

Subject: DELEGATION AGREEMENTS (DPA/SPB)

REFERENCES	SECTIONS
Classification and Pay (C & P) Guide	250, 260, 440, 375, 340, 300, 320, 335, 400-499, 100-199,
Law & Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9 http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&Action=CollapseTree&AP=IA23CC630D48E11DEBC02831C6D6C108E&ItemKey=IA23CC630D48E11DEBC02831C6D6C108E&R.P=%2Ftoc%2Fdefault%2Ewl&Service=TOC&RS=WEBL13.04&VR=2.0&SPa=CCR-1000&pbcc=DA010192&fragment#IA23CC630D48E11DEBC02831C6D6C108E	GC: 18572, 18654, 19836, 19991.10 Rule: 599.674-599.676
Memo of Understanding (MOU) http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx	Refer to Employee's MOU
Pay Scales http://www.calhr.ca.gov/state-hr-professionals/Pages/pay-scales.aspx	Section 5-Hire Above Minimum (HAM)
Personnel Management Policy and Procedures Manual (PMPPM)	Check applicable sections
Responsible Control Agency and Program http://www.spb.ca.gov/ http://www.calhr.ca.gov/Pages/home.aspx	State Personnel Board CalHR
Selection Manual (Old)	4200, 5205, 5720, 5730
SPB/DPA Policy Memos http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx	PML: 98-007, 2005-012, 2005-025, 2007-026

Delegation Agreements (CalHR/SPB)

**Definition/
explanation**

A delegation agreement is a contract between the California Department of Human Resources (CalHR) and DGS, and the State Personnel Board (SPB) that gives DGS the authority and responsibility for reviewing and approving certain aspects of the personnel management program functions on a limited and controlled basis. The agreements are automatically renewed each year.

CalHR's delegations include:

- Out-of-Class Assignments
- Hiring Above Minimum (HAM)
- Position Allocation
- Administrative Time Off (ATO)
- Merit Salary Adjustment (MSA)
- Red Circle Rates
- Class Modification
- Class Establishment
- Special consultant appointments (C&P Manual Section 340)
- Demotional Charts (all classes based on DPA's Layoff Manual)
- Exception to the Salary Rules
- Career Executive Assignments (CEA)
- Backdating Entitlements
- Backdating Allocations

SPB's delegations include:

- Promotional Temporary Authorization Appointments (TAUs)
- Backdating/Correcting Appointments
- Certification Lists – Expiration Dates
- Temporary assignment extensions
- Demotional Training and Development (T&D) assignments
- Review of recruitment plans
- Temporary Authorization Utilization (TAU) appointments
- Transfer of list eligibility
- Withhold from list for failure to meet minimum qualifications (MQs)

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Delegation Agreements (CalHR/SPB), Continued

CalHR delegations

The following sub-headings discuss the process for the various CalHR delegations.

Out-of-Class Assignments (OOC)

DGS has authority to approve OOC assignments as provided in the Bargaining Unit Contracts. For confidential, supervisory, managerial, and other excluded employees, the DGS may approve OOC for up to one year. OOC assignments to exempt positions must be submitted to CalHR for pre-approval. **Note: there are no exceptions to request extensions of OOC assignments beyond the MOU provisions.**

Hiring Above Minimum (HAM)

CalHR grants DGS authority to approve HAM for extraordinary qualifications (including exceptions), former legislative employees, and former exempt employees. HAM approval for current State employees must be approved by CalHR.

Position Allocation

CalHR grants DGS authority to approve position allocation decisions that meet the guidelines for most all classifications. However, CalHR approval is required (625) for the following classifications **for any action (new allocation, back fill, reorganization, change in duties, etc.)**(C&P Guide 300, 320, 335):

- Staff Services Manager I (Specialist)
- Staff Services Manager II (Specialist)
- Staff Services Manager III (Specialist)
- Data Processing IV
- Staff Counsel IV
- Labor Relations Specialist
- Labor Relations Analyst
- Labor Relations Manager

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Delegation Agreements (CalHR/SPB), Continued

**CalHR
delegations**
(continued)

Administrative Time Off (ATO)

The CalHR grants the DGS the authority to approve up to 30 days ATO. The CalHR must review ATO that exceeds 30 days. (GC 19991.10)

Merit Salary Adjustments (MSA) – Limited Term (LT) Employees

The CalHR grants the DGS authority to approve/deny merit salary adjustments to limited term employees in temporary positions per Government Code Section 19836. The DGS has delegated authority to approve movement to the maximum of the salary range when the salary is \$25.00 or less from the maximum rate.

Red Circle Rates

The CalHR grants the DGS authority to approve red circle rates for general Civil Service employees and Career Executive Assignment (CEA) positions (90 days). Civil Service red circle rates are prohibited during fiscally driven layoffs. Benefits cannot be red circled. (C&P Guide 260, 440)

Classification Modification (classification specification revision)

Non-hearing and Hearing Board Items must be submitted through CalHR. CalHR will handle all contact with the unions on all staff Board Items. (C&P Guide 100-199)

Special Consultant Appointments

The CalHR grants the DGS authority to approve Special Consultants for situations that meet the guidelines. CalHR must review all exceptions, including salaries that exceed the maximum specified in the C&P Guide. DGS needs to coordinate with the SPB. Any special consultant used pending exempt appointments must be approved by the CalHR Exempt Unit. (C&P Guide 340)

Demotional Charts

The CalHR grants the DGS authority to prepare demotional charts for departmental-specific/servicewide/all classifications. The CalHR will continue to review and approve the demotional charts.

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Delegation Agreements (CalHR/SPB), Continued

CalHR delegations (continued)

Exception to the Salary Rules

The CalHR grants the DGS the authority to approve an exception to the salary rules under the following circumstances (DPA Rules 599.674-599.676):

- When there is a salary loss upon transfer to a deep classification
- When there is a reappointment or reinstatement without a break in service

Career Executive Assignment (CEA)

The CalHR grants the DGS to directly submit requests to establish new CEA positions to the SPB with a concurrent copy (that includes a 625 cover sheet) sent to CalHR for processing. All exceptions to established CEA levels criteria must be submitted to CalHR for review and approval. All requests for CEA salary exceptions must be submitted to CalHR for review and approval. (C&P Guide 400-499, PML 98-007)

Classification Establishment

All State Personnel Board items (non-hearing and Hearing Board) either establishing new classifications or revising existing classifications will be submitted through CalHR. (C&P Guide 100-200)

Staff reductions/ layoffs

All delegated functions are subject to cancellation during a staff reduction or layoff per discussions with DGS C&P representative and/or the Department of Finance (DOF) budget instructions.

Audit requirements

The DGS is required to keep proper documentation of all delegated decisions according to the requirements outlined in the C&P guide sections for the above topics. The DGS is required to submit a complete set of organization charts annually on July 1, and prior to any major reorganization.

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Delegation Agreements (CalHR/SPB), Continued

SPB delegations

The following sub-headings discuss the process for the various SPB delegations.

Promotional, Temporary Authorization Appointments (TAU)

To prevent pre-selection and/or providing an unfair advantage to one employee over another, promotional TAUs should be very rare. Promotional TAU appointments should only be approved when it has been demonstrated that there is an urgent need for the appointment. An example of “urgent need” is vital medical services will be denied if the position remains unfilled or a critical administrative or legislative mandate would remain incomplete. Prior to approving a promotional TAU appointment, consideration must be given to out-of-class assignments allowed through the bargaining unit contract and/or feasibility of rotating staff on an acting basis into the position until the examination can be completed. If the employee is a Managerial (M) designated classification, TAUs are not appropriate. Managerial employees may be assigned duties at a higher level without compensation.

Backdating/Correcting Appointments

The SPB grants the DGS the authority to backdate appointments and/or make corrections to an individual’s employee history up to a maximum of three years subject to the following criteria (C&P Guide 320), otherwise no more than 60 days:

- The department has verification that the individual was eligible for the classification, tenure, and time base on the date the appointment is to be made; and
- The individual was performing the duties of the classification on the date the appointment is to be made.

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Delegation Agreements (CalHR/SPB), Continued

SPB delegations
(continued)

Certification Lists – Expiration Dates

The SPB grants the DGS the authority to allow for certification lists to remain active until closed by the department provided:

- No certification list is ever extended beyond the life of the eligible list (e.g., 4 or 6-year limitation).
- The certification list is extended only for the position advertised.
- The list is adjusted when veterans preference points are added to an individual's score, and
- The candidates that have chosen to be inactive are placed back on the list in a timely manner when they request in writing that their eligibility be reactivated.

The DGS is expected to comply with the criteria in the law, regulations and selection manual (old) sections for the respective actions, and to retain for post-audit purposes sufficient documentation to show that the criteria were met for the following additional delegations:

Action	Law & Regulation Reference	Selection Manual Reference
Temporary assignment extension	GC 19050.8 2CCR 426-427, 441-444	PMPPM 340-343
Demotional T&D assignments	GC 19050.8 2ccR 426-427, 441-444	PMPPM 340-343
Review of recruitment plans	GC 19230-19237	Selection Manual (SM) 4470
TAUs	GC 19058-19059 2CCR 265	PMPPM 330 SM 3600
Transfer of list eligibility	GC 18950 2CCR 154,240	SM 6915
Withhold from list for failure to meet MQs	GC 18935(a)	SM 7400
