

MEMORANDUM

TO: Personnel Management Liaisons

DATE: June 22, 1989
REFERENCE CODE: 89-33

FROM: Department of Personnel Administration
Training and Development Division

SUBJECT: ADOPTION OF PROPOSED TRAINING RULE 599.823
FINAL 15 DAY NOTICE

Based on the review of the Office of Administrative Law (OAL), no changes were made to the revisions proposed to Rule 599.817 and Rule 599.818. However, one change has been made to Rule 599.823 which is attached for review.

The OAL felt that subsection (a) of Rule 599.823 was unclear and ambiguous. Since the challenged subsection does not substantively impact interpretation of the remaining subsections in the rule, a decision has been made to delete it. The deleted subsection is shown in brackets on the attached.

Consistent with the Administrative Procedure Act, this change is available for a final 15-day comment period before the rules are finalized and re-submitted to OAL for adoption. Comments regarding this rule change must be received no later than Friday, July 7, 1989.

Written comments should be addressed to me at the State Training Center, 1515 S Street, North Building, Suite 105, Sacramento, CA 92442-2350 (IMS Code G-2). My telephone number is (916) 324-4062 (ATSS 454). Your prompt review is appreciated.



Patricia Pavone McDonald, Chief
Training and Development Division

cc: Departmental Training Officers
Exclusive Representatives
Supervisory Associations



The bracketed material is deleted in the final version of Rule 599.823.

Adoption of New Rule

599.823. Reimbursement for ~~Out/Service~~ Training Expenses.

~~(a)~~ An employee may be reimbursed for tuition or other necessary expenses ~~only~~ if a formal training request has been approved by the appointing power prior to enrollment.

~~(b)~~ (a) In assigning individuals to attend ~~out/service~~ training, the appointing power shall establish policies regarding reimbursement for training expenses. Such policies must provide for the following:

(1) When participation is identified by the appointing power as job-required, full reimbursement shall be provided for tuition ~~of~~ and other necessary expenses, including the allocation of time with pay, ~~and the adjustment of work hours.~~

(2) When participation is identified by the appointing power as job-related, full reimbursement may be provided for tuition ~~of~~ and other necessary expenses, including the allocation of time with pay, ~~and the adjustment of work hours.~~

(3) When an employee participates in career-related or upward mobility training, with the approval of the appointing power, reimbursement ~~shall~~ may be for tuition, fees, books and supplies ~~[only]~~. ~~(c)~~ Reimbursement for travel and per diem shall not be allowed. Reimbursement for ~~career-related or upward mobility~~ such training ~~shall~~ may be made only if ~~the following conditions have been met:~~

~~(1) The training is included in the employee's approved Individual Development Plan.~~

~~(2) The employee has successfully completed all course requirements as specified by the training provider.~~

~~(d)~~ (4) For full-time out-service training of more than 60 days, the employee shall agree in writing to reimburse the State for tuition and other expenses paid by the State if, after completion of the training assignment, the employee does not continue employment in State service for a period of six months or twice the period of training, whichever is greater. Such reimbursement shall be made within two years after separation from State service and shall be for an amount proportionate to the specified period of service not completed.

~~(b)~~ (b) If the provisions of this rule are in conflict with specific training reimbursement provisions contained in a memorandum of understanding, the memorandum of understanding shall be controlling.

NOTE: Authority cited: Sections 19815.4(d) and 19995.1, Government Code.
Reference: Sections 19404(c), 19995 and 19995.1, Government Code.

