

Title 2. Administration
Division 1. Administrative Personnel
Chapter 3. Department of Human Resources
Multiple Subchapters
Multiple Articles

§ 599.607. Use of Month or Calendar Month.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) “Month” means a calendar month unless otherwise specified. In the application of Government Code sections 19856.1, 19858.1, 19859, 19861, 19863.1, 19991.7, 19996, 19997.3 and sections 599.737(a), 599.738(a), 599.739(a), 599.740, 599.746(a), 599.747, 599.787(a), ~~599.791~~ and 599.840 of these regulations relating to the earning of sick leave, paid educational leave, vacation allowances, and seniority, month or calendar month shall mean the monthly pay period as prescribed by the Department of Finance.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) “Month” means a calendar month unless otherwise specified.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19815.4(d); and 19824, Government Code.

§ 599.608. Qualifying Monthly Pay Period or Qualifying Service Month.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) Except as provided in sections 599.609(a) and 599.776.1(b) of these regulations, in the application of Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, 19997.4 and sections 599.682, 599.683, 599.685, 599.687(a), 599.737(a), 599.738(a), 599.739(a), 599.740, 599.746(a), 599.747, 599.787(a), ~~599.791~~, 599.840 and 599.843 of these regulations, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service. In the application of Government Code section 19837, an employee shall be considered to have a month of state service if the employee either: (1) has had 11 or more working days of service in a monthly pay period; or (2) would have had 11 or more working days of service in a monthly pay period but was laid off or on a leave of absence for the purpose of lessening the impact of an impending layoff.

(2) Except for absences that are counted under this section, absences from state service resulting from a temporary or permanent separation for more than 11 consecutive working days which fall into two consecutive qualifying pay periods shall disqualify one of the pay periods. Absences from the payroll that may be counted as state service under this section shall be counted only at the request of the employee and shall not exceed 12 months of state service regardless of the number or combinations of absences involved.

(3) Employees accruing service under this subsection who move mid pay period to an appointment accruing service under subsection (b) shall accrue qualifying service under subsection (b).

(4) Service or credits earned on or after January 1, 1969, shall be accumulated under the provisions of this section. Service or credits prior to that date shall be accumulated under the rules in effect on December 31, 1968, except that in the application of Government Code section 19997.4 and sections 599.837 and 599.843 of these regulations all seniority credit shall be accumulated under the provisions of this section. In either instance, service or credit may be accumulated during appropriate absences, as described in this section, and the amount accumulated will be based on the time the employee would have worked if not absent.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Except as provided in sections 599.609(b) and 599.776.1(b) of these regulations, in the application of Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, 19997.4 and sections 599.682, 599.683, 599.685, 599.687(b), 599.737(b), 599.738(b), 599.739(b), 599.740, 599.746(b), 599.747, 599.787(b), 599.840 and 599.843 of these regulations, an employee who has 11 or more working days of service in a calendar month shall be considered to have a qualifying service month, a month of service, or continuous service. In the application of Government Code section 19837, an employee shall be considered to have a qualifying service month if the employee either: (1) has had 11 or more working days of service in a calendar month; or (2) would have had 11 or more working days of service in a calendar month but was laid off or on a leave of absence for the purpose of lessening the impact of an impending layoff.

(2) Except for absences that are counted under this section, absences from state service resulting from a temporary or permanent separation for more than 11 consecutive working days which fall into two consecutive qualifying service months shall disqualify one of the qualifying service months. Absences from the payroll that may be counted as state service under this section shall be counted only at the request of the employee and shall not exceed 12 qualifying service months regardless of the number or combinations of absences involved.

(3) Service or credits earned on or after January 1, 1969, shall be accumulated under the provisions of this section. Service or credits prior to that date shall be accumulated under the rules in effect on December 31, 1968, except that in the application of Government Code section 19997.4 and sections 599.837 and 599.843 of these regulations all seniority credit shall be accumulated under the provisions of this section. In either instance, service

or credit may be accumulated during appropriate absences, as described in this section, and the amount accumulated will be based on the time the employee would have worked if not absent.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19815.4(d), 19824, 19837 and 19997.4, Government Code.

§ 599.609. Qualifying Monthly Pay Period for Hourly and Daily Rate Employees.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) In the application of section 599.608(a) of these regulations, hourly or daily rate employees working in a state agency in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service. The amount of accumulated service required for a complete month of service shall be proportionately adjusted for work in agencies in which the full-time workweek is other than 40 hours. Hours or days worked in excess of 20 days in a month by pay period shall not be counted or accumulated. When an employee has a break in service or changes to full time, any combination of time worked which does not equal one qualifying month of full-time service shall not be accumulated or counted.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) In the application of section 599.608(b) of these regulations, hourly or daily rate employees working in a state agency in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a calendar month or in accumulated calendar months shall be considered to have a qualifying service month, a month of service, or continuous service. The amount of accumulated service required for a qualifying service month shall be proportionately adjusted for work in agencies in which the full-time workweek is other than 40 hours. Hours or days worked in excess of 20 days in a calendar month shall not be counted or accumulated. When an employee has a break in service or changes to full time, any combination of time worked which does not equal one qualifying service month of full-time service shall not be accumulated or counted.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19815.4(d), 19824, 19997 and 19997.4, Government Code.

§ 599.612. State Payroll Cycle. (Reserved)

(a) Monthly Payroll Cycle. The Uniform State Payroll System (USPS) provides for accounting procedures to enable each state agency to properly account salary and wage expenditures. It is comprised of various human resource management sub-systems, including employment history, California leave accounting system, basic payroll system, position control system, annual payroll system, business month payroll system, Affordable Care Act system, garnishment system, fiscal system, and the clearance system. State agencies operating within the USPS shall pay their employees on a monthly basis, unless otherwise provided for in a memorandum of understanding.

(b) Biweekly Payroll Cycle. The California State Payroll System (CSPS) is a modernized human capital management system that provides position control, personnel administration, benefits administration, timekeeping, payroll, and travel and business expense. The payroll cycle for state officers and employees of state agencies operating within the CSPS shall be a uniform biweekly payroll cycle. State agencies shall adhere to the established uniform biweekly payroll cycle upon operation within the CSPS.

(c) Beginning in approximately May 2028, the Department will begin transitioning agencies under its jurisdiction from their current payroll cycle to a uniform Biweekly Payroll Cycle within the CSPS until all such agencies have transitioned.

NOTE: Authority cited: Sections 12470, 18502 and 19815.4(d), Government Code. Reference: Sections 12472, 12473 and 19824, Government Code.

§ 599.643. Dormitory Accommodations.

(a) A dormitory is a housing unit:

- (1) occupied by two or more unrelated employees, or
- (2) which must be vacated monthly to accommodate a relief employee, or
- (3) unsuitable for housing dependents of employees, or
- (4) which provides sleeping accommodations for more than one employee in a single room.

(b) The monthly rate for each available accommodation shall be:

- (1) \$18 per month in Location Class 1
- (2) \$12 per month in Location Class 2

(c) The following are exceptions to these regulations:

- (1) Forest fire lookout stations shall have no rental charge.
- (2) Employees occupying dormitory accommodations for any day, or any portion thereof, when occupancy of the dormitory is required by the job and is necessary for availability and/or reduced response time to maintain public safety will not be required to pay rent for that day.
- (3) Employees occupying dormitory accommodations for less than a complete ~~pay period~~ month shall pay \$.75 per day to a maximum of \$18 per month in Location Class 1 or \$.50 per day to a maximum of \$12 per month in Location Class 2.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19822 and 19824, Government Code.

§ 599.666. The Pay Plan.

(a) The pay plan for the state civil service consists of the salary ranges and steps established by the Department and the regulations contained in this article.

(b) As used in this article, terms are defined as follows:

(a1) "salary range" is the minimum and maximum rate currently authorized for the class;

(b2) "step" for employees compensated on a monthly basis is a 5 percent differential above or below a salary rate rounded to the nearest dollar, and for employees compensated on a biweekly, daily or hourly basis is a 5 percent differential above or below a rate rounded to the nearest dollar and cents amount ~~is the difference between two salary rates one full salary range number apart;~~

(c3) "rate" for employees compensated on a monthly basis is any one of the full dollar amounts found within the salary range, and for employees compensated on a biweekly, daily or hourly basis is any one of the dollar and cents amounts found within the salary range ~~is any one of the salary rates in the resolution by the Department that establishes the salary ranges and steps of the pay plan;~~

(d4) "range differential" is the difference ~~established by resolution of the Department~~ between the maximum rate of two consecutive salary ranges of the pay plan;

(e5) "substantially the same salary range" is a salary range with the maximum salary rate the same as or less than two steps higher or lower than the maximum salary rate of another salary range;

(f6) "higher salary range" is a salary range with the maximum salary rate at least two steps higher than the maximum salary rate of another salary range; and

(g7) "lower salary range" is a salary range with the maximum salary rate at least two steps lower than the maximum salary rate of another salary range.

(c) Any rate falling within the salary range for a class may be used to accomplish appropriate step differentials in movements between classes and salary ranges.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19824 and 19829, Government Code.

§ 599.666.1. The Pay Plan — Non-represented Employees.

(a) The pay plan for state civil service employees designated supervisory under Government Code section 3513(g) or excluded from the definition of state employee under Government Code section 3513(c) or managerial under Government Code section 3513(e) (Ralph C. Dills Act) consists of the salary ranges and rates established by the Department and the regulations contained in this article. As used in this article, terms are defined as follows:

(a1) “salary range” is the minimum and maximum rate currently authorized for the class;

(b2) “step” for employees compensated on a monthly basis is a 5 percent differential above or below a salary rate rounded to the nearest dollar and for employees compensated on a biweekly, daily or hourly basis is a 5 percent differential above or below a rate rounded to the nearest dollar and cents amount;

(c3) “rate” for employees compensated on a monthly basis is any one of the full dollar amounts found within the salary range and for employees compensated on a biweekly, daily or hourly basis any one of the dollar and cents amounts found within the salary range;

(d4) “range differential” is the difference between the maximum rate of two salary ranges of the pay plan;

(e5) “substantially the same salary range” is a salary range with the maximum salary rate less than two steps higher or lower than the maximum salary rate of another salary range;

(f6) “higher salary range” is a salary range with the maximum salary range at least two steps higher than the maximum salary rate of another salary range; and

(g7) “lower salary range” is a salary range with the maximum salary rate at least two steps lower than the maximum salary rate of another salary range.

(b) Under subsection (ba)(2) one step higher is calculated by multiplying the rate by 1.05. One step lower is calculated by dividing the rate by 1.05 (e.g., $\$2,300 \times 1.05 = \$2,415$, one step higher; $\$2,415 \div 1.05 = \$2,300$, one step lower).

(c) Unless otherwise provided by the State Personnel Board, the lowest salary range currently authorized for the class is used to make salary comparisons between classes. Any rate falling within the salary range for a class may be used to accomplish appropriate step differentials in movements between classes and salary ranges.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19824 and 19829, Government Code.

§ 599.667. The 10-12 Pay Plan and 10-26 Pay Plan.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) A “10-month employee” as used in this section means a person who is employed: full-time in a civil service position in the Special Education Program Support Unit of the Department of Education; or full-time in a position at the California Maritime Academy; or full-time in a civil service position requiring teacher certification qualifications and performance of teaching duties for ten consecutive pay periods as designated by the appointing power on state workdays as defined in the California Victim Compensation and Government Claims Board’s regulations or on days in lieu thereof, and who elects with approval of the appointing power to be employed and paid on an annual salary basis under the provisions of this section. “Annual salary” as used in this section means the sum of the monthly salary rates that the employee could have earned during the 10 designated pay periods had the employee not elected to be employed and paid under the provisions of this section.

(a) Pay for the Entire 10 Months. A 10-month employee who completes all the service required for the designated 10-month period beginning on the first day of the first state pay period of the designated 10-month period, shall for such service be paid the annual salary in 12 installments payable on state pay days of each of the subsequent 12 pay periods, covering the period of one year. The first installment shall be paid on the first state pay day following the effective date of appointment, reinstatement or election for the year. Authorized time worked in excess of the employee’s regularly scheduled workweek shall be compensated for in accordance with the provisions of sections 599.700, 599.701, 599.702, ~~599.703, 599.703.1,~~ 599.704, 599.705, 599.705.1, 599.706(a), 599.707, 599.708, 599.709, ~~599.710~~ and 599.711 of these regulations at the monthly rate which the employee could have earned had the employee not elected to be employed and paid under the provisions of this section. If such employee serves in excess of 10 designated monthly pay periods during any 12-month period, such excess service shall be under separate appointment and shall be compensated at the monthly rate appropriate for that appointment and position.

(b) Interim Adjustment in Pay Due to ~~Noncompensable~~ ~~non-compensable~~ Absence. If, because a 10-month employee reports for duty after the first day of the first pay period of the designated 10-month period or because the employee has had a ~~noncompensable~~ ~~non-compensable~~ absence, it is necessary to reduce the salary payment for any state pay period, the interim reduction for that period shall be at the rate of 1/210 of the annual salary of the employee for each workday the employee was in a nonpay status, except that if such computation in any one pay period would result in zero or minus pay, the employee shall be paid at the rate of 1/210 of such annual salary for each day actually worked during such state pay period.

(c) Settlements Payments. A 10-month employee who serves less than the designated 10-month period, or whose pay has been adjusted because of reporting for duty after the first day of the first pay period of the designated 10-month period or because of a ~~noncompensable~~ ~~non-compensable~~ absence, or who has had a change in rate of pay or in time base shall, on the state pay day on which the employee is to receive the final installment of the annual salary, or at the time of separation or transfer from the 10-month position, receive a final settlement computed in accordance with the following formula:

(First step)

$$\text{Total salary earned} = \frac{\text{total days worked} \times \text{annual salary}}{\text{number of workdays in 10-month period}}$$

(Second step)

Amount of settlement payment = total salary earned — salary received for current 10-month period.

(dD) Report to State Controller. The final settlement payment shall be computed by the appointing power and a copy of such computation furnished to the State Controller's Disbursing Office.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) A "10-month employee" as used in this section means a person who is employed full-time in a civil service position requiring teacher certification qualifications and performance of teaching duties for ten consecutive calendar months as designated by the appointing power on state workdays as defined in the California Victim Compensation Board's regulations or on days in lieu thereof, and who elects with approval of the appointing power to be employed and paid on an annual salary basis under the provisions of this section. "Annual salary" as used in this section means the sum of the biweekly salary rates that the employee could have earned during the 10 designated calendar months had the employee not elected to be employed and paid under the provisions of this section.

(A) Pay for the Entire 10 Months. A 10-month employee who completes all the service required for the designated 10-month period beginning on the first day of the first state pay period of the designated 10-month period, shall for such service be paid the annual salary in 26 installments payable on state pay days of each of the subsequent 26 biweekly pay periods, covering the period of one year. The first installment shall be paid on the first state pay day following the effective date of appointment, reinstatement or election for the year. Authorized time worked in excess of the employee's regularly scheduled workweek shall be compensated for in accordance with the provisions of sections 599.700, 599.701, 599.702, 599.704, 599.705, 599.705.1, 599.706(b), 599.707, 599.708, 599.709, and 599.711 of these regulations at the biweekly rate which the employee could have earned had the employee not elected to be employed and paid under the provisions of this section. If such employee serves in excess of 10 designated calendar months during any 12-month period, such excess service shall be under separate appointment and shall be compensated at the monthly rate appropriate for that appointment and position.

(B) Interim Adjustment in Pay Due to non-compensable Absence. If, because a 10-month employee reports for duty after the first day of the first biweekly pay period of the designated 10-month period or because the employee has had a non-compensable absence, it is necessary to reduce the salary payment for any state biweekly pay period, the interim reduction for that period shall be at the rate of 1/210 of the annual salary of the employee for each workday the employee was in a non-pay status, except that if such computation in any one biweekly pay period would result in zero or minus pay, the employee shall be paid at the rate of 1/210 of such annual salary for each day actually worked during such biweekly pay period.

(C) Settlements Payments. A 10-month employee who serves less than the designated 10-month period, or whose pay has been adjusted because of reporting for duty after the first day of the first biweekly pay period of the designated 10-month period or because of a non-compensable absence, or who has had a change in rate of pay or in time base shall, on the state pay day on which the employee is to receive the final installment of the annual salary, or at the time of separation or transfer from the 10-month position, receive a final settlement computed in accordance with the following formula:

(First step)

$$\text{Total salary earned} = \frac{\text{total days worked} \times \text{annual salary}}{\text{number of workdays in 10-month period}}$$

(Second step)

Amount of settlement payment = total salary earned — salary received for current 10-month period.

(D) Report to State Controller. The final settlement payment shall be computed by the appointing power and a copy of such computation furnished to the State Controller's Disbursing Office.

Note: Authority cited: Sections 18502, 19815.4(d) and 19826, Government Code. Reference: Sections 19824 and 19829, Government Code.

§ 599.669. Full-Time and Less Than Full-Time Rates.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) The salary range for each class represents the rate of pay for full-time monthly employment unless the pay plan specifically states otherwise. Monthly employment shall consist of a pay period prescribed by the Department of Finance and containing either 21 or 22 work days. Where there is part-time or irregular employment in a position for which a monthly salary range is established, the employee shall normally be paid the proportionate part of the monthly rate or on an hourly basis for the time actually employed:

(aA) Where the part-time employment is regularly scheduled and is a fixed proportion of the established work week, the employee shall be paid that proportionate part of the monthly rate (e.g. one-half time, one-quarter time).

(bB) Where employment is intermittent and irregular, the monthly rate shall be converted to an hourly rate in accordance with these regulations and an employee shall be paid at such rate.

(cC) Where the employee works on a part-time, irregular, and indeterminate basis, and it is not practicable to ascertain the number of working hours to be devoted to the service of the state, the local compensation for such service shall be fixed by the Department after considering the recommendation of the appointing power. Such recommendation shall include an estimate of the average amount of time to be devoted by the employee to the performance of duties and an appraisal of the value of such services.

(d) When an employee in a professional class works for the state on a part-time or intermittent basis incidental to the employee's private practice, and such practice has overhead expenses that continue regardless of the employment with the state, the Department may permit compensation for time worked in accordance with a schedule of hourly compensation established by the Department that may exceed the hourly equivalent of the monthly salary.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) The salary range for each class represents the rate of pay for full-time biweekly employment unless the pay plan specifically states otherwise. Biweekly employment shall consist of a pay period prescribed by the Department and containing 10 work days. Where there is part-time or irregular employment in a position for which a biweekly salary range is established, the employee shall normally be paid the proportionate part of the biweekly rate or on an hourly basis for the time actually employed:

(A) Where the part-time employment is regularly scheduled and is a fixed proportion of the established work week, the employee shall be paid that proportionate part of the biweekly rate (e.g. one-half time, one-quarter time).

(B) Where employment is intermittent and irregular, the biweekly rate shall be converted to an hourly rate in accordance with these regulations and an employee shall be paid at such rate.

(C) Where the employee works on a part-time, irregular, and indeterminate basis, and it is not practicable to ascertain the number of working hours to be devoted to the service of the state, the local compensation for such service shall be fixed by the Department after considering the recommendation of the appointing power. Such recommendation shall include an estimate of the average amount of time to be devoted by the employee to the performance of duties and an appraisal of the value of such services.

Note: Authority cited: Sections 18502, 19815.4(d) and 19826, Government Code. Reference: Sections 19824 and 19829, Government Code.

§ 599.670. Conversion of Rates.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) Monthly or hourly rates of pay may be converted from one to the other when the Department considers it advisable. In such conversion a 40-hour week is equivalent to a 173.33-hours a month; ~~a 44-hour week is equivalent to a 191-hour month; a 48-hour week is equivalent to a 208-hour month.~~ Rates resulting from such conversions shall be rounded to the nearest cent.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Monthly or biweekly rates of pay may be converted from one to the other when the Department considers it advisable. In such conversion, the biweekly rate is equivalent to the monthly rate multiplied by 12 then divided by 26. Rates resulting from such conversion shall be rounded up to the nearest cent.

(2) Biweekly or hourly rates of pay may be converted from one to the other when the Department considers it advisable. In such a conversion the hourly rate is equivalent to the biweekly salary rate divided by the number of hours required in the biweekly work period. Rates resulting from such conversions shall be rounded to the nearest cent.

Note: Authority cited: Sections 18502, 19815.4(d) and 19826, Government Code. Reference: Sections 19824, 19829 and 19851, Government Code.

§ 599.682. Qualifying Service for Merit and Special In-Grade Salary Adjustment.

~~(a)~~ Except as provided in section 599.687 of these regulations, one month of qualifying service for merit and special in-grade salary adjustments shall be counted for each monthly pay period or calendar month that meets the conditions of section 599.608 of these regulations and has been:

~~(a1)~~ in the state civil service or in an exempt appointment or office as provided in Government Code Section 19141; and

~~(b2)~~ in the same class or in another class with substantially the same or higher salary range; and

~~(c3)~~ under any of the following types of appointments:

~~(1A)~~ a permanent appointment;

~~(2B)~~ a career executive assignment appointment;

~~(3C)~~ a temporary, emergency, or limited-term appointment preceding a mandatory reinstatement;

~~(4D)~~ at the discretion of the appointing authority, credit may also be given for: a temporary appointment in a seasonal class; a temporary or special limited-term appointment when filling a permanent position; or, a temporary, emergency or limited-term appointment not covered by subsection ~~(3a)(3)(C)~~ above when followed by a permanent appointment without a break in continuity of service.

Note: Authority cited: Sections 18502, 19815.4(d) and 19826, Government Code. Reference: Sections 19141, 19824, 19832 and 19834, Government Code.

§ 599.683. Merit Salary Adjustment.

(a) If the appointing authority certifies in the manner prescribed by the Department that the employee has met the standards of efficiency required for the position, the employee who is not paid at the maximum ~~step~~ of the salary range shall receive a merit salary adjustment equivalent to one step in the salary range provided that rate does not exceed the maximum salary rate. The merit salary adjustment shall be effective on the first of the monthly pay period next for employees paid pursuant to section 599.612(a), or on the first of the calendar month for employees paid pursuant to section 599.612(b), following completion of:

(a1) Twelve months of qualifying service after:

(1A) appointment; or

(2B) last merit salary adjustment; or

(3C) last special in-grade salary adjustment; or

(4D) movement between classes which resulted in a salary increase of one or more steps; or

(b2) The number of months of qualifying service as provided by the Department after movement between classes that resulted in a salary increase of less than one step. The Department shall provide that the number of months of qualifying service be proportionately reduced from 12 to the number of months that will permit the employee to receive approximately the same annual salary the employee would have received with a one-step increase.

Note: Authority cited: Sections 18502, 19815.4(d) and 19826, Government Code. Reference: Sections 19824, 19832 and 19834, Government Code.

§ 599.685. Special In-Grade Salary Adjustment.

(a) If the appointing authority certifies in the manner prescribed by the Department that the employee has met the standards of efficiency required for the position, the employee who is paid at the minimum ~~step~~ of the salary range in a class designated by the Department may receive a special in-grade salary adjustment ~~of one step to the second step of the salary range.~~ The special in-grade salary adjustment shall be effective on the first of the monthly pay period ~~for employees paid pursuant to section 599.612(a) or on the first of the calendar month for employees paid pursuant to section 599.612(b), next~~ following completion of:

(a1) six months of qualifying service after the appointment; or

(b2) as otherwise may be provided by the Department. When movement between classes to the minimum step results in a salary increase of less than one step, the Department shall provide that the months of qualifying service be proportionately reduced from six to the number of months of qualifying service that will permit the employee to receive approximately the same annual salary the employee would have received upon appointment to the minimum step with a one-step increase.

Note: Authority cited: Sections 18502, 19815.4(d) and 19826, Government Code. Reference: Sections 19824, 19834 and 19836, Government Code.

§ 599.687. Effects of Breaks in State Service on Merit and Special In-Grade Salary Adjustments.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(a1) Periods of absence from state service resulting from a permanent separation shall not be counted as qualifying service for merit salary adjustments and special in-grade salary adjustments.

(b2) Any monthly pay period in which an employee has been absent as a result of a temporary separation of 11 working days or less, may be disqualified for merit salary adjustment or special in-grade salary adjustment if the supervisor certifies that the absence had affected the employee's ability to meet the standard of efficiency required for the position during the month.

(c3) Periods of absence from state service for the following reasons shall be counted as qualifying service for merit and special in-grade salary adjustments:

(1A) Military leave and periods of rehabilitation provided by Government Code section 19780.

(2B) Time during which the employee is receiving temporary disability for injury or disease as provided in Government Code section 19991.4.

(3C) Time during which the employee is receiving paid educational leave as provided in Government Code section 19991.7.

(d4) Monthly pay periods of qualifying service, which immediately precede and follow a return from a temporary separation from service, shall be added together for merit and special in-grade salary adjustments. At the discretion of the appointing authority monthly pay periods of qualifying service, which immediately precede and follow a return from a permanent separation from service, may be added together for merit salary adjustment only.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Periods of absence from state service resulting from a permanent separation shall not be counted as qualifying service for merit salary adjustments and special in-grade salary adjustments.

(2) Any calendar month in which an employee has been absent as a result of a temporary separation of 11 working days or less, may be disqualified for merit salary adjustment or special in-grade salary adjustment if the supervisor certifies that the absence had affected the employee's ability to meet the standard of efficiency required for the position during the month.

(3) Periods of absence from state service for the following reasons shall be counted as a qualifying service for merit and special in-grade salary adjustments:

(A) Military leave and periods of rehabilitation provided by Government Code section 19780.

(B) Time during which the employee is receiving temporary disability for injury or disease as provided in Government Code section 19991.4.

(C) Time during which the employee is receiving paid educational leave as provided in Government Code section 19991.7.

(4) Qualifying service months, which immediately precede and follow a return from a temporary separation from service, shall be added together for merit and special in-grade salary adjustments. At the discretion of the appointing authority qualifying service months, which immediately precede and follow a return from a permanent separation from service, may be added together for merit salary adjustment only.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections ~~18538.1~~, 19824, 19832, 19834 and 19996, Government Code.

§ 599.701. Work Week Group Definitions.

(a) Each position or class in the state service for which a biweekly, monthly, or annual salary range is fixed, whether or not the position or class is subject to state civil service, shall be assigned or reassigned to one of the following groups:

(1) Work Week Group 2: A designation given to classifications and positions subject to the Fair Labor Standards Act. Employees in classification designated as Work Week Group 2 are paid for all hours worked, including those in excess of the employee regularly scheduled work week.

(2) Work Week Group E: A designation given to a classification exempt from coverage under the Fair Labor Standards Act that meets the salary basis and duties test. The salary is full compensation for all hours worked to perform assigned duties.

(A) Intermittent employees in classifications designated as Work Week Group E are hourly employees and are paid as Work Week Group 2.

(B) Excluded employees in Work Week Group E shall not have their salary reduced (docked) for absences of less than an entire day.

(3) Work Week Group SE: A designation given to a classification exempt from coverage under the Fair Labor Standards Act under the Learned Professional (doctor, teacher, lawyer) exemption. The salary is full compensation for all hours worked to perform assigned duties.

(A) Intermittent employees in classifications designated as Work Week Group SE are hourly employees and receive their regular rate of pay for all hours worked.

(B) Excluded employees in Work Week Group SE shall not have their salary reduced (docked) for absences of less than an entire day.

(a) Classes and positions with a work-week of 40 hours to be known as Work Week Group 1:

(b) Classes and positions for which special provisions are made by regulation because of the varying needs of different state agencies and prevailing overtime compensation practice to be known as Work Week Group 4:

Note: Authority cited: Sections 3539.5, 18502, 19815.4(d), 19843 and 19849, Government Code. Reference: Sections 19824, 19843, 19849 and 19851, Government Code.

§ 599.702. Authorization Required.

In order to be compensable by cash or compensating time off, overtime in Work Week Group ~~2-1 and Work Week Group 4 and Subgroups 4A, 4B, and 4D~~ must be authorized in advance, except in an emergency, by the appointing authority or its designated representative. ~~For employees paid pursuant to section 599.612(a),~~ this authorization must also be confirmed in writing not later than 10 days after the end of the pay period during which the overtime was worked. ~~For employees paid pursuant to section 599.612(b), the authorization must be confirmed through the California State Payroll System.~~ Each state agency shall maintain complete and accurate records of all compensable overtime worked by its employees.

Note: Authority cited: Sections 18502, 19815.4(d), 19843, 19844 and 19849, Government Code. Reference: Sections ~~19824,~~ 19844 and 19851, Government Code.

§ 599.703. Work Week Group 4.

Classes and positions required the establishment of special provisions governing hours of work and methods of compensation for overtime, shall be assigned to one of the following subgroups of Work Week Group 4, which are hereby established:

4A. Classes and positions with a minimum work week of 40 hours. Required work in excess of the minimum work week is compensable as overtime in accordance with the provisions of section 599.704 of these regulations. Compensable overtime may be liquidated by compensating time off. When compensating time off is not practicable, the appointing authority may authorize cash compensation:

4B. Classes and positions with a five-day work week with a minimum average of 40 hours a week during any 12 consecutive pay periods, but no specified maximum number of hours per day. Overtime does not accrue for work performed on a normal work day except as provided by section 599.710 of these regulations. Subject to the provisions of section 599.708 of these regulations, ordered work on a normal day off is compensable by compensating time off on an hour-for-hour basis not to exceed eight hours. Cash payment for ordered work on a normal day off is not permitted except upon authorization by the Department prior to the time the work is performed except as provided by section 599.710 of these regulations.

4C. Classes and positions with a minimum average work week of 40 hours. The regular rate of pay is full compensation for all time that is required for the employee to perform the duties of the position. Except as otherwise provided in Government Code section 19853, hours of work in excess of the minimum average work week are not compensable, and shall not be deemed overtime for which compensating time off is provided within the meaning of Government Code section 19839. If an employee in this subgroup is not required by the appointing power to work a normal workday or part thereof, the employee nevertheless shall receive the regular rate of pay without deduction if the absence does not reduce the employee's average workweek below 40 hours within the 12 pay periods ending with the pay period in which the absence occurred.

4D. Classes and positions having conditions or hours of work that do not fall within the above subgroups. The Department shall establish such special provisions governing hours of work and overtime compensation as the needs of the service shall require.

Note: Authority cited: Sections 18502, 19815.4(d), 19843, 19844 and 19849, Government Code. Reference: Section 19851, Government Code.

~~§ 599.703.1. Salary Assurance — Excluded Employees.~~

~~An excluded employee is defined in section 599.615(b) of these regulations.~~

~~(a) Excluded employees in Work Week Subgroup 4C and those excluded employees in Work Week Subgroup 4D who are not compensated for overtime at one and one-half times their hourly salary rate, shall not have their salary reduced (docked) for absences of less than an entire day.~~

~~Note: Authority cited: Sections 3539.5, 18502, 19815.4(d), 19843 and 19849, Government Code. Reference: Section 19851, Government Code.~~

§ 599.704. Compensable Overtime.

Overtime is compensable by cash or compensating time off, if it meets the following criteria:

- ~~(a) Work Week Group 1: ordered overtime of at least one-quarter hour at any one time.~~
- ~~(b) Work Week Subgroup 4A: ordered overtime of at least one hour at any one time.~~
- ~~(c) Work Week Subgroup 4B: ordered overtime of at least one hour on any normal day off.~~

Overtime will be credited on a one-quarter of an hour basis with a full quarter-hour credit to be granted if half or more of the period is worked. Smaller fractional units will not be accumulated.

Note: Authority cited: Sections 18502, 19815.4(d), 19843, 19844, 19845, 19846, 19847, 19848, 19849 and 19849.1, Government Code. Reference: Sections 19848 and 19851, Government Code.

§ 599.705. Compensating Time Off.

~~(a)~~ The time when compensating time off may be taken shall be at the discretion of the appointing power. ~~If the employee fails to take compensating time off at the time designated by the appointing power, the employee shall have waived the right to compensation for such overtime.~~ When compensating time off is ordered, reasonable advance notice (at least 24 hours) should be provided the employee. ~~Compensation~~ Compensating time off may be taken only in units of time of one-eighth hour or multiple thereof.

~~(a)~~ (b) Compensating time off for employees in Work Week Group ~~4~~ 1-2 shall be earned on an hour for hour or time and one-half basis and may be authorized in lieu of cash compensation. If an employee in Work Week Group ~~4~~ 1-2 is not allowed compensating time off within 12 ~~pay periods~~ calendar months following the pay period in which the overtime was worked payment shall be made for such overtime on the next payroll. Normally, an employee in Work Week Group ~~4~~ 1-2 who has an accumulation of 240 hours ~~or 30 days of authorized overtime~~ shall not be required to work additional overtime.

~~(b)~~ (b) ~~Compensating time off, when authorized for employees in Work Week Group 4, shall be earned on an hour-for-hour basis unless otherwise specified in the work week subgroup. All compensating time off must be granted by the appointing power within the 12 pay periods next following the pay period during which the overtime is worked. Upon failure of the appointing power to grant this compensating time off within the period provided, the employee may appeal to the Department. After hearing such appeal, the Department may order the appointing power to arrange for this time to be taken off before expiration of the nine pay periods from the end of said 12 pay periods and report such arrangement to the Department. At no time may an employee's accumulated overtime exceed 240 hours or 30 days excluding overtime concerning which an appeal is pending. Normally an employee who has an accumulation of 240 hours or 30 days of authorized overtime shall not be required to work additional overtime except in cases of emergency, as such overtime is not compensable.~~

Note: Authority cited: Sections 18502, 19815.4(d), 19843, 19844, 19844.1, 19845, 19846, 19847, 19849 and 19849.1, Government Code. Reference: Sections 19824, 19848 and 19851, Government Code.

§ 599.705.1. Compensating Time Off (CTO) — Excluded Employees.

An excluded employee is defined in section 599.615(b) of these regulations.

(a) Notwithstanding section 599.705 of these regulations, for excluded employees in Work Week Groups ~~1 and 4~~2, the appointing power may, on a case-by-case basis, extend the period in which CTO may be granted by six (6) ~~pay periods~~calendar months. If the CTO balance is not granted within the six (6) ~~pay periods~~calendar months, the provisions of section 599.705 of these regulations shall apply.

(b) Compensating time off for excluded employees in Work Week ~~Subgroup~~Group 4A-2 shall be earned on an hour for hour or time and one-half basis and may be authorized in lieu of cash compensation.

Note: Authority cited: Sections 3539.5, 18502, 19815.4(d), 19843, 19844, ~~19844.1~~, 19845, 19846, 19847, 19849 and 19849.1, Government Code. Reference: Sections ~~19824~~, 19848 and 19851, Government Code.

§ 599.706. Cash Compensation.

~~(a) For employees paid pursuant to section 599.612(a), Employees-employees in Work Week Group 1 or Work Week Subgroup 4A2 may be compensated for compensable overtime by cash compensation. Employees in Work Week Subgroups 4B and 4D, except upon movement between agencies may not receive cash compensation for compensable overtime unless authorized in advance by the Department or sections 599.703 and 599.710 of these regulations. Unless otherwise specified by the Department pursuant to section 599.703 of these regulations, the rate of cash compensation paid for compensable overtime shall either be the hourly equivalent or time and one-half the hourly equivalent of the employee's monthly salary as of the time the overtime was worked, which shall be determined as provided in section 599.670 of these regulations, except that in no event shall the rate of compensation for Work Week Group 4 employees exceed the hourly rate established by the Department.~~

(b) For employees paid pursuant to section 599.612(b), employees in Work Week Group 2 may be compensated for overtime by cash. Unless otherwise specified by the Department, the rate of cash compensation paid for overtime shall either be the hourly equivalent or time and one-half the hourly equivalent of the employee's biweekly salary as of the time the overtime was worked, which shall be determined as provided in section 599.670 of these regulations.

Note: Authority cited: Sections 18502, 19815.4(d), 19843, 19844, 19844.1, 19845, 19846, 19847, 19849 and 19849.1, Government Code. Reference: Sections 19824, 19848 and 19851, Government Code.

§ 599.708. Call Back Time.

(a) ~~When an employee in Work Week Group 1 or Work Week Subgroup 4A2 who has completed a normal work shift, or an employee in Work Week Subgroup 4B or 4D is on an authorized day off, when is ordered back to work, the employee shall be credited with a minimum of four hours' work time provided the call back to work is without having been notified prior to completion of the work shift, or the notification is prior to completion of the work shift and the work begins more than three hours after the completion of the work shift.~~

(b) When such an employee is called back under these conditions within four hours of the beginning of a previous call or an additional call is received while still working on an earlier call back, the employee shall not receive an additional four hours' credit for the new call back.

(c) When such an employee is called back within four hours of the beginning of the employee's next shift, call back credit shall be received only for the hours remaining before the beginning of the employee's next shift.

(d) When staff meetings, training sessions, or work assignments are regularly scheduled on an employee's authorized day off, the employee shall receive call back compensation; when staff meetings and training sessions are regularly scheduled on an employee's normal work day and outside the employee's normal work shift, overtime compensation shall be received in accordance with the regulations governing overtime.

Note: Authority cited: Sections 18502, 19815.4(d) and 19849.1, Government Code. Reference: Sections 19843, 19844, 19845, 19846, 19847, 19848, 19849 and 19851, Government Code.

§ 599.737. Accumulation — Represented Employees.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) If an employee is not permitted to take all of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion up to the prescribed maximum as provided in the applicable Memorandum of Understanding, provided that on January 1st of a calendar year, the employee shall not have more than 30 vacation days for 10 or less years of service or 40 vacation days for more than 10 years of service.

(2) The appointing power may permit an employee to carry over more vacation credits than the prescribed maximum when the employee is prevented from taking vacation because the employee is (1) required to work as a result of fire, flood or other emergency, (2) assigned work of priority or critical nature over an extended period of time, (3) absent on full salary for compensable injury, or (4) prevented by agency regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.

(3) When verification of prior state service requires revisions in vacation credit, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over limitation shall be used within one year following the qualifying monthly pay period in which credited.

(4) An employee separated from service without fault shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the employee has sufficient paid working days to qualify the monthly pay period, vacation with pay shall be given for that monthly pay period.

(5) An employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the employee has sufficient paid working days to qualify the monthly pay period, vacation with pay shall be given for that monthly pay period.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) If an employee is not permitted to take all of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion up to the prescribed maximum as provided in the applicable Memorandum of Understanding.

(2) The appointing power may permit an employee to carry over more vacation credits than the prescribed maximum when the employee is prevented from taking vacation because the employee is (1) required to work as a result of fire, flood or other emergency, (2) assigned work of priority or critical nature over an extended period of time, (3) absent on full salary for compensable injury, or (4) prevented by agency regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.

(3) When verification of prior state service requires revisions in vacation credit, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over limitation shall be used within one year following the qualifying service month in which credited.

(4) An employee separated from service without fault shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the employee has sufficient paid working days to accrue a qualifying service month, vacation with pay shall be given for that qualifying service month.

(5) An employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the employee has sufficient paid working days to accrue a qualifying service month, vacation with pay shall be given for that qualifying service month.

Note: Authority cited: Sections 18502, 19815.4(d), 19856 and 19857, Government Code. Reference: Sections 19824, 19839 and 19857, Government Code.

§ 599.737.5. Voluntary Personal Leave Program — Excluded Employees.

(a) This subsection shall apply to excluded employees paid pursuant to section 599.612(a).

(1) The following Voluntary Personal Leave Program (VPLP) shall be effective for all excluded employees [as defined in ~~Government Code~~ section 3527599.615(b)] who have permanent status and work full-time. As specified below, the VPLP allows eligible employees to receive additional leave time in return for a corresponding reduction in pay.

(~~a~~2) Each agency shall decide whether it will offer the VPLP. Participating agencies will notify employees of any program conditions and procedures ~~that they may establish (e.g., eligibility criteria, maximum carryover credits, operational limitations) for program participation.~~ Employee participation in the program shall be on a voluntary basis, subject to ~~his or her~~their agency's approval.

(~~b~~3) Except for subsection (~~k~~14) below, only permanent full-time employees are eligible to participate in the VPLP. Interested employees may only request either one day (8 hours) or two days (16 hours) Voluntary Personal Leave per month with an equal reduction in pay. Approval or denial of the request shall be at the general discretion of the agency and may vary within an agency. An agency may only approve either one day (8 hours) or two days (16 hours) Voluntary Personal Leave. Salary ranges and rates shall not be affected because of VPLP participation.

(~~e~~4) Participating employees shall be credited with eight (8) or sixteen (16) hours of Voluntary Personal Leave on the first day of the monthly pay period following each month of participation in the VPLP.

(~~d~~5) Once approved, employees must remain in the VPLP for 12 months unless an agency establishes a lesser time period. Once approved for the VPLP, an employee agrees to remain in the program for that time period. In the case of a financial hardship, an employee's request to cancel participation may be approved by an agency on a case-by-case basis. The state reserves the right to cancel the VPLP on an agency, subdivision, or individual basis at any time with 30 days notice to the employee.

(6) The maximum number of accumulated VPLP hours will be set by the Department. When an employee reaches the maximum number of hours set by the Department, the employee shall be removed from the VPLP.

(7) When an employee is removed from the VPLP, the employee may not participate for a minimum of twelve (12) months and the employee is not eligible to re-enroll until the employee's VPLP balance is reduced to a maximum of one hundred twenty (120) hours.

(~~e~~8) Voluntary Personal Leave shall be requested and used by the employee in the same manner as vacation or annual leave. Requests to use Voluntary Personal Leave must be submitted in accordance with agency policies on vacation or annual leave. Employees may not be required to use Voluntary Personal Leave credits.

(~~f~~9) At the discretion of the ~~state~~Department, all or a portion of unused VPLP credits may be cashed out at the employee's salary rate at the time the VPLP payment is made. The application of this cash out provision may differ from agency to agency and from employee to employee. Upon termination from state employment, the employee shall be paid for unused Voluntary Personal Leave credits in the same manner as vacation or annual leave. Cash out or lump sum payment for any Voluntary Personal Leave credits shall not be considered as "compensation" for purposes of retirement.

(~~g~~10) Participating employees shall be entitled to the same level of state employer contributions for health, vision, dental, flex-elect cash option, and enhanced survivor's benefits he or she would have received had they not participated in the VPLP.

(~~h~~11) The VPLP shall not cause a break in state service, a reduction in the employee's accumulation of service credit for the purposes of seniority and retirement, leave accumulation, or a merit salary adjustment.

~~(i12)~~ The VPLP shall neither affect the employee's final compensation used in calculating state retirement benefits nor reduce the level of state death or disability benefits the employee would otherwise receive or be entitled to receive nor shall it affect the employee's ability to supplement those benefits with paid leave.

~~(j13)~~ The VPLP shall be administered consistent with the existing payroll system and the policies and practices of the State Controller's Office.

~~(k14)~~ Employees on Enhanced Disability Leave, Nonindustrial Disability Leave, Industrial Disability Leave or Worker's Compensation for the entire monthly pay period shall be excluded from the VPLP.

~~(t15)~~ Continued participation in the VPLP when an employee transfers to another agency shall be at the discretion of the new agency.

~~(m16)~~ If any dispute arises about this VPLP, an employee may file a grievance under section 599.859 of these regulations.

(b) This subsection shall apply to excluded employees paid pursuant to section 599.612(b).

(1) The following Voluntary Personal Leave Program (VPLP) shall be effective for all excluded employees [as defined in section 599.615(b)] who have permanent status and work full-time. As specified below, the VPLP allows eligible employees to receive additional leave time in return for a corresponding reduction in pay.

(2) Each agency shall decide whether it will offer the VPLP. Participating agencies will notify employees of any program conditions and procedures. Employee participation in the program shall be on a voluntary basis, subject to their agency's approval.

(3) Except for subsection (15) below, only permanent full-time employees are eligible to participate in the VPLP. Interested employees may only request either one-half day (4 hours) or one day (8 hours) Voluntary Personal Leave per biweekly pay period with an equal reduction in pay. Approval or denial of the request shall be at the general discretion of the agency and may vary within an agency. An agency may only approve either one-half day (4 hours) or one day (8 hours) Voluntary Personal Leave. Salary ranges and rates shall not be affected because of VPLP participation.

(4) Participating employees shall be credited with four (4) or eight (8) hours of Voluntary Personal Leave on the first day of the biweekly pay period following each pay period of participation in the VPLP.

(5) Each calendar year, the Department will designate two biweekly pay periods that are ineligible for VPLP participation. During these designated pay periods there will be no salary reduction and no VPLP hours accrued.

(6) Once approved, employees must remain in the VPLP for 52 weeks unless an agency establishes a lesser time period. Once approved for the VPLP, an employee agrees to remain in the program for that time period. In the case of a financial hardship, an employee's request to cancel participation may be approved by an agency on a case-by-case basis. The state reserves the right to cancel the VPLP on an agency, subdivision, or individual basis at any time with 30 days notice to the employee.

(7) The maximum number of accumulated VPLP hours will be set by the Department. When an employee reaches the maximum number of hours set by the Department, the employee shall be removed from the VPLP.

(8) When an employee is removed from the VPLP, the employee may not participate for a minimum of twelve (12) months and the employee is not eligible to re-enroll until the employee's VPLP balance is reduced to a maximum of one hundred twenty (120) hours.

(9) Voluntary Personal Leave shall be requested and used by the employee in the same manner as vacation or annual leave. Requests to use Voluntary Personal Leave must be submitted in accordance with agency policies on vacation or annual leave. Employees may not be required to use Voluntary Personal Leave credits.

(10) At the discretion of the Department, all or a portion of unused VPLP credits may be cashed out at the employee's salary rate at the time the VPLP payment is made. The application of this cash out provision may differ from agency to agency and from employee to employee. Upon termination from state employment, the employee shall be paid for unused Voluntary Personal Leave credits in the same manner as vacation or annual leave. Cash out or lump sum payment for any Voluntary Personal Leave credits shall not be considered as "compensation" for purposes of retirement.

(11) Participating employees shall be entitled to the same level of state employer contributions for health, vision, dental, flex-elect cash option, and enhanced survivor's benefits he or she would have received had they not participated in the VPLP.

(12) The VPLP shall not cause a break in state service, a reduction in the employee's accumulation of service credit for the purposes of seniority and retirement, leave accumulation, or a merit salary adjustment.

(13) The VPLP shall neither affect the employee's final compensation used in calculating state retirement benefits nor reduce the level of state death or disability benefits the employee would otherwise receive or be entitled to receive nor shall it affect the employee's ability to supplement those benefits with paid leave.

(14) The VPLP shall be administered consistent with the California State Payroll System and the policies and practices of the State Controller's Office.

(15) Employees on Enhanced Disability Leave, Nonindustrial Disability Leave, Industrial Disability Leave or Worker's Compensation for the entire biweekly pay period shall be excluded from the VPLP.

(16) Continued participation in the VPLP when an employee transfers to another agency shall be at the discretion of the new agency.

(17) If any dispute arises about this VPLP, an employee may file a grievance under section 599.859 of these regulations.

Note: Authority cited: Sections 3539.5 and 18502, Government Code. Reference: Sections 19824 and 19996.3, Government Code.

§ 599.738. Accumulation — Excluded Employees.

An excluded employee is defined in section 599.615(b) of these regulations.

(a) This subsection shall apply to excluded employees paid pursuant to section 599.612(a).

(a1) The excluded employee may accumulate the unused portion of vacation credit, provided that on January 1st of a calendar year, the excluded employee shall not have more than 640 hours. ~~80 vacation days.~~

(b2) The appointing power may permit an excluded employee to carry over more vacation credits than the prescribed maximum when the excluded employee is prevented from taking vacation because the excluded employee is: (1) required to work as a result of fire, flood or other emergency, (2) assigned work of priority or critical nature over an extended period, (3) absent on full salary for compensable injury, or (4) prevented by the agency's regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.

(c3) When verification of prior state service requires revisions in vacation credits the excluded employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying monthly pay period in which credited.

(d4) An excluded employee separated from service without fault, shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the excluded employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the excluded employee has sufficient paid working days to qualify the monthly pay period, vacation with pay shall be given for that monthly pay period.

(e5) An excluded employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the excluded employee has sufficient paid working days to qualify the monthly pay period, vacation pay shall be given for that monthly pay period.

(b) This subsection shall apply to excluded employees paid pursuant to section 599.612(b).

(1) The excluded employee may accumulate the unused portion of vacation credit, provided that on January 1st of a calendar year, the excluded employee shall not have more than 640 hours.

(2) The appointing power may permit an excluded employee to carry over more vacation credits than the prescribed maximum when the excluded employee is prevented from taking vacation because the excluded employee is: (1) required to work as a result of fire, flood or other emergency, (2) assigned work of priority or critical nature over an extended period, (3) absent on full salary for compensable injury, or (4) prevented by the agency's regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.

(3) When verification of prior state service requires revisions in vacation credits the excluded employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying service month in which credited.

(4) An excluded employee separated from service without fault, shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the excluded employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the excluded employee has sufficient paid working days to qualify the calendar month, vacation with pay shall be given for that calendar month.

(5) An excluded employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the excluded employee has sufficient paid working days to qualify the calendar month, vacation pay shall be given for that calendar month.

Note: Authority cited: Sections 3539.5, 18502, 19815.4(d), 19856 and 19857, Government Code. Reference: Sections 19824 and 19839, Government Code.

§ 599.739. Credit for Full-Time Employment.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) On the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations, each full-time employee in the state civil service shall be allowed five days of credit for vacation with pay. Thereafter, for each additional qualifying monthly pay period as defined in section 599.608(a) of these regulations the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period as follows:

| <i>Length of Service</i> | <i>Vacation Allowance</i> |
|--|---------------------------------|
| 7 months through 36 months (3 years) | $\frac{5}{6}$ day per month |
| 37 months through 120 months (10 years) | 1 $\frac{1}{4}$ days per month |
| 121 months through 180 months (15 years) | 1 $\frac{5}{12}$ days per month |
| 181 months through 288 months (24 years) | 1 $\frac{7}{12}$ days per month |
| 289 months and over | 1 $\frac{2}{3}$ days per month |

(2) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated.

(3) An employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the monthly pay period following completion of one qualifying monthly pay period of service after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

(4) An employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations after return. The credit received for these six monthly pay periods and for each additional qualifying monthly pay period of service thereafter shall be in accordance with the schedule of vacation allowance as determined by the total service before and after the absence.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) On the first day of the calendar month following completion of six months of continuous service as defined in section 599.608(b) of these regulations, each full-time employee in the state civil service shall be allowed five days of credit for vacation with pay. Thereafter, for each additional qualifying service month as defined in section 599.608(b) of these regulations the employee shall be allowed credit for vacation with pay on the first day of the following calendar month as follows:

| <i>Length of Service</i> | <i>Vacation Allowance</i> |
|--|---------------------------------|
| 7 months through 36 months (3 years) | $\frac{5}{6}$ day per month |
| 37 months through 120 months (10 years) | 1 $\frac{1}{4}$ days per month |
| 121 months through 180 months (15 years) | 1 $\frac{5}{12}$ days per month |
| 181 months through 288 months (24 years) | 1 $\frac{7}{12}$ days per month |
| 289 months and over | 1 $\frac{2}{3}$ days per month |

(2) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying service months before and after breaks in service shall be counted. Portions of non-qualifying calendar months shall not be counted nor accumulated.

(3) An employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the calendar month following completion of one qualifying service month after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

(4) An employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the calendar month following completion of six continuous months of service as defined in section 599.608(b) of these regulations after return. The credit received for these six qualifying service months and for each additional qualifying service month thereafter shall be in accordance with the schedule of vacation allowance as determined by the total service before and after the absence.

Note: Authority cited: Sections 18502, 19143, 19815.4(d), 19856, 19857 and 19858.2, Government Code.

Reference: Sections 19824, 19856.1, 19858.1, 19780, 19782, 19783 and 19996, Government Code.

§ 599.739.1. Credit for Full-Time Employment — Excluded Employees.

An excluded employee is defined in section 599.615(b) of these regulations.

(a) This subsection shall apply to excluded employees paid pursuant to section 599.612(a).

(a1) On the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations, each full-time excluded employee in the state civil service shall be allowed 42 hours of credit for vacation with pay. Thereafter, for each additional qualifying monthly pay period as defined in section 599.608(a) of these regulations, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period as follows:

| <i>Length of Service</i> | <i>Vacation Allowance</i> |
|--|---|
| 7 months through 36 months (3 years) | $\frac{7}{8}$ days per month (7 hours) |
| 37 months through 120 months (10 years) | 1 $\frac{3}{8}$ days per month (11 hours) |
| 121 months through 180 months (15 years) | 1 $\frac{5}{8}$ days per month (13 hours) |
| 181 months through 240 months (20 years) | 1 $\frac{3}{4}$ days per month (14 hours) |
| 241 months through 300 months (25 years) | 1 $\frac{7}{8}$ days per month (15 hours) |
| 301 months and over | 2 days per month (16 hours) |

(b2) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated.

(c3) An excluded employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the monthly pay period following completion of one qualifying monthly pay period of service after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

(d4) An excluded employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations after return. The credit received for these six monthly pay periods and for each additional qualifying monthly pay period of service thereafter shall be in accordance with the schedule of vacation allowance as determined by the total service before and after the absence.

(b) This subsection shall apply to excluded employees paid pursuant to section 599.612(b).

(1) On the first day of the calendar month following completion of six months of continuous service as defined in section 599.608(b) of these regulations, each full-time excluded employee in the state civil service shall be allowed 42 hours of credit for vacation with pay. Thereafter, for each additional qualifying service month as defined in section 599.608(b) of these regulations, the employee shall be allowed credit for vacation with pay on the first day of the following calendar month as follows:

| <i>Length of Service</i> | <i>Vacation Allowance</i> |
|--|---|
| 7 months through 36 months (3 years) | $\frac{7}{8}$ days per month (7 hours) |
| 37 months through 120 months (10 years) | 1 $\frac{3}{8}$ days per month (11 hours) |
| 121 months through 180 months (15 years) | 1 $\frac{5}{8}$ days per month (13 hours) |

| | |
|--|-------------------------------|
| 181 months through 240 months (20 years) | 1 ¾ days per month (14 hours) |
| 241 months through 300 months (25 years) | 1 ⅞ days per month (15 hours) |
| 301 months and over | 2 days per month (16 hours) |

(2) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying service months before and after breaks in service shall be counted. Portions of non-qualifying months shall not be counted nor accumulated.

(3) An excluded employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the calendar month following completion of one qualifying service month after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

(4) An excluded employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the calendar month following completion of six months of continuous service as defined in section 599.608(b) of these regulations after return. The credit received for these six qualifying service months and for each additional qualifying service month thereafter shall be in accordance with the schedule of vacation allowance as determined by the total service before and after the absence.

Note: Authority cited: Sections 18502, 19815.4(d), 19856, 19857 and 19858.2, Government Code. Reference: Sections 19824, 19856.1, 19858.1, 19780, 19782, 19783 and 19996, Government Code.

§ 599.740. Credit for Less Than Full-Time Employment.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

~~(a1)~~ Intermittent Employees. On the first day of the monthly pay period following completion of 960 hours or 120 days of paid employment, each intermittent employee in the state civil service shall be allowed six qualifying monthly pay periods credit for vacation with pay in accordance with the schedule in section 599.739(a) of these regulations. Thereafter, on the first day of the monthly pay period following additional service of 160 hours or 20 days, the employee shall be allowed days of vacation credit in accordance with the schedule in section 599.739(a) of these regulations. The hours or days worked in excess of 160 hours or 20 days in a monthly period shall not be counted or accumulated.

~~(b2)~~ Part-Time Employees. On the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of six qualifying monthly pay periods credit for vacation with pay in accordance with the schedule in section 599.739(a) of these regulations except that fractions of hours which do not equal one-third hour shall be adjusted to the next higher one-third hour. Thereafter, on the first day of the monthly pay period following accumulated service equal to one qualifying monthly pay period of full-time service, the employees shall be allowed vacation credit on a pro rata basis which corresponds to the employee's time base in accordance with the schedule in section 599.739(a) of these regulations.

~~(c3)~~ Computing Service. When computing months of total state service to determine a change in the days of credit for vacation with pay, part-time service shall be accumulated until it is equal to one month of full-time service (e.g., for ½ time, two months equal one month; for ⅓ time, eight months equal one month) and intermittent service shall be converted with 160 hours or 20 days equal to one qualifying monthly pay period but any hours or days worked in excess of 160 hours or 20 days in a monthly pay period shall not be accumulated. When any employee changes time base to other than full-time, service under each time base shall be accumulated until it equals one month of full-time service. When an employee has a break in service or changes to full-time, any time worked which does not equal one month of full-time service shall not be accumulated or counted.

~~(A)~~ To determine when an employee qualifies for vacation credits after a break in service as provided in section 599.739(a) of these regulations the one qualifying monthly pay period and six qualifying monthly pay periods shall be computed using the same method and approach set forth in subsections (a)(1) and ~~(ba)(2)~~ of this regulation.

~~(d4)~~ Multiple Positions. Under this regulation:

~~(1A)~~ An employee holding a position in addition to other full-time employment with the state shall not receive credit for vacation with pay for service in the additional position.

~~(2B)~~ Where an employee holds two or more less than full-time positions, the time worked in each position shall be combined for purposes of computing credits for vacation with pay but such credits shall not exceed full-time employment credit.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Intermittent Employees. On the first day of the calendar month following completion of 960 hours or 120 days of paid employment, each intermittent employee in the state civil service shall be allowed six qualifying service months credit for vacation with pay in accordance with the schedule in section 599.739(b) of these regulations. Thereafter, on the first day of the calendar month following additional service of 160 hours or 20 days, the employee shall be allowed days of vacation credit in accordance with the schedule in section 599.739(b) of these regulations. The hours or days worked in excess of 160 hours or 20 days in a calendar month shall not be counted or accumulated.

(2) Part-Time Employees. On the first day of the calendar month following completion of six months of continuous service as defined in section 599.608(b) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of six qualifying service months credit for vacation with pay in accordance with the schedule in section 599.739(b) of these regulations except that fractions of hours which do not equal one-third hour shall be adjusted to the next higher one-third hour. Thereafter, on the first day of the calendar month following accumulated service equal to one qualifying service month of full-time service, the employees shall be allowed vacation credit on a pro rata basis which corresponds to the employee's time base in accordance with the schedule in section 599.739(b) of these regulations.

(3) Computing Service. When computing months of total state service to determine a change in the days of credit for vacation with pay, part-time service shall be accumulated until it is equal to one month of full-time service (e.g., for ½ time, two months equal one month; for ⅓ time, eight months equal one month) and intermittent service shall be converted with 160 hours or 20 days equal to one qualifying service month but any hours or days worked in excess of 160 hours or 20 days in a qualifying service month shall not be accumulated. When any employee changes time base to other than full-time, service under each time base shall be accumulated until it equals one month of full-time service. When an employee has a break in service or changes to full-time, any time worked which does not equal one month of full-time service shall not be accumulated or counted.

(A) To determine when an employee qualifies for vacation credits after a break in service as provided in section 599.739(b) of these regulations the one qualifying service month and six qualifying service months shall be computed using the same method and approach set forth in subsections (b)(1) and (b)(2) of this regulation.

(4) Multiple Positions. Under this regulation:

(A) An employee holding a position in addition to other full-time employment with the state shall not receive credit for vacation with pay for service in the additional position.

(B) Where an employee holds two or more less than full-time positions, the time worked in each position shall be combined for purposes of computing credits for vacation with pay but such credits shall not exceed full-time employment credit.

Note: Authority cited: Sections 18502, 19815.4(d), 19856, 19857 and 19858.2, Government Code. Reference: Sections 19824 and 19856.1, Government Code.

§ 599.746. Credit for Full-Time Employment.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) On the first day of the monthly pay period following completion of each monthly pay period of continuous service as defined in section 599.608(a) of these regulations, each full-time employee in the state civil service shall be allowed one day of credit for sick leave with pay.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) On the first day of the calendar month following completion of each month of continuous service as defined in section 599.608(b) of these regulations, each full-time employee in the state civil service shall be allowed one day of credit for sick leave with pay.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19824 and 19859, Government Code.

§ 599.747. Credit for Less Than Full-Time Employment.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1a) Intermittent Employees. On the first day of the monthly pay period following completion of each period of 160 hours or 20 days of paid employment, each intermittent employee in the state civil service shall be allowed one day of credit for sick leave with pay. The hours or days worked in excess of 160 hours or 20 days in a monthly pay period shall not be counted or accumulated.

(2b) Part-time Employees. On the first day of the monthly pay period following completion of each monthly pay period of continuous service as defined in section 599.608(a) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of one day of credit for sick leave with pay.

(3e) Multiple Positions. Under this regulation:

(A4) An employee holding a position in addition to other full-time employment with the state shall not receive credit for sick leave with pay for service in the additional position.

(B2) Where an employee holds two or more less than full-time positions, the time worked in each position shall be combined for purposes of computing credits for sick leave with pay but such credits shall not exceed full-time employment credit.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Intermittent Employees. On the first day of the calendar month following completion of each period of 160 hours or 20 days of paid employment, each intermittent employee in the state civil service shall be allowed one day of credit for sick leave with pay. The hours or days worked in excess of 160 hours or 20 days in a calendar month shall not be counted or accumulated.

(2) Part-time Employees. On the first day of the calendar month following completion of each month of continuous service as defined in section 599.608(b) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of one day of credit for sick leave with pay.

(3) Multiple Positions. Under this regulation:

(A) An employee holding a position in addition to other full-time employment with the state shall not receive credit for sick leave with pay for service in the additional position.

(B) Where an employee holds two or more less than full-time positions, the time worked in each position shall be combined for purposes of computing credits for sick leave with pay, but such credits shall not exceed full-time employment credit.

Note: Authority cited: Sections 18502, 19815.4(d), 19859, 19860 and 19861, Government Code. Reference: Sections 19824 and 19862, Government Code.

§ 599.752. Annual Leave Program.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

~~(a)~~ Pursuant to Government Code section 19858.3, eligible employees may elect to enroll in the Annual Leave Program to receive annual leave credit in lieu of sick leave and vacation benefits. Employees may elect to enroll in the Sick/Vacation Leave Program or the Annual Leave Program at any time except that once an employee voluntarily elects to enroll in either the Annual Leave Program or Sick/Vacation Leave Program, the employee may not elect to enroll in the other program until 24 months has elapsed from the date of enrollment.

(2) Current employees who enroll in annual leave shall have accumulated vacation hours converted to annual leave credits on an hour for hour basis and begin accruing annual leave in accordance with the leave accrual schedule specified in subsection ~~(d)~~(a)(4). Sick leave credits accumulated in accordance with section 599.746(a) of these regulations shall continue to be available for approved sick leave purposes.

~~(b)~~(3) Employees newly appointed to a class with a designation that is excluded from the definition of state employee under Government Code section 3513(c) shall be eligible to enroll in the Annual Leave Program or the Sick/Vacation program irrespective of the date the employee last elected to change from either program.

~~(e)~~(4) On the first day following a qualifying monthly pay period, as defined in section 599.608(a) of these regulations, employees identified in Government Code section 19858.3(a), 19858.3(b), or 19858.3(c) or subsection (a)(1) above, as it applies to employees excluded from the definition of state employee under Government Code section 3513(c), and appointees of the Governor as designated by the Department and not subject to section 599.752.1(a) of these regulations shall be allowed credit for annual leave with pay as follows:

| <i>Length of Service</i> | <i>Annual Leave Allowance</i> |
|---|-------------------------------|
| 1 month through 120 months (10 yrs.) | 15 hours per month |
| 121 months through 180 months (15 yrs.) | 17 hours per month |
| 181 months through 240 months (20 yrs.) | 18 hours per month |
| 241 months through 300 months (25 yrs.) | 19 hours per month |
| 301 months and over | 20 hours per month |

(A) Other participating employees will accrue leave based on the schedule provided in Government Code section 19858.4.

~~(d)~~(5) The employee may accumulate the unused portion of annual leave credit, provided that on January 1st of a calendar year, the employee shall not have more than 640 annual leave hours~~80 annual leave days~~.

(A) Except as provided for in section 599.742.1 of these regulations, exceptions to carry over more than the prescribed maximum will be allowed only when the employee is prevented from taking annual leave because the employee is (1) required to work as a result of fire, flood or other emergency, or (2) absent on full salary for compensable injury. Such exceptions must be approved in advance by the Department.

(B) When verification of prior state service requires revisions in annual leave credits, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying monthly pay period in which credited.

~~(e)~~(6) Annual leave credits may be used for any approved absence. When annual leave is used for sick leave purposes as defined under 599.745 and 599.745.1, the appointing power may require the employee to submit substantiating evidence including, but not limited to, a physician's certificate. If the appointing power does not consider the evidence adequate, the request for the use of annual leave for sick leave may be disapproved. Denials

of use of annual leave for sick leave may be appealed to the appointing power. Use of annual leave shall be in 30-minute increments for approved absences.

(f7) In the event the appointing power does not approve annual leave for an employee sufficient to reduce accumulated annual leave to the amount permitted by this section as of January 1, the employee may take, as a matter of right, immediately preceding January 1, the number of days of accumulated annual leave required to reduce such accumulation to the amount permitted by this regulation.

(g8) Except as herein provided, vacation sections 599.738 through 599.741 of these regulations governing separation from state service without fault; credit for part-time and intermittent employment; credit for employees returning to state service after absence by temporary or permanent separation; computing state service for full-time, part-time, intermittent and employees holding multiple positions; and transfers of accumulated credit shall apply to annual leave.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Pursuant to Government Code section 19858.3, eligible employees may elect to enroll in the Annual Leave Program to receive annual leave credit in lieu of sick leave and vacation benefits. Employees may elect to enroll in the Sick/Vacation Leave Program or the Annual Leave Program at any time except that once an employee voluntarily elects to enroll in either the Annual Leave Program or Sick/Vacation Leave Program, the employee may not elect to enroll in the other program until 24 months has elapsed from the date of enrollment.

(2) Current employees who enroll in annual leave shall have accumulated vacation hours converted to annual leave credits on an hour for hour basis and begin accruing annual leave in accordance with the leave accrual schedule specified in subsection (b)(4). Sick leave credits accumulated in accordance with section 599.746(b) of these regulations shall continue to be available for approved sick leave purposes.

(3) Employees newly appointed to a class with a designation that is excluded from the definition of state employee under Government Code section 3513(c) shall be eligible to enroll in the Annual Leave Program or the Sick/Vacation program irrespective of the date the employee last elected to change from either program.

(4) On the first day following a qualifying service month, as defined in section 599.608(b) of these regulations, employees identified in Government Code section 19858.3(a), 19858.3(b), or 19858.3(c) or subsection (b)(1) above, as it applies to employees excluded from the definition of state employee under Government Code section 3513(c), and appointees of the Governor as designated by the Department and not subject to section 599.752.1(b) of these regulations shall be allowed credit for annual leave with pay as follows:

| <u>Length of Service</u> | <u>Annual Leave Allowance</u> |
|--|-------------------------------|
| <u>1 month through 120 months (10 yrs.)</u> | <u>15 hours per month</u> |
| <u>121 months through 180 months (15 yrs.)</u> | <u>17 hours per month</u> |
| <u>181 months through 240 months (20 yrs.)</u> | <u>18 hours per month</u> |
| <u>241 months through 300 months (25 yrs.)</u> | <u>19 hours per month</u> |
| <u>301 months and over</u> | <u>20 hours per month</u> |

(A) Other participating employees will accrue leave based on the schedule provided in Government Code section 19858.4.

(5) The employee may accumulate the unused portion of annual leave credit, provided that on January 1st of a calendar year, the employee shall not have more than 640 annual leave hours.

(A) Except as provided for in section 599.742.1 of these regulations, exceptions to carry over more than the prescribed maximum will be allowed only when the employee is prevented from taking annual leave because the

employee is (1) required to work as a result of fire, flood or other emergency, or (2) absent on full salary for compensable injury. Such exceptions must be approved in advance by the Department.

(B) When verification of prior state service requires revisions in annual leave credits, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying service month in which credited.

(6) Annual leave credits may be used for any approved absence. When annual leave is used for sick leave purposes as defined under 599.745 and 599.745.1, the appointing power may require the employee to submit substantiating evidence including, but not limited to, a physician's certificate. If the appointing power does not consider the evidence adequate, the request for the use of annual leave for sick leave may be disapproved. Denials of use of annual leave for sick leave may be appealed to the appointing power. Use of annual leave shall be in 30-minute increments for approved absences.

(7) In the event the appointing power does not approve annual leave for an employee sufficient to reduce accumulated annual leave to the amount permitted by this section as of January 1, the employee may take, as a matter of right, immediately preceding January 1, the number of days of accumulated annual leave required to reduce such accumulation to the amount permitted by this regulation.

(8) Except as herein provided, vacation sections 599.738 through 599.741 of these regulations governing separation from state service without fault; credit for part-time and intermittent employment; credit for employees returning to state service after absence by temporary or permanent separation; computing state service for full-time, part-time, intermittent and employees holding multiple positions; and transfers of accumulated credit shall apply to annual leave.

Note: Authority cited: Sections 3517.8, 18502, 19143 and 19815.4(d), Government Code. Reference: Sections 19780, 19782, 19783, 19824, 19839, 19858.3, 19858.4 and 19996, Government Code.

§ 599.752.1. Annual Paid Leave — Board, Commission and Panel Members.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(a1) Pursuant to Government Code section 19849.16 and effective July 2, 1991, nonelected members of state boards, commissions, and panels whose annual salaries are fixed by law as designated in subsection (ga)(7) shall choose and accrue annual leave or vacation and sick credits in accordance with the leave accrual schedules specified in subsection (ba)(2). Employees accruing paid leave under vacation or annual leave programs established by Government Code sections 19856 or 19858.3 are not eligible under this section.

(b2) On the first day following a qualifying monthly pay period, as defined in section 599.608(a) of these regulations, the employee shall be allowed credit for leave with pay as follows:

| <i>Length of Service</i> | <i>Annual Leave Allowance</i> |
|---|-------------------------------|
| 1 month through 120 months (10 yrs.) | 15 hours per month |
| 121 months through 180 months (15 yrs.) | 17 hours per month |
| 181 months through 240 months (20 yrs.) | 18 hours per month |
| 241 months through 300 months (25 yrs.) | 19 hours per month |
| 301 months and over | 20 hours per month |

(A) Employees choosing annual leave receive a nonindustrial disability benefit as provided in section 599.776 of these regulations.

| <i>Length of Service</i> | <i>Vacation Allowance</i> |
|--------------------------|---------------------------|
| 1 month to 3 years | 7 hours per month |
| 37 months to 10 years | 11 hours per month |
| 121 months to 15 years | 13 hours per month |
| 181 months to 20 years | 14 hours per month |
| 241 months to 25 years | 15 hours per month |
| 301 months and over | 16 hours per month |

(B) Employees choosing vacation credit in lieu of annual leave shall receive sick leave credit as provided in Government Code section 19859, and a nonindustrial disability benefit as provided in sections 599.777 and 599.778 of these regulations.

(c3) Effective July 2, 1991, or upon appointment, whichever is later, eligible employees may be credited in advance with one year's accrual at the appropriate rate. No further credit will be earned during the first twelve months of service. Annual leave or vacation credit advanced may not be used for lump-sum payment or buy back under section 599.752.3 of these regulations. Sick leave credit advanced may not be converted to service credit for retirement purposes.

(d4) When computing months of total service to determine the monthly credit for leave with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. Portions of non-qualifying monthly pay periods of service shall not be counted or accumulated.

(e5) Vacation, annual leave, and sick leave credits previously earned in accordance with applicable Department regulations shall continue to be available for leave purposes.

(f6) Employees subject to this section receive a nonindustrial disability benefit as provided in section 599.776 of these regulations. The selection of either of the paid leave programs by the employee is irrevocable during their term(s) of office under this section.

(g7) Eligible members of the following boards, commissions, and panels are subject to the provisions of this section: Agricultural Labor Relations Board, Board of ~~Prison Terms~~ Parole Hearings, Cannabis Control Appeals Panel, Energy Commission, Fair Political Practices Commission (Chairperson only), Occupational Safety and Health Act Appeals Board, Public Employment Relations Board, Public Utilities Commission, Unemployment Insurance Appeals Board, Water Resources Control Board, and the Workers' Compensation Appeals Board, ~~and the Youthful Offender Parole Board.~~

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Pursuant to Government Code section 19849.16 and effective July 2, 1991, nonelected members of state boards, commissions, and panels whose annual salaries are fixed by law as designated in subsection (b)(7) shall choose and accrue annual leave or vacation and sick credits in accordance with the leave accrual schedules specified in subsection (b)(2). Employees accruing paid leave under vacation or annual leave programs established by Government Code sections 19856 or 19858.3 are not eligible under this section.

(2) On the first day following a qualifying service month, as defined in section 599.608 (b) of these regulations, the employee shall be allowed credit for leave with pay as follows:

| <u>Length of Service</u> | <u>Annual Leave Allowance</u> |
|--|-------------------------------|
| <u>1 month through 120 months (10 yrs.)</u> | <u>15 hours per month</u> |
| <u>121 months through 180 months (15 yrs.)</u> | <u>17 hours per month</u> |
| <u>181 months through 240 months (20 yrs.)</u> | <u>18 hours per month</u> |
| <u>241 months through 300 months (25 yrs.)</u> | <u>19 hours per month</u> |
| <u>301 months and over</u> | <u>20 hours per month</u> |

(A) Employees choosing annual leave receive a nonindustrial disability benefit as provided in section 599.776 of these regulations.

| <u>Length of Service</u> | <u>Vacation Allowance</u> |
|-------------------------------|---------------------------|
| <u>1 month to 3 years</u> | <u>7 hours per month</u> |
| <u>37 months to 10 years</u> | <u>11 hours per month</u> |
| <u>121 months to 15 years</u> | <u>13 hours per month</u> |
| <u>181 months to 20 years</u> | <u>14 hours per month</u> |
| <u>241 months to 25 years</u> | <u>15 hours per month</u> |
| <u>301 months and over</u> | <u>16 hours per month</u> |

(B) Employees choosing vacation credit in lieu of annual leave shall receive sick leave credit as provided in Government Code section 19859, and a nonindustrial disability benefit as provided in sections 599.777 and 599.778 of these regulations.

(3) Effective July 2, 1991, or upon appointment, whichever is later, eligible employees may be credited in advance with one year's accrual at the appropriate rate. No further credit will be earned during the first twelve months of service. Annual leave or vacation credit advanced may not be used for lump-sum payment or buy back under section 599.752.3 of these regulations. Sick leave credit advanced may not be converted to service credit for retirement purposes.

(4) When computing total months to determine the monthly credit for leave with pay, only qualifying service months before and after breaks in service shall be counted. Portions of non-qualifying service months shall not be counted or accumulated.

(5) Vacation, annual leave, and sick leave credits previously earned in accordance with applicable Department regulations shall continue to be available for leave purposes.

(6) Employees subject to this section receive a nonindustrial disability benefit as provided in section 599.776 of these regulations. The selection of either of the paid leave programs by the employee is irrevocable during their term(s) of office under this section.

(7) Eligible members of the following boards, commissions, and panels are subject to the provisions of this section: Agricultural Labor Relations Board, Board of Parole Hearings, Cannabis Control Appeals Panel, Energy Commission, Fair Political Practices Commission (Chairperson only), Occupational Safety and Health Act Appeals Board, Public Employment Relations Board, Public Utilities Commission, Unemployment Insurance Appeals Board, Water Resources Control Board, and the Workers' Compensation Appeals Board.

Note: Authority cited: Sections 11553.5, 18502, 19815.4(d), 19849.13 and 19849.16, Government Code.

Reference: Sections 19824, 19849.13 and 19849.16, Government Code.

§ 599.752.2. Absence Reports — Board and Commission Members.

(a) Each pay period an employee accruing paid leave under section 599.752.1 of these regulations shall submit an Absence and Additional Time Worked Report (Std. Form 634) or comparable attendance and absence report to the appointing authority providing personnel and payroll processing services. All absences during the pay period must be reported. If no absences occurred, a statement so indicating must be made on the form. Annual leave or vacation credits may be used for any absence. Sick leave credits may only be used as provided by Department regulations.

(b) If sufficient leave credit is not available to offset an employee's absences the appointing authority shall reduce the employee's salary for any absence of a full day or more in an amount equal to the time absent.

(c) The appointing authority providing personnel and payroll processing service shall keep proper records and schedules of leave accumulated and used and shall make reports thereof to the Department upon request.

Note: Authority cited: Sections 3517.8, 18502, 19815.4(d) and 19849.16, Government Code. Reference: Sections 19824 and 19849.16, Government Code.

§ 599.752.3. Lump-Sum and Partial Salary Payments — Board and Commission Members.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(a1) Upon separation from service an employee accruing paid leave under section 599.752.1(a) of these regulations is entitled to a lump-sum payment for any unused annual leave or vacation accumulated. The computation of the sum shall be based on actual accumulated time on the date of separation.

(b2) The employee may annually elect to be paid at their regular rate of pay for unused annual leave or vacation credits subject to the provisions of section 599.744 of these regulations.

(c3) Effective January 1, 1994 An employee separating from service shall receive lump-sum payment of their accumulated annual leave, vacation, and personal leave credits based on monthly employment as defined in section 599.669(a) of these regulations.

(d4) Partial month salary payments shall be calculated based on monthly employment as defined in section 599.669(a) of these regulations.

(e5) Lump-sum payment for unused annual leave, vacation, or personal leave credits earned by the employee in civil service and/or exempt positions prior to appointment as a board or commission member shall be at the regular rate of pay for the position and classification in which paid leave was last earned prior to appointment to the board or commission.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Upon separation from service an employee accruing paid leave under section 599.752.1(b) of these regulations is entitled to a lump-sum payment for any unused annual leave or vacation accumulated. The computation of the sum shall be based on actual accumulated time on the date of separation.

(2) The employee may annually elect to be paid at their regular rate of pay for unused annual leave or vacation credits subject to the provisions of section 599.744 of these regulations.

(3) An employee separating from service shall receive lump-sum payment of their accumulated annual leave, vacation, and personal leave credits based on biweekly employment as defined in section 599.669(b) of these regulations.

(4) Partial salary payments shall be calculated based on biweekly employment as defined in section 599.669(b) of these regulations.

(5) Lump-sum payment for unused annual leave, vacation, or personal leave credits earned by the employee in civil service and/or exempt positions prior to appointment as a board or commission member shall be at the regular rate of pay for the position and classification in which paid leave was last earned prior to appointment to the board or commission.

Note: Authority cited: Sections 3517.8, 18502, 19815.4(d), 19849.13 and 19849.16, Government Code. Reference: Sections 19824, 19849.13 and 19849.16, Government Code.

§ 599.770. Eligibility.

(a) State employees, as designated in Government Code section 19878, who become disabled due to injury, illness, or pregnancy, within the meaning of Government Code section 19878, while in compensated employment, shall be eligible to receive Nonindustrial Disability Insurance benefits. In order to receive Nonindustrial Disability Insurance benefits, an employee shall meet the following eligibility requirements:

(a1) Be a current active Public Employees' Retirement System member or State Teachers' Retirement System member; or a full-time state officer or employee of the Legislature.

(b2) Be a full-time permanent or probationary state employee; or a part-time or intermittent permanent or probationary state officer or employee with:

(A) For employees paid pursuant to section 599.612(a), at least the equivalent of six monthly compensated pay periods of service in the 18 pay periods immediately preceding the pay period in which the disability begins.

(B) For employees paid pursuant to section 599.612(b), at least the equivalent of six compensated calendar months in the 18 calendar months immediately preceding the calendar month in which the disability begins.

(c3) Serve a seven consecutive calendar day waiting period for each spell of disability. The waiting period may be waived commencing with the first full day of confinement in a hospital or nursing home.

(d4) Exhaust all accrued sick leave.

(e5) Submit to an independent medical examination as the Employment Development Department may require.

(f6) File the appropriate certificate as described in Unemployment Insurance Code sections 2708 and 2709.

(g7) Meet all other eligibility requirements as provided in part 2 of the Unemployment Insurance Code.

(b) An employee may elect to use vacation leave credits prior to receiving Nonindustrial Disability Insurance benefits; however, Nonindustrial Disability Insurance benefits shall not commence thereafter until the employee totally exhausts the accrued vacation leave balance. An employee may at any time switch from Nonindustrial Disability Insurance benefits to vacation leave.

Note: Authority cited: Sections 18502, 19815.4(d) and 19885, Government Code. Reference: Sections 19824, 19878, 19880 and 19880.1, Government Code.

§ 599.772. Calculation of Benefit.

The employee's salary rate on the day of the ~~monthly~~ pay period in which Nonindustrial Disability Insurance benefits are compensable shall be used to compute Nonindustrial Disability Insurance payments. Thereafter payment shall not be modified to reflect any salary adjustments, which the employee would have received had the disability not occurred.

Note: Authority cited: Sections 18502, 19815.4(d) and 19885, Government Code. Reference: Sections 19824, 19878, 19879, 19883 and 19884, Government Code.

§ 599.776.1. Nonindustrial Disability — Annual Leave — Excluded Employees.

An excluded employee is defined in section 599.615(b) of these regulations.

(a) A nonindustrial disability benefit level of 50 percent of gross pay shall be provided to excluded employees who elect annual leave. Annual leave, sick leave or partial employment may be used to supplement Nonindustrial Disability Insurance benefits to provide 75 percent or 100 percent of gross pay. Once benefit payments have begun, the benefit level initially selected by an excluded employee must continue throughout the disability period; however, the 50 percent nonindustrial disability benefit level will be payable to any excluded employee who no longer has leave credits for supplementation or is no longer partially employed. The nonindustrial disability benefit rate or a different level of supplementation may be selected during subsequent disability periods. Excluded employees shall not be required to exhaust leave credits prior to receiving nonindustrial disability benefits.

(b) Effective July 1, 1994, excluded employees who supplement their nonindustrial disability benefits, as provided in subsection (a) of this section, shall be considered to have served a qualifying monthly pay period or qualifying service month for any of the rights or benefits dependent on having worked a complete month, as prescribed in section 599.608 of these regulations. These rights or benefits include, but are not limited to, those prescribed in sections 599.682, 599.687, 599.752, 599.752.1, 599.787, and 599.840 of these regulations. Excluded employees who supplement their nonindustrial disability benefits at the 75 percent level shall receive service and annual leave credits at one-half the rate granted to those who supplement at 100 percent. If a holiday falls during the period of supplementation, an excluded employee will not have to charge the day against the leave supplementation amount.

(c) Excluded employees who enroll in the Annual Leave Program while on nonindustrial disability leave shall continue to receive the current level of benefits for their prior CBID throughout the disability period.

Note: Authority cited: Sections 18502, 19815.4(d) and 19885, Government Code. Reference: Sections 19824, 19858.3 and 19858.4, Government Code.

§ 599.785. Informal Leave of Absence (Dock).

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) The appointing power may grant an informal leave of absence without pay for a period not to exceed 11 working days in a 22-day pay period or 10 working days in a 21-day pay period or 11 consecutive working days between pay periods. A holiday is counted as a working day. The appointing power shall not grant paid absences to break the continuity of a leave of absence without pay.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) The appointing power may only grant an informal leave of absence without pay for periods that do not result in the loss of a qualifying service month as defined in section 599.608(b). A holiday is counted as a working day. The appointing power shall not grant paid absences to break the continuity of a leave of absence without pay.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19824 and 19991.1, Government Code.

§ 599.786. 10-12 Leave and 10-26 Leave.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) The appointing power may grant a leave of absence as follows:

(a) not to exceed 75 calendar days during the summer vacation period for permanent or probationary civil service employees in the Special Education Program Support Unit of the Department of Education in positions which have a work period coinciding with the school year; or

(b) not to exceed 75 calendar days for permanent or probationary civil service employees or exempt employees of the California Maritime Academy in positions which have a work period coinciding with the academic year; or

(c) not to exceed two consecutive monthly pay periods during the period designated by the appointing power for release from performance of teaching duties for full-time permanent or probationary employees in positions requiring teacher certification qualifications. Such leaves do not require approval of the Department. Such leaves shall be without pay for persons employed and paid under the provisions of section 599.666 of these regulations and with deferred pay for persons employed and paid under the provisions of section 599.667(a) of these regulations.

(2) Leaves of absence granted under the provisions of this section shall be counted as qualifying service for merit and special in-grade salary adjustments, for seniority, and for computation of months of total state service to determine a change in the monthly credit for vacation with pay. For all other purposes, leaves of absence granted under the provisions of this section shall not be counted as qualifying service.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) The appointing power may grant a leave of absence not to exceed two consecutive calendar months during the period designated by the appointing power for release from performance of teaching duties for full-time permanent or probationary employees in positions requiring teacher certification qualifications. Such leaves do not require approval of the Department. Such leaves shall be without pay for persons employed and paid under the provisions of section 599.666 of these regulations and with deferred pay for persons employed and paid under the provisions of section 599.667(b) of these regulations.

(2) Leaves of absence granted under the provisions of this section shall be counted as qualifying service for merit and special in-grade salary adjustments, for seniority, and for computation of months of total state service to determine a change in the monthly credit for vacation with pay. For all other purposes, leaves of absence granted under the provisions of this section shall not be counted as qualifying service.

Note: Authority cited: Sections 18502, 19815.4(d) and 19991.1, Government Code. Reference: Sections 19824, 19829, 19832, 19858.1, 19991.7 and 19997.3, Government Code.

§ 599.787. Paid Educational Leave — Accumulation and Retention.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

(1) Following completion of 12 months of continuous service from November 8, 1967, each full-time employee in the state civil service employed in a position requiring teaching certification qualifications shall be allowed 45 days 120 hours of credit for educational leave with pay. Thereafter, for each additional month pay period of service, one and one-quarter day 10 hours of credit shall be allowed for educational leave with pay on the first of the following month. Portions of months pay periods of service shall not be counted or accumulated.

(2) An employee may earn or use educational leave only while in a position requiring teacher certification qualifications. An employee who leaves a position requiring teacher certification qualifications and enters a position not requiring teacher certification qualifications within 36 months without a break in service then returns to a position requiring teacher certification qualifications will be credited with the prior unused educational leave.

(3) Following temporary separation or permanent separation of less than six months an employee who returns to state service in a position requiring teaching certification qualifications shall retain any unused portion of previously accrued educational leave and shall commence to receive educational leave credit on the first of the month following completion of one month of service.

(4) Following permanent separation of six months or longer an employee who returns to state service in a position requiring teaching certification qualifications loses any unused portion of previously accrued educational leave. The employee is granted education leave credit following completion of 12 months of continuous service, in accordance with the above schedule.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).

(1) Following completion of 12 months of continuous service, each full-time employee in the state civil service employed in a position requiring teaching certification qualifications shall be allowed 120 hours of credit for educational leave with pay. Thereafter, for each additional month of service, 10 hours of credit shall be allowed for educational leave with pay on the first of the following month. Portions of months of service shall not be counted or accumulated.

(2) An employee may earn or use educational leave only while in a position requiring teacher certification qualifications. An employee who leaves a position requiring teacher certification qualifications and enters a position not requiring teacher certification qualifications within 36 months without a break in service then returns to a position requiring teacher certification qualifications will be credited with the prior unused educational leave.

(3) Following temporary separation or permanent separation of less than six months an employee who returns to state service in a position requiring teaching certification qualifications shall retain any unused portion of previously accrued educational leave and shall commence to receive educational leave credit on the first of the month following completion of one month of service.

(4) Following permanent separation of six months or longer an employee who returns to state service in a position requiring teaching certification qualifications loses any unused portion of previously accrued educational leave. The employee is granted education leave credit following completion of 12 months of continuous service, in accordance with the above schedule.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19824 and 19991.7, Government Code.

~~§ 599.791. Paid Educational Leave — Determining Eligibility of Current Employees.~~

~~For the purpose of initiating educational leave credits for state employees in positions requiring teaching certification qualifications, on November 8, 1967:~~

~~(a) An employee who had completed 12 months of continuous service on or before November 8, 1967, earns the first credit on December 1, 1967.~~

~~(b) An employee who completes 12 months of continuous service prior to November 8, 1968, shall be allowed one and one-quarter days credit for each complete monthly pay period of service from November 1, 1967, to such qualifying date.~~

~~Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Section 19991.7, Government Code.~~

~~§ 599.831. Supplemental Time Off.~~

~~(a) A full-time civil service employee may request supplemental time off, during a term not to exceed 12 consecutive monthly pay periods in exchange for a commensurate reduction in pay. If the appointing power determines the request is feasible pursuant to section 599.833 of these regulations, the employee and appointing power shall enter into an agreement, stating the specific time or times that the supplemental time off may be used. The 12 monthly pay period term shall take effect at the beginning of a pay period.~~

~~(b) During the term of agreement, the participating employee's pay shall be reduced by a means of a fractional time base. Pay for hours worked, which are in excess of those required for the fractional time base elected but not in excess of those specified in the work week group for the position or classification, shall purchase supplemental time off credit. The Department shall approve which fractional time base options shall be made available for employee request.~~

~~(c) Supplemental time off credit may accumulate from month to month during the term of the agreement.~~

~~(d) Supplemental time off may be utilized in the pay period in which it is accrued.~~

~~(e) All supplemental time off shall be used as agreed. If supplemental time off cannot be used during the term of the agreement, then payment shall be made at straight time during the pay period immediately following the termination of the agreement, or the employee shall be credited with an equivalent amount of compensating time off, according to the discretion of the appointing power. When payment is by cash it shall constitute payment in full for services rendered and no retroactive adjustment of pro rata benefits or service credit shall be made. An employee who separates from state service without fault is entitled to a lump sum payment as of the time of separation for any accumulated supplemental time off. Such sum shall be computed by projecting the accumulated time on a calendar basis as provided in Government Code section 19839(a). An employee who separates from state service with fault is entitled to a lump sum payment as of the time of separation at straight time for any accumulated supplemental time off. The computation of such sum shall be based on actual accumulated time without projection as provided in Government Code section 19839(b).~~

~~Note: Authority cited: Sections 18502, 19815.4(d) and 19996.27, Government Code.~~

§ 599.840. Seniority Credit.

(a) Service shall be accumulated by qualifying pay period or qualifying service month as defined in section 599.608(a) and 599.608(b) of these regulations.

(b) Seniority credit in a class that has been abolished, combined, divided or otherwise altered shall be granted at the rate of one point for each qualifying pay period or qualifying service month.

(c) Service that is part-time shall receive seniority credit at the fraction of the full-time rate that corresponds to the employee's time base. In order for a part-time month of service to qualify for fractional seniority credit an employee working in an agency in which the full-time workweek is 40 hours, must work at least that fraction of 88 hours that corresponds to the employee's time base. This standard shall be proportionately adjusted for service in agencies in which the full-time workweek is other than 40 hours.

(d) Only that service under emergency appointment that was followed by other service without a break shall receive seniority credit.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19824, 19997, 19997.3 and 19997.4, Government Code.

§ 599.844. Procedure.

In making layoffs, the appointing power shall first communicate with the Department regarding the designation of the subdivision, if any, to be considered and submit a list of employees in the unit of layoff who are in the class or classes of layoff. The Department shall compute in the manner prescribed by the Government Code a layoff list showing the seniority score of each employee. After receiving this list the appointing power shall notify the employee or employees to be laid off. An employee ~~compensated on a monthly basis~~ shall be notified in writing at least 30 days prior to the date of layoff and the notice shall contain the reason for the layoff. The appointing power shall immediately thereafter render a written report to the Department on such form as may be prescribed, such report to state the name or names of the employees so laid off and the reasons therefor.

When the layoff is to be made in a class designated by the Department as a professional, scientific, administrative, management or executive class the appointing power shall also submit a report which rates the employees' current performance on the form and in the manner prescribed by the Department. Such form shall make provision for rating an employee in one of the following seniority categories: entirely satisfactory, improvement needed, or unsatisfactory. In computing seniority scores an employee shall have deducted from the seniority score twelve (12) points for a rating of improvement needed and thirty-six (36) points for a rating of unsatisfactory. The appointing power shall give the employee a copy of this report and inform the employee of the right to appeal this rating to the Department on the grounds that it was not made in good faith or was otherwise improper. Such an appeal shall be filed under the provisions of section 599.903 of these regulations within 10 days from the date the employee received a copy of the report. The filing of such an appeal shall not delay the effective date of the layoff. Ratings after they become final under this section shall not be reviewable on appeal under Government Code section 19997.14. Whenever a demotion in lieu of layoff requires a layoff in a lower class the points deducted from an employee's seniority score in the higher class shall not be deducted from the seniority score in the lower class.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19997.3 and 19997.13, Government Code.

§ 599.913. Transfer of Leave Credits.

At the discretion of the appointing power, excluded employees as defined in section 599.615(b) of these regulations, shall be permitted to transfer eligible leave credits between family members to care for a family member or another person residing in the immediate household.

(a) ~~All compensable leave types are Eligible for transfer. Leave credits include annual leave, vacation, compensating time off (CTO), personal leave, and/or holiday credits. Sick leave cannot be transferred. They do not include sick leave.~~

(b) Eligible leave credits may be transferred by a child, parent, spouse, domestic partner as defined in accordance with Family Code section 297~~that has been certified with the Secretary of State's Office in accordance with AB 26 (Chapter 588, Statutes of 1999 et seq.)~~, brother, sister, or other person residing in the immediate household.

(c) Eligible leave credits may be transferred between family members to care for the family member's child, parent, spouse, or domestic partner as defined in accordance with Family Code section 297~~that has been certified with the Secretary of State's Office in accordance with AB 26 (Chapter 588, Statutes of 1999 et seq.)~~, brother, sister, or other person residing in the immediate household who has a serious health condition, for the employee's own serious health condition as defined by the Family Medical Leave Act (FMLA), or for parental leave to care for a newborn or adopted child.

(d) To be eligible to receive leave credits, the receiving employee must have exhausted all of ~~his/her~~their leave credits.

(e) The donating employee must maintain a minimum balance of 80 hours of paid leave time.

(f) Transfer of eligible leave credits may be interagency in accordance with the policies of the receiving agency.

(g) Donations must be in one-hour increments and will be reflected as an hour-for-hour addition to the vacation or annual leave balance of the receiving employee.

(h) Use of donated credits shall normally not exceed a maximum of ~~three-six (36)~~ months. However, if approved by the receiving agency, the total leave credits received may be up to ~~six-twelve (612)~~ months.

(i) Donations shall be made on a form to be supplied by the employee's agency, signed by the donating employee, and verified by the donating agency. When donations are used, they will be processed based on date and time received (first in, first used). Unused donations shall be returned to the appropriate donor.

Note: Authority cited: Sections 3539.5, 18502 and 19815.4(d), Government Code. Reference: Section 3539.5, Government Code.

§ 599.922.3. Certified Public Accountant/Certified Internal Auditor Professional Competency Bonus—Excluded Employees:

An excluded employee is defined in section 599.615(b) of these regulations.

(a) Effective August 1, 1989, with the approval of the appointing power, and subject to the criteria listed in subsection (b), an excluded employee may receive a bonus for passing the written portion of the Certified Public Accountant (CPA) examination or the Certified Internal Auditor (CIA) examination:

(b) The bonus criteria shall include:

(1) The bonus shall not exceed \$4,800 regardless of the number of certifications received and shall be paid in three equal installments of \$1,600 each at intervals of 12 qualifying pay periods. The first installment shall be paid 12 qualifying pay periods after the appointing power has verified the examination has been passed. The bonus will not be prorated for service of less than the full 12 qualifying pay periods:

(2) In order to be eligible for the bonus, the excluded employee's classification for each qualifying pay period must include, or the excluded employee must be responsible for the supervision of other excluded employees whose duties include, internal auditing or fiscal examination as a major duty and for which the minimum qualification requires professional accounting or auditing experience or successful completion of prescribed professional accounting courses given by an accredited college or university, including courses in elementary and advanced accounting, auditing and cost accounting:

(3) The excluded employee must have passed the examination after November 30, 1986. No excluded employee who has received compensation based on Government Code section 19836 shall be eligible for this bonus:

(c) An excluded employee who transfers to another state agency and otherwise continues to qualify for the bonus must request the new agency to continue the bonus on schedule. The new agency may or may not agree to continuation of the bonus. If the new agency agrees, it assumes responsibility for the remaining installments. In any case the bonus shall not exceed \$4,800:

(d) An employee who is receiving a Professional Competency Bonus under the provision of the Bargaining Unit 01 Memorandum of Understanding, and then is appointed to an excluded classification but otherwise continues to qualify, may continue to receive the bonus on schedule with the approval of the appointing power. Each remaining installment amount shall be based on the excluded employee's collective bargaining identification designation as of the first day of the twelfth qualifying pay period for that twelve (12) pay period interval. In any case, the bonus shall consist of only three (3) installments:

(e) An excluded employee who is required to possess and maintain a California Certified Public Accountant license as a condition of employment, as specified in the appropriate class specification, is ineligible for the Professional Competency Bonus except that employees already receiving this bonus prior to September 8, 1992 will be allowed to continue the bonus to the maximum amount allowable:

(f) A Professional Competency Bonus shall not be considered "compensation" for the purposes of retirement:

Note: Authority cited: Sections 3539.5 and 19815.4(d), Government Code. Reference: Section 19829, Government Code:

§ 599.925. Catastrophic Leave — Excluded Employees.

At the discretion of the appointing power, excluded employees as defined in ~~Government Code~~ section ~~3527599.615~~(b) will be permitted to transfer eligible leave credits to an excluded employee when a catastrophic illness or injury occurs.

(a) The following definitions shall be used in the application of this regulation:

(1) Catastrophic illness or injury is defined as an illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all of ~~his/her~~their sick leave and other paid time off. Catastrophic illness or injury may also include an incapacitated family member if this results in the employee being required to take time off from work for an extended period of time to care for the family member and the employee has exhausted all of ~~his/her~~their sick leave and other paid time off.

(2) ~~All compensable leave types are eligible for transfer. Sick leave cannot be transferred. Eligible leave credits include annual leave, vacation, compensating time off (CTO) and/or holiday leave credits. They do not include sick leave.~~

(b) Eligible leave credits may be donated for a catastrophic illness or injury if all the following requirements are met:

(1) upon the request of an employee;

(2) upon determination by the agency director (or ~~his/her~~their designee) that the employee in the agency is unable to work due to the employee's or family member's catastrophic illness or injury; and,

(3) the employee has exhausted all paid leave credit.

(c) If the transfer of eligible leave credits is approved by the agency's director or designee, any excluded employee in that agency may, upon written notice to the personnel office, donate eligible leave credits at a minimum of one hour. Donations thereafter must be in whole hour increments. Donations will be reflected as an hour for hour deduction from the leave balance of the donating employee. When transferring eligible leave credits, the agency should assure that only credits that may be needed are transferred. An excluded employee may donate eligible leave credits to a represented employee and may be the recipient of eligible leave credits donated by a represented employee. Transfer of eligible leave credits may be interagency in accordance with the policies of the receiving agency.

(d) In order to receive donated leave credits, an excluded employee must provide appropriate verification of illness or injury as determined by the agency. An excluded employee eligible for this program will have any time that is donated credited to ~~his/her~~their account in one-hour increments. Donated credits will be reflected as an hour-for-hour addition to the vacation or annual leave balance of the receiving employee. Use of donated credits may not exceed a maximum of twelve (12) continuous months for any one catastrophic illness. The total amount of leave credits donated may not exceed an amount sufficient to ~~insure~~ensure the continuance of regular compensation. All such transfers are irrevocable; however, agencies may make exceptions upon request of the donating employee provided the donated leave has not yet been used. An excluded employee who receives time through this program shall use any leave credits ~~he/she/they~~they continues to accrue on a monthly basis prior to receiving time from this program. Unused donations shall be returned to the appropriate donor at the conclusion of the Catastrophic Leave.

Note: Authority cited: Sections 3539.5, 18502, 19815.4(d) and 19991.13, Government Code. Reference: Section 3539.5, Government Code.

§ 599.925.1. Catastrophic Leave for Natural Disaster — ~~Excluded Non-represented~~ Employees.

At the discretion of the appointing power, ~~excluded non-represented~~ employees as defined in section 599.619 ~~615(b)~~ of these regulations will be permitted to transfer eligible leave credits to an employee when a natural disaster occurs.

(a) The following conditions shall apply:

(1) Catastrophic leave for a natural disaster shall be leave for an employee who faces financial hardship because the employee has exhausted all of ~~his/her~~ their eligible leave and is unable to work due to the effect of the natural disaster on the employee's principal residence.

(2) The employee resides in one of the counties where a state of emergency exists as declared by the Governor.

(3) ~~All compensable leave types are eligible for transfer. Sick leave cannot be transferred. Eligible leave credits include annual leave, vacation, compensating time off (CTO) and/or holiday leave credits. They do not include sick leave.~~

(b) Eligible leave credits may be donated for catastrophic leave for a natural disaster:

(1) upon the request of an employee;

(2) upon determination by the agency director or designee that the employee in the agency is unable to work due to the effects of the natural disaster on the employee's principal residence; and

(3) the employee has exhausted all eligible leave credits.

(c) If the transfer of eligible leave credits is approved by the agency's director or designee, any non-represented employee in that agency may, upon written notice to the personnel office, donate eligible leave credits at a minimum of one hour. Donations thereafter must be in whole hour increments. Donations will be reflected as an hour-for-hour deduction from the leave balance of the donating employee. When transferring eligible leave credits, the agency should assure that only credits that may be needed are transferred. A non-represented employee may donate eligible leave credits to a represented employee. A non-represented employee who is designated managerial as defined in Government Code section 3513(e) or supervisory as defined in Government Code section 3513(g) may not receive donated eligible leave credits from a represented employee except in cases of extreme hardship or other compelling circumstances as approved by the Department. Transfer of eligible leave credits may be interagency in accordance with the policies of the receiving agency.

(d) In order to receive donated leave credits, a non-represented employee must provide appropriate verification as determined by the agency. A non-represented employee eligible for this program will have any time that is donated credited to ~~his/her~~ their account in one hour increments. Donated credits will be reflected as an hour-for-hour addition to the vacation or annual leave balance of the receiving employee. Use of donated credits may not exceed ~~three six (36)~~ continuous months for any one occurrence; however, if approved by the appointing authority, use of donated credits may be for ~~six twelve (612)~~ continuous months.

The total amount of leave credits donated may not exceed an amount sufficient to ~~ensure~~ insure the continuance of regular compensation. All such transfers are irrevocable; however, agencies may make exceptions upon request of the donating employee provided the donated leave has not yet been used. A non-represented employee who receives time through this program shall use any leave credits ~~he/she~~ they continues to accrue on a monthly basis prior to receiving time from this program. Unused donations shall be returned to the appropriate donor at the conclusion of the Catastrophic Leave.

Note: Authority cited: Sections 3539.5, 18502, 19815.4(d) and 19849, 13, Government Code. Reference: Section 3539.5, Government Code.

§ 599.937.4. Mandatory Personal Leave — Excluded Employees.

(a) Notwithstanding the time limits described in section 599.937 of these regulations, upon the determination of the Department, the Department may implement a Personal Leave program. The Department shall determine the duration of each Personal Leave program.

(b) The definition of excluded employee as described in subsections 599.937(a)(1) and (a)(2) of these regulations shall be the same for each Personal Leave program.

(c) Each full-time employee identified by the Department as eligible shall have a reduction in pay and will be credited with the proportionate number of hours of personal leave as designated by the Department ~~for each month in a Personal Leave program. Personal leave credit for the salary reduction shall be granted to the employee on a pay period-for-pay period basis on the date a Personal Leave program becomes applicable to the employee.~~ Participation in a Personal Leave program shall not affect an employee's salary range or rate; however, each full-time employee shall continue to work ~~his/her~~ their assigned work schedule and the employee shall have a reduction in pay, comparable to the personal leave hours of credit, ~~for each pay period the employee is in a Personal Leave program.~~ The reduction in salary shall not affect the employee's benefits, including retirement contributions.

(d) The Personal Leave program shall have no cash value and may not be cashed out. Employees have until separation from state service to use all personal leave hours.

(e) The provisions described in subsections 599.937(c), (e), (f), (g), (h), (k), and (l) of these regulations shall apply to excluded employees in a Personal Leave program.

(f) Part-time and intermittent employees shall be subject to the same conditions as stated above and will receive credit on a prorated basis. The Department shall provide for each Personal Leave program the number of hours intermittent and part-time employees shall receive based on how many hours they work in a ~~month~~ pay period.

(g) Employees shall remain in a Personal Leave program until the Department terminates the program. ~~Personal leave credit for the salary reduction shall be granted to the employee on a month-for-month basis on the date a Personal Leave program becomes applicable to the employee.~~

Note: Authority cited: Sections 3539.5 and 19815.4(d), Government Code. Reference: Sections 3527(b), ~~and~~ 3539.5(a); and 19824, Government Code.

§ 599.997. Seniority Credits.

Service in a career executive assignment shall be credited for seniority credits as if the service had been under a general civil service appointment. Credit for service in the career executive assignment category shall be earned as if the entire category were one class; the rate shall be one point per qualifying pay period or qualifying service month as defined in section 599.608(a) and 599.608(b) of these regulations.

Note: Authority cited: Sections 18502 and 19815.4(d), Government Code. Reference: Sections 19824, 19889 and 19997, Government Code.