT	QUESTION	
	ACCEPTABLE	UNACCEPTABLE
NAME		Maiden name.
RESIDENCE	Statement by employer that hire is subject to a residency requirement.	"Do you own or rent your home?"
AGE	Statement by employer that hire is subject to an age requirement. Statement by employer that hire may require a work permit if applicant is a minor.	Age. Birthdate. Dates of attendance or completion of elementary or high school.
BIRTHPLACE, CITIZENSHIP	Statement by employer that completion of the Form I-9, Employment Eligibility Verification, is a requirement of the hire.	Birthplace of applicant, applicant's parents, spouse, or other relatives. "Are you a United States citizen?" OR Citizenship of applicant, applicant's parents, spouse, or other relatives. Requirement that applicant produce naturalization, first papers, or alien card prior to employment.
BIRTHPLACE, CITIZENSHIP	Statement by employer that the ability to speak and/or write a specific language(s) other than English is relevant to the job for which applicant is applying.	Questions as to nationality, lineage, ancestry, national origin, descent, or parentage of applicant, applicant's parents, or spouse. "What is your mother tongue?" OR Language commonly used by applicant. How applicant acquired ability to read, write, or speak a foreign language.
GENDER, SEX, MARITAL STATUS, FAMILY	Statement of employer's policy regarding work assignment of employees who are related.	Questions which indicate applicant's gender or sex. Questions which indicate applicant's marital status. Number and/or ages of children or dependents. Provisions for childcare. Questions regarding pregnancy, childbearing, or birth control. Name or address of relative, spouse, or children of adult applicant.

ANNEX B

GUIDE FOR CONDUCTING PREEMPLOYMENT INTERVIEWS *(continued)*

SUBJECT	QUESTION	
	ACCEPTABLE	UNACCEPTABLE
SUBJECT	QUESTION	
	ACCEPTABLE	UNACCEPTABLE
GENDER, SEX, MARITAL STATUS, FAMILY <i>(Continued)</i>		With whom do you reside?" OR "Do you live with your parents?"
RACE, COLOR		Questions as to applicant's race or color. Questions regarding applicant's complexion or color of skin, eyes, or hair.
PHYSICAL DESCRIPTION, PHOTOGRAPH	Statement by employer that a photograph will be required after employment.	Questions as to applicant's height and weight. Require applicant to affix a photograph to an application. Request applicant to submit a photograph. Require a photograph after interview, but before employment. Videotaping interviews.
PHYSICAL OR MENTAL DISABILITY	Statement by employer that hire may be contingent on applicant passing a job-related physical examination. Statement by employer that there are physical or mental requirements of the job (e.g., requirement to lift up to a maximum of 60 pounds; requirement to possess a valid Class A driver's license issued by the Department of Motor Vehicles).	Questions regarding applicant's general medical condition, state of health or illness. Questions regarding receipt of Workers' Compensation. "Do you have any physical or mental disabilities or handicaps?"
BONDING	Statement by employer that bonding is a condition of hire.	Questions regarding refusal or cancellation of bonding.
RELIGION	Statement by employer of regular days, hours or shifts to be worked.	Questions regarding applicant's religion. Religious days observed. OR "Does your religion prevent you from working weekends or holidays?"

ANNEX B

GUIDE FOR CONDUCTING PREEMPLOYMENT INTERVIEWS *(continued)*

SUBJECT	QUESTION	
	ACCEPTABLE	UNACCEPTABLE
CREDIT REPORT		Any questions regarding the applicant's credit history or financial situation.
MILITARY SERVICE	Questions regarding job-related skills acquired during applicant's U.S. military service.	General questions regarding military service such as dates and type of discharge. Questions regarding service in a foreign military.
ECONOMIC STATUS		Questions regarding applicant's current or past assets, liabilities, or credit rating, including bankruptcy or garnishment.
ORGANIZATIONS, ACTIVITIES	"Please list job-related organizations, clubs, professional societies, or other associations to which you belong--you may omit those which indicate your race, religious creed, color, disability, marital status, national origin, ancestry, sex, or age."	"List all organizations, clubs, societies, and lodges to which you belong."
REFERENCES		Questions of applicant's former employers or acquaintances which elicit information specifying the applicant's race, color, religious creed, national origin, ancestry, physical or mental disability, medical condition, marital status, age, or sex.
NOTIFICATION IN CASE OF EMERGENCY		Name and address of relative to be notified in case of accident or emergency. This information is acceptable to be obtained after hire on the CHP 102, Address and Emergency Information, and for the command's emergency/alert roster.
MISCELLANEOUS	Notice to applicant that any job-related misstatements or omissions of material facts on the applicant's application may be cause for dismissal.	

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