



## ***Office of Civil Rights LEAP Q&A***

### **Introduction:**

The California Department of Human Resources (CalHR) is responsible for the administration of the Limited Examination and Appointment Program (LEAP) (under Gov. Code, § 19240).

The CalHR Office of Civil Rights tracked questions and formulated answers since the [LEAP Policy](#) was posted to the CalHR online Human Resources Manual in August, 2020. This document is intended to assist individuals looking to participate in LEAP, current candidates in the examination process, LEAP Coordinators, and other professionals who administer the program within their respective departments.

### **LEAP Certification/Department of Rehabilitation (DOR)**

**Q:** Can you verify if a certain person is LEAP certified?

**A:** If departments are unable to see if a person is LEAP certified in the Examination Certification Online System (ECOS), we recommend they check with their ECOS Consultant.

**Q:** I recently got LEAP certification from the DOR. How can I check to see if it is on file and active in my CalCareer Account?

**A:** Log into your CalCareer Account. Under Job Applications, select Additional Records. If DOR has added your LEAP certification, the LEAP Record will display a link stating 'On File'. Select the 'On File' link to see whether LEAP Status is active. If it is not active, contact DOR.

**Q:** My LEAP certification is several years old. If the system will not allow access to the LEAP Assessments, how do I get assistance?

**A:** Although LEAP certification does not expire, those issued prior to 2017 may not function correctly. If the system will not allow you in to take LEAP exams, contact the DOR's Workforce Development Section. They may be able to resolve the issue without an office visit.

[Workforce.Development@dor.ca.gov](mailto:Workforce.Development@dor.ca.gov)  
916-558-5423 Voice

**Q:** LEAP certification question from DOR: I have a consumer who is requesting LEAP certification and is in the midst of a name change. What is the best way to proceed?

**A:** The Examination Certification Online System (ECOS) staff in CalHR's Selection Division would know best. If unable to obtain contact information of the ECOS Consultant assigned to your department, they may be contacted by phone toll free at (866) 844-8671.

**Q:** How can departments get LEAP brochures?

**A:** Contact DOR's Workforce Development Section  
[Workforce.Development@dor.ca.gov](mailto:Workforce.Development@dor.ca.gov)  
916-558-5423 Voice

## **Job Examination Period (JEP)**

**Q:** After successful completion of the JEP in a limited term position, does the candidate have to repeat the JEP in the next position, same classification, same department?

**A:** Since the candidate was previously evaluated in the given classification by X department and passed the JEP in that class (albeit in positions with limited term tenure), they do not serve another JEP for that class. In other words, they do not repeat the exam for that classification. Going by the [Government Code](#), roughly, the hiring authority may appoint (in the same classification for which they completed the JEP) without further examination.

**Q:** What if the LEAP employee did not finish their JEP before getting hired into the same classification, but different tenure? Do they have to start over?

**A:** Yes, they would have to start over serving the JEP.

**Q:** How do departments know, such as when hiring a LEAP candidate, that they do not have to repeat the JEP again for the same classification?

**A:** The new department would review the SCO Employee History to see the highest A22 appointment.

**Q:** If the candidate only moved to another unit/program within the same department and in the same classification, would they just continue the same JEP in the new unit?

**A:** If the candidate does not complete the JEP prior to moving to another position within the same department, same classification, they would have to start the JEP over in their new position. [Note: The word 'moving' was used since 'transfer' has a specific definition that applies only to those with permanent/probationary status in the given classification]

**Q:** Are the JEP reports confidential and not kept in an employee's Official Personnel File (OPF)?

**A:** Correct, JEP reports are confidential and are not kept in the OPF.

**Q:** Can information about the JEP report be shared with the other departments' hiring managers?

**A:** No. Sharing information about JEP reports with other department hiring managers may disclose disability.

**Q:** Can a supervisor share a LEAP JEP evaluation with their direct supervisor?

**A:** Although the LEAP JEP evaluation process is confidential, certain individuals have a need to know, such as the second level manager, especially if there are areas of concerns or examples of outstanding performance. The CalHR 273 has an option for the candidate to request to discuss evaluations with the reviewing officer; typically, that person is the second level supervisor/manager. If a candidate requests a second level review during evaluations, it is best for that second-level supervisor to be aware of the issues.

**Q:** Are LEAP candidates allowed to telework during the JEP?

**A:** Yes. LEAP candidates are allowed to telework provided their supervisor/management agrees to it.

**Q:** Would a two-week vacation or Leave of Absence (LOA) change the remaining JEP evaluation due dates?

**A:** No, vacation time or LOA does not impact JEP evaluation intervals which, per the regulations are due no less than once every four weeks.

## **JEP Length**

**Q:** Please clarify length of JEP based on 'monthly pay periods worked'; what if the JEP starts part-way into a month? Is it monthly or hourly?

**A:** If appointed to a class that has a 12-month probation period and the time base is full-time, LEAP candidates would serve 12 monthly pay periods. If appointed mid-month, like the middle of January 2019, they would serve the JEP half way into January 2020.

If the time-base is part-time or intermittent, the length of the JEP is based on hours worked as described in [CCR 547.58.1](#). [Note: For other than full-time positions, the JEP may be completed and the candidate appointed to the position on the same day. In contrast, when the JEP is completed in full-time positions, the candidate is appointed the following day.]

**Q:** How do we calculate the JEP length when part of time was half-time, or other than full-time, and the remainder was full-time?

**A:** Guiding regulation on JEP length [CCR 547.58.1](#)

Helpful tools:

[State Pay Period Calendar 2020 & 2021](#)

[State Pay Period Calendar 2021 & forward](#)

For full-time, the JEP length is based on pay periods worked (6 or 12 months, same as the probation length of the given classification).

For other than full-time (i.e. half-time or intermittent), JEP length is based on hours worked (840 hours for 6-month classes, 1680 hours for 12-month classes).

The JEP starts on the first day worked, regardless of time base.

This example: Six-month class of Office Technician and start date of July 31, 2020.

- Use the State Pay Period Calendar to get the number of work days in each pay period [Note: Start dates do not always fall on the first day of the pay period]
- If the first day of the JEP falls on the first day of the pay period, count each month going forward through the sixth month.

Example of full-time through the entire JEP: July 31, 2020 was the first day of the JEP during the August pay period and the first monthly pay period served in the JEP. January, 2021 would be the sixth and final pay period served. Per the calendar, the last work day in January, 2021 and last day of the JEP is January 29th. Upon successful completion of the JEP, appointment to the position is the day after the last day of the JEP, Saturday, January 30th in this example.

[Note: The date of appointment to the position can land on a weekend or holiday].

When candidates work part of the JEP as other than full-time and the rest as full-time:

- Time base was half-time July 31 – August 17 (59 hours or 7.375 work days served – count as 7 work days through August 10 and note 15 full-time additional days are needed to complete the 22-workday August pay period).
- August 18 was the first day of full-time. From August 18 – 31, 10 full-time days were served; 5 days short of the 15 full-time days needed.
- To reach six pay periods, start with July 31, count six months forward (to last workday of January, 2021) and add the 5 work days, arriving at February 5, 2021 as the last day of the JEP. Since the time was with full-time at the end of the

JEP, appointment to the position is the day after completion of the JEP, which is February 6, 2021.

## JEP Extensions/Reductions

**Q:** What do departments need to submit to CalHR to request shortening or extending the JEP?

**A:** Email [LEAP@CalHR.ca.gov](mailto:LEAP@CalHR.ca.gov) requesting the specific type of approval. Include:

- Start date
- Classification
- Original anticipated end date
- The new requested JEP end date
- All completed JEP evaluations
- Duty statement
- If the request is to extend or the time base is 'other than fulltime', submit the timesheets to confirm time served (for shortening) or to verify past approved absences (for extensions). For extension requests with future absences, please include verification of approved leave.

**Q:** Can the JEP be extended due to reasonable accommodation being explored?

**A:** [The regulations pertaining to JEP extension](#) specify extensions may be granted due to permissible absences. If the candidate is placed off work while the Reasonable Accommodation is explored or arranged, that time off is considered a period of permissible absence.

**Q:** Is a candidate allowed vacation during the JEP and, if so, do we need to request an extension?

**A:** Yes, vacation is allowed during the JEP; however, a one-week vacation may not make much difference. If the supervisor determines that further evaluation of the candidate is required, an extension may be requested. Please see the [regulation on JEP extensions](#).

## **JEP Terminations**

**Q:** Are departments required to notify CalHR of JEP terminations?

**A:** No. Departments are not required to notify CalHR of JEP terminations.

**Q:** A candidate has poor attendance and inappropriate behavior. Can we terminate the JEP immediately?

**A:** Some duty statements list attendance as an essential function. If that is not the case here, an attachment can be added to the evaluation. The JEP may be terminated at any point. Please note the [regulations](#) require a five-day advance notice.

Departments may issue the notice of termination and, in order to immediately remove the employee from the workplace, put them on Administrative Time Off (ATO) for the five days or however many days remain.

**Q:** Do we have to wait until the end of the JEP to terminate?

**A:** Termination of the JEP can be done well before the anticipated end date, but the candidate must be given at least five days advanced notice. See [CCR 547.58.8](#).

**Q:** Does CalHR have a sample JEP Termination Letter?

**A:** No. CalHR does not have a sample JEP Termination letter. Departments may consult their Legal Office for guidance.

## **Questions on CalHR 273 JEP Evaluation Form:**

**Q:** Who is the reviewing officer on the CalHR Form 273?

**A:** The Reviewing Officer is the second level supervisor.

**Q:** About the retention of the evaluations, is it permissible to store them electronically?

**A:** Since the 273 says 'evaluations are filed in the manner prescribed by the appointing authority...', departments are at liberty to decide.

**Q:** On the 273 are electronic signatures acceptable?

**A:** Yes

**Q:** Who is responsible for listing the duties/essential functions on the 273, the Supervisor or LEAP Coordinator?

**A:** The supervisor, as they are the Subject Matter Expert on the essential functions for the position. The supervisor also completes the CalHR 273.

**Q:** Where would we indicate concerns about attendance and the working relationship with the supervisor on the evaluation?

**A:** Attachments can be added to the evaluation regarding working relationships. Some duty statements list attendance as an essential function. If that is not the case, an attachment can be added to the evaluation regarding attendance.

**Q:** If a candidate has 2 out of 8 Essential Functions Rated as “Goal Not Met”, does this automatically mean that they do not pass the JEP?

**A:** The CalHR 273 is simply an optional tool. Supervisors may document performance and provide feedback to candidates through other methods. Ultimately, it is up to the supervisor to determine through the process whether to recommend appointment to the position the candidate is testing for during the JEP.

## **Transfer**

**Q:** Can a LEAP candidate take a lateral transfer during the JEP?

**A:** An employee must have Permanent or Probationary status to be eligible to transfer. An employee initially appointed to the JEP (aka an Examination Appointment) is in a temporary appointment until they complete the JEP and are transitioned to a permanent appointment. An employee does not have eligibility to transfer using a temporary appointment. Once a LEAP candidate is transitioned to permanent status (or gets in the situation where they are on probation), they can be eligible to transfer.



**Q:** A candidate was transferred to a new position, same class, same department in the middle of the JEP after a Leave of Absence. Is it ok for the new supervisor to see prior evaluations?

**A:** Yes, the new supervisor has a need to know.

**Q:** During the JEP, is a LEAP candidate able to do a hardship transfer?

**A:** Check with your department's Personnel Office or HR Liaison about that.

## **Probation**

**Q:** Is there a situation that could result in a LEAP candidate serving probation? If so, describe the scenario.

**A:** Unless waived, probation is required when transferring to the same classification but with a different appointing power.

Probation is not required when transferring to the same classification with the same appointing power.

Source: PMPPM Section 320.5 (2a) and 320.6 (3c)

Passing the JEP in a limited term position does not grant permanent status, so when subsequently moving to another department, same class but into a permanent position, probation is required. [Note: Candidates in this scenario are to be appointed A22 which allows for probation (this is similar to a transfer).]

**Q:** The JEP length is the same as the length of probation for the given classification. Where can I find the probation length of classification?

**A:** The Probationary period for classifications is located in the respective bargaining unit contract. Departments may also check with their Personnel Office.

## Transition into the Parallel Classification/Civil Service Status

**Q:** When appointing a LEAP candidate to a permanent position after completion of the JEP, do the following cert lists need to be cleared?:

- Dept Reemployment
- General reemployment
- SROA

**A:** Departments should be sure the LEAP candidate is reachable prior to beginning the JEP. LEAP candidates must be reachable to be appointed. If LEAP candidates are reachable before the JEP, it will be the same cert cleared once they finish the JEP. Departments would not order a new cert.

**Q:** Can a LEAP candidate be considered for a limited term (LT) position?

**A:** Yes. LEAP candidates can be hired into/appointed to positions designated as limited term.

**Q:** After passing the JEP, can the candidate remain in the LT position as long as the position exists, but the candidate will not gain permanent civil service status?

**A:** Yes.

**Q:** After passing the JEP in an LT position and later that position is made permanent, can the employee be made permanent?

**A:** Yes, provided the position is initially advertised as 'Limited Term, may become permanent'.

If the position is not initially advertised with the wording 'may become permanent', candidates can pass the JEP and be appointed to the position; however, they would not gain civil service status. [Note: Often, candidates in this situation seek permanent positions.]

**Q:** For part-time or intermittent positions, can the JEP be completed and the candidate appointed to the position on the same day?

**A:** Yes. For example, in classifications that require 840 hours, if the candidate has served 837 hours by the end of one workday and begins the next workday that is four hours, they would complete the JEP and qualify to be appointed to the position on that same day. [Note: Appointment to the position would only occur the following day if the final hour was worked as the last hour of the work day.]

**Q:** In the [regulations that cover Successful Completion of the JEP](#), part (b), it says, “The date of the termination of the job examination period shall be the day before the date of the candidate's appointment to the parallel class.” What does that mean?

**A:** Candidates serving the JEP in full-time positions complete the JEP on one specific day and are appointed to the position the following day. The word ‘termination’ in this part of the regulations simply means the end, or last day of the JEP.

## Personnel-related

**Q:** A LEAP candidate would like to mandatory re-instate to their previous department/classification. Are you able to advise on the appropriate next steps?

**A:** You may want to check with your department’s Personnel Office regarding notice given to the ‘returning to’ department. For keying/transaction codes, SCO is the authority.

**Q:** Are the Emergency Paid Sick Leave Act (EPSLA) and Emergency Family and Medical Leave Act (EFMLA) applicable to the LEAP candidates in the JEP as well?

**A:** Those programs would apply to LEAP candidates as long as there is no rule against employees in limited term status or having less than 12 months of employment.

**Q:** Please confirm if time served in the LEAP appointment qualifies towards the Merit Salary Adjustment (MSA) date on the A22?

**A:** Yes. See *PERSONNEL LETTER #20-021* in the [LEAP policy](#). In addition, although the policy does not use the term MSA, below are relevant points from the Salary/Benefits section:

- Those hired through the LEAP process receive the same general salary adjustments as those hired through non-LEAP processes.
- Time spent in the JEP counts as time served in the classification.

**Q:** If a LEAP appointment is incorrectly keyed, would we need to proceed with the Unlawful [aka illegal] appointment process to correct it, or could we correct it ourselves? Example: An employee has verified LEAP eligibility, but the appointment was keyed as Permanent not Limited Term as instructed by the SCO Personnel Letter #20-021.

**A:** We suggest this issue be put through your department's liaison to CalHR's Personnel Management Division (PMD).

**Q:** Prior to the Policy release and State Controller's Office (SCO) system adjustments in August, 2020, departments had to use the Std. 607 to reclassify positions from the 'parallel' civil service class to the 'LEAP candidate identified class' when first appointing candidates to the Examination Appointment/JEP. Is a Std.607 Change in Established Positions no longer needed?

**A:** For that question, please use the contact information below:

- Program Administration (e.g., rules, regulations, benefits/pay impacts)  
Personnel Services Branch CalHR (916) 323-3343
- General Payroll Procedures, Disability Payroll Procedures, Employment History Procedures:  
Statewide Customer Contact Center SCO (916) 372-7200

**Q:** The CalHR website states: Employee performance appraisals will be completed yearly after the initial probationary period ends. Should the Individual Development Plans (IDPs) be used for LEAP as well?

**A:** Yes. IDPs are used for employees in permanent-tenure positions, including employees who previously completed the LEAP JEP.

## **Classification-related**

**Q:** How can I find out which classifications a person has eligibility for?

**A:** If departments are unable to see what classifications a person is eligible for in the Examination Certification Online System (ECOS), we recommend they check with their ECOS Consultant.

**Q:** Can an employee get a Promotion-in-Place into a LEAP classification?

**A:** Yes; however, the employee needs to be on the eligible list, or “LEAP referral list” for the higher level ‘to-class’.

## **Further Guidance**

Questions regarding this information may be directed to:

Jerry Gibbins, LEAP Manager

Office of Civil Rights

(916) 322-3748 (Voice); [LEAP@calhr.ca.gov](mailto:LEAP@calhr.ca.gov)