

**SEPTEMBER  
13 & 14, 2018**  
BOARD MEETING

Department of Consumer Affairs  
2005 Evergreen St., Hearing Room  
Sacramento, CA 95815



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY – GOVERNOR EDMUND G. BROWN JR.

# THE PHYSICAL THERAPY BOARD OF CALIFORNIA

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

[www.ptbc.ca.gov](http://www.ptbc.ca.gov)

## PHYSICAL THERAPY BOARD OF CALIFORNIA NOTICE OF PUBLIC MEETING

September 13, 2018 9 a.m.

September 14, 2018 9 a.m.

Department of Consumer Affairs  
2005 Evergreen St., Hearing Room  
Sacramento, CA 95815

Action may be taken on any agenda item.  
Agenda items may be taken out of order.

Unless otherwise indicated, all agenda items  
will be held in **OPEN SESSION. THE PUBLIC  
IS ENCOURAGED TO ATTEND.** Please refer  
to the informational notes at the end of  
the agenda.

## BOARD MEMBERS

Alicia K. Rabena-Amen, PT, DPT, *President*

TJ Watkins, *Vice President*

Jesus Dominguez, PT, Ph.D., *Member*

Daniel Drummer, PT, DPT, *Member*

Katarina Eleby, M.A., *Member*

Tonia McMillian, *Member*

Vacant, *Physical Therapist Member*

## BOARD STAFF

Jason Kaiser, *Executive Officer*

Elsa Ybarra, *Manager*

Liz Constancio, *Manager*

Sarah Conley, *Manager*

Brooke Arneson, *Associate Analyst*



Physical Therapy Board of California



STATE OF CALIFORNIA

dca

DEPARTMENT OF CONSUMER AFFAIRS

## **Agenda – Thursday, September 13<sup>th</sup>**

1. **Call to Order - 9:00 a.m.**
2. **Roll Call and Establishment of Quorum**
3. **Review and Approval of June 20-21, 2018 Meeting Minutes** – *Brooke Arneson*
4. **President's Report** – *Alicia Rabena-Amen*
  - (A) 2018 Adopted Meeting Calendar
  - (B) 2019 Proposed Meeting Calendar
5. **Executive Officer's Report** – *Jason Kaiser*
  - (A) Administrative Services
  - (B) Applications
  - (C) Licensing/Continuing Competency
  - (D) Consumer Protection Services
  - (E) Outreach
  - (F) PTBC Relocation
  - (G) Strategic Plan
6. **Discussion and Possible Board Action for the Increase in the Exempt Level of the Executive Officer** – *Alicia Rabena-Amen*
7. **Consumer and Professional Associations and Intergovernmental Relations Reports**
  - (A) Federation of State Boards of Physical Therapy (FSBPT)
  - (B) Department of Consumer Affairs (DCA) – Executive Office
  - (C) California Physical Therapy Association (CPTA)
8. **Administrative Services** – *Liz Constancio*
  - (A) Staff Introductions
  - (B) **Budget Report** – Carl Nelson
  - (C) **Outreach Report** – April Beauchamps
9. **Overview of the Attorney General's Legal Process for Disciplinary Actions** – Joseph Mckenna, Deputy Attorney General
10. **Closed Session**
  - (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
  - (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer

## **11. Reconvene Open Session**

## **12. Public Comment on Items Not on the Agenda**

*Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)*

## **13. Recess**

## **Agenda – Friday, September 14<sup>th</sup>**

## **14. Call to Order - 9:00 a.m.**

## **15. Roll Call and Establishment of Quorum**

## **16. Legislation Report – Brooke Arneson**

- (A) Discussion and Possible Board Action Regarding the 2017/18 Legislative Session Summary
  - i. Discussion and Possible Board Action Regarding AB 2078 (Daly) Sex Offenses: Professional Services
  - ii. Discussion and Possible Board Action Regarding AB 2138 (Chiu & Low) Licensing Boards: Denial of Application: Criminal Conviction
  - iii. Discussion and Possible Board Action Regarding AB 2221 (Bloom) Occupational Therapy Practice Act
  - iv. Discussion and Possible Board Action Regarding AB 2423 (Holden) Physical Therapists: Direct Access to Services: Plan of Care Approval
  - v. Discussion and Possible Board Action Regarding AB 2958 (Quirk) State Bodies: Meetings: Teleconference
  - vi. Discussion and Possible Board Action Regarding AB 3110 (Mullin) Athletic Trainers
  - vii. Discussion and Possible Board Action Regarding SB 1448 (Hill) Healing Arts Licensees: Probation Status: Disclosure

## **17. Rulemaking Report – Brooke Arneson**

- (A) Discussion and Possible Board Action Regarding the 2018 Rulemaking Update
- (B) Discussion and Possible Board Action Regarding Examination Passing Standard/Setting Examination Score
- (C) Discussion of Issues and Possible Board Action Regarding Guidelines for Issuing Citations and Imposing Discipline, 6th Edition
- (D) Discussion of Issues and Possible Board Action Regarding Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool
- (E) Discussion and Possible Board Action on the Federation of State Boards of Physical Therapy's (FSBPT) Performance Evaluation Tool For Foreign Educated Physical Therapists Completing a Supervised Clinical Practice in the United States



**18. Trigger Point Dry Needling (TDN) Presentation from Physical Therapists at the Veteran's Administration, Palo Alto, California** - Jerome Sabangan, PT, DPT, Russell Bishop, PT, DPT, Thaa De Ornelas, PT, DPT, Richard Gastillo, PT

**19. Closed Session**

- (A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings
- (B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer

**20. Reconvene Open Session**

**21. Presentation and Discussion of Application Process for Graduates of Non-Accredited Programs Located Outside of the United States** – Sarah Conley

**22. Application Services** – Sarah Conley

- (A) Staff Introductions
- (B) Statistical Report

**23. Licensing Services** – Sarah Conley

- (A) Staff Introductions
- (B) Statistical Report

**24. Continuing Competency Services** – Sarah Conley

- (A) Staff Introductions
- (B) Statistical Report

**25. Consumer Protection Services** – Elsa Ybarra

- (A) Staff Introductions
- (B) Statistical Report

**26. Probation Monitoring Report** – Monny Martin

**27. Public Comment on Items Not on the Agenda**

*Please note that the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)*

**28. Agenda Items for Future Meeting** – December 5 & 6, 2018  
TBD, Bay Area, CA

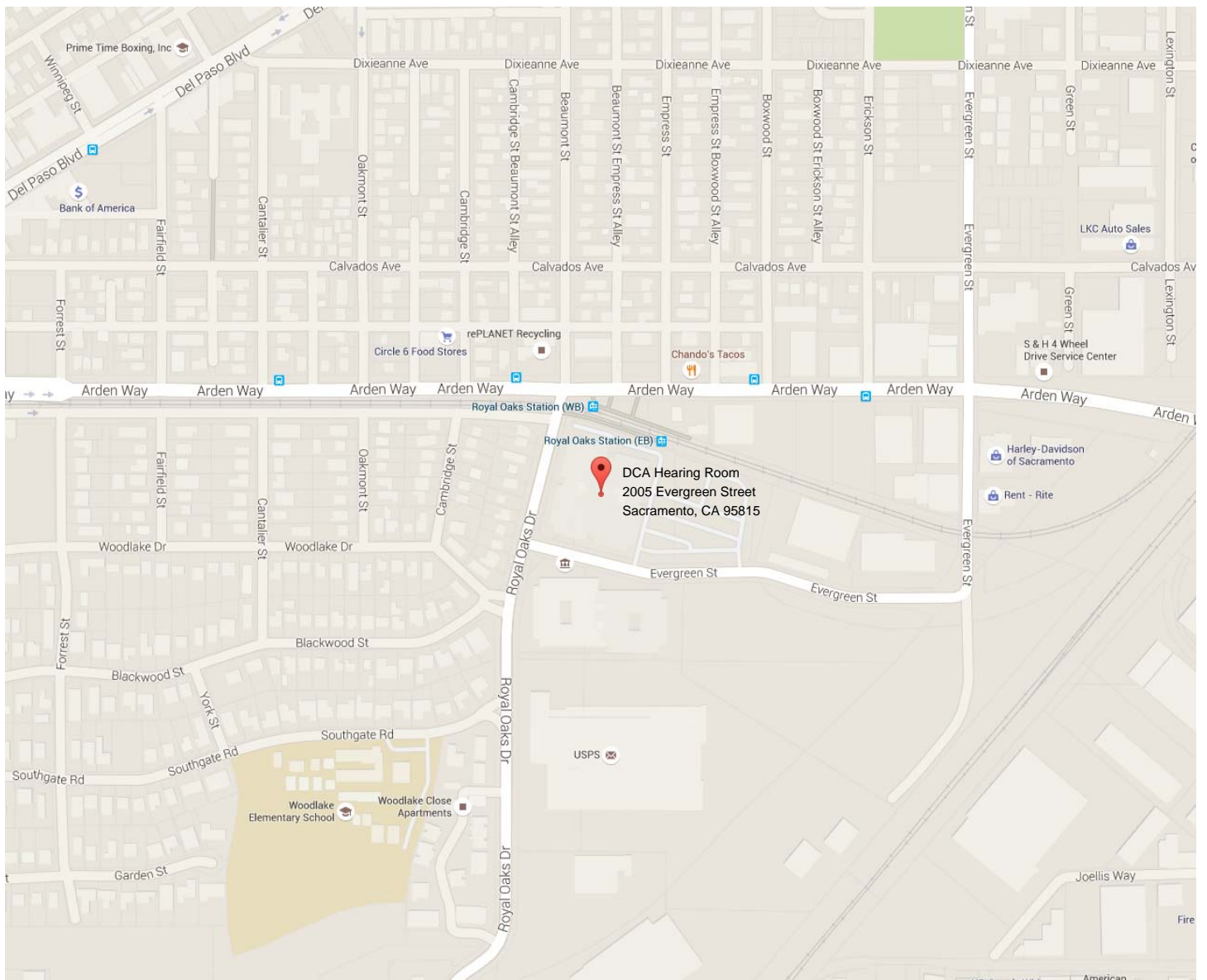
**29. Adjournment**

**Informational Notes:**

*Times stated are approximate and subject to change. Agenda order is tentative and subject to change at the discretion of the Board; agenda items may be taken out of order and items scheduled for a particular day may be moved or continued to an earlier or later day to facilitate the effective transaction of business. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion.*

*In accordance with the Bagley-Keene Open Meeting Act, all Board meetings are open to the public. Pursuant to Government Code section 11125.7, the Board provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Total time allocated for public comment on particular issues may be limited. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on any matter not included in this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a)).*

*The Board plans to webcast this meeting on its website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast. The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification to participate in the meeting may make a request by contacting Brooke Arneson at (916) 561-8260, e-mail: [brooke.arneson@dca.ca.gov](mailto:brooke.arneson@dca.ca.gov), or send a written request to the Physical Therapy Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.*



## **Roll Call**

### **Department of Consumer Affairs, Sacramento, CA**

**September 13, 2018**

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
TJ Watkins, Vice-President		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Katarina Eleby		
Tonia McMillian		

**September 14, 2018**

	Present	Absent
Alicia Rabena-Amen, PT, DPT, President		
TJ Watkins, Vice-President		
Jesus Dominguez, PT, Ph.D.		
Daniel Drummer, PT, DPT		
Katarina Eleby		
Tonia McMillian		

Agenda Item 2 – Roll Call



Physical Therapy Board of California

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### Agenda Item 3

#### June 20-21, 2018 Board Meeting Minutes

**Pending DCA, Legal Counsel review and approval. Will be provided as a handout.**

# Physical Therapy Board of California

## Adopted 2018 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
	1	2	3	4	5	6					1	2	3					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	29	30					

May							June							July							August						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
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September							October							November							December						
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16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29
30																					30	31					

January							February							March							April						
1	New Year's Day						19	President's Day						17	Student Conclave						1	Easter					
10	PTA NPTE						21-24	APTAC Sections Meeting						22-23	PTBC Meeting						4	PTA NPTE					
15	Martin Luther King Jr							Meeting							Sacramento, CA						12	Strategic Planning					
24	PT NPTE							New Orleans, LA						31	César Chávez Day							Sacramento, CA					
																					25	PT NPTE					

May							June							July							August						
13	Mother's Day						8-10	FSBPT REG Training						4	Independence Day												
28	Memorial Day						17	Father's Day						10	PTA NPTE												
							20-21	PTBC Meeting						14-15	FSBPT LIF												
								Pomona, CA							Alexandria, VA												
							27-30	APTAC NEXT Orlando, FL						24-25	PT NPTE												

September							October							November							December						
3	Labor Day						3	PTA NPTE						11	Vet						5-6	PTBC Meeting					
13-14	PTBC Meeting						24	PT NPTE						22	Thanksgiving							TBD, Bay Area, CA					
22-23	CPTA Annual Meeting						25-27	FSBPT Annual Meeting													25	Christmas					
	Santa Clara, CA						31	Halloween																			



# Physical Therapy Board of California

## Proposed 2019 Meeting Calendar

January							February							March							April						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
		1	2	3	4	5						1	2						1	2		1	2	3	4	5	6
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13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28			24	25	26	27	28	29	30	28	29	30				
														31													

May							June							July							August						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
			1	2	3	4							1		1	2	3	4	5	6					1	2	3
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31
							30																				

September							October							November							December						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
1	2	3	4	5	6	7			1	2	3	4	5						1	2	1	2	3	4	5	6	7
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
29	30						27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

January							February							March							April						
1	New Year's Day						18	President's Day						21-22	PTBC Meeting Sacramento, CA						4	PTA NPTE					
9	PTA NPTE													31	César Chávez Day						18	CPTA Student Conclave University of Pacific Stockton, CA					
21	Martin Luther King Jr																				21	Easter					
23-26	APTA Sections Meeting Washington, DC																				23	PT NPTE					
29	PT NPTE																										

May							June							July							August						
12	Mother's Day						TBD	FSBPT REG Training Alexandria, VA						4	Independence Day												
27	Memorial Day													9	PTA NPTE												
							12-15	APTA NEXT Chicago, IL						24-25	PT NPTE												
							16	Father's Day						TBD	FSBPT LIF												
							19-20	PTBC Meeting Southern CA																			

September							October							November							December						
2	Labor Day						3	PTA NPTE						TBD	FSBPT Annual Meeting						11-12	PTBC Meeting TBD, Bay Area, CA					
19-20	PTBC Meeting Sacramento, CA						12-13	CPTA Annual Meeting Las Vegas, NV						11	Veteran's Day												
							24	PT NPTE						28	Thanksgiving						25	Christmas					
							31	Halloween																			



## Physical Therapy Board of California

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**DATE:** August 26, 2018

**Agenda Item 5**

**TO:** Physical Therapy Board of California (Board)

**SUBJECT:** Executive Officer's Report

This report is to update you on the current status of the Board's operations.

**ADMINISTRATIVE SERVICES** – Due to vacancy, the PTBC is currently recruiting for (1) Limited Term, Full Time Office Technician (OT) in the Administrative Services Program. This position will serve as the receptionist and provide administrative support to the programs.

It is my pleasure to announce the appointment of PTBC's new team member, April Beauchamps. Ms. Beauchamps has been appointed to the Staff Services Analyst position within the Administrative Services Program, effective July 9, 2018, to serve as the Boards Communication and Education Analyst (previously Outreach Liaison). The Communication and Education Analyst has been designated to address the PTBC's mandates pertaining to publishing newsletters and facilitating an education program for stakeholders (BPC §2605 (g)(i)) as a priority. In addition, the Communication and Education Analyst will serve as the primary point of contact for education and communication through social media, web-site maintenance, publications, forms, educational presentations, etc.

Prior to Ms. Beauchamps appointment with the PTBC, she was a Customer Service Representative in the checks/loans field since 2011, which included managing staff. Ms. Beauchamps has earned a bachelor's degree in communication with the California State University Sacramento. We look forward to having her as a part of our team.

Please refer to Agenda Item 8(B) for a detailed Budget report.

**APPLICATIONS SERVICES** – Please refer to Agenda Item 22 for a detailed report.

**LICENSING/CONTINUING COMPETENCY SERVICES** – Please refer to Agenda Item 23 and 24 for a detailed report.

**CONSUMER PROTECTION SERVICES** – Please refer to Agenda Item 25 for a more detailed report.

**OUTREACH** – Please refer to Agenda Item 8(C) for a detailed Outreach report.

**PTBC Relocation** – As previously reported, the PTBC's lease for the building at its existing location, 2005 Evergreen Street #1350, Sacramento, Ca. 95815 is set to expire in March of 2019. While negotiations to renew the lease continue, it is safe to say that there will be an increase in the sq. ft. rate once the lease is finalized. We expect to move from our current location in 2019. There will be a onetime cost for the move. These costs will include; construction, tenant improvement, new modular furniture, old modular furniture removal, phone and IT, as well as movers. According to DGS and DCA facilities, the estimated costs to move to a larger space within our existing building is \$868,750. DCA is perusing a Budget Change Proposal for the Boards in the Evergreen building to account for these onetime costs as well as the increase in sq. ft and sq. ft. costs ongoing.

We have also received a new DGS estimate as a result of our space planning request. We currently have 4060 sq. ft. According to DGS calculations, at current staffing, that equates out to 123 sq.ft. per Position Authority (PY). The DGS estimate shows that the PTBC requires 7350 sq. ft., or 223 sq. ft. per PY, which is an increase of 81%. It goes without saying that PTBC staff have been making due with what they have for a very long time. I appreciate their work ethic and commitment to their mandate of consumer protection. I look forward to the move and being able to provide them with the space and equipment that they so rightly deserve. It will provide for benefits for all our stakeholders, consumers and licensees alike.

**STRATEGIC PLAN** – The PTBC's strategic plan is with DCA's Publications, Design and Editing unit for design, formatting and publication. Once the plan is published, staff will be meeting with SOLID to create an action plan to guide completion of strategic objectives by establishing due dates, identifying major tasks, and assigning responsible parties.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

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## **Briefing Paper**

**Date:** September 28, 2018

**Agenda Item 6**

**Prepared For:** Board Members

**Prepared By:** Liz Constancio, Administrative Services Manager

**Subject:** Executive Officer Exempt Level Allocation

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### **Purpose:**

To request the exempt level of the PTBC's Executive Officer (EO) position be changed from Level N to L. The Board Members have determined this action is necessary in efforts to provide the appropriate exempt level in support of the PTBC's organizational structure.

**Attachments:**

1. PTBC's EO Exempt Level/Organizational Structure Overview (PTBC-8/2018)
2. DCA Exempt Level Comparison (PTBC-8/2017)
3. Exempt Salary Schedule (CalHR-7/2017)
4. PTBC Organization Chart (PTBC-8/2018)
5. EO Exempt Level Increase (Previous package) (PTBC-7/2017)

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### **Background:**

The PTBC's Executive Officer (EO) Exempt Level is not appropriately allocated in accordance with the organization structure.

The EO position was initially established on July 1, 1976 with the title of "Deputy, Physical Therapy Examining Committee, and Staff Consultant". The position was under the direction of the Medical Board of California (MBC) within the Department of Consumer Affairs (DCA).

On November 14, 1988, the EO exempt entitlement B&P code E/BP2604 was tied to the position and on March 2, 1989, the exempt level changed from P4 level (Associate Analyst II equivalent) to level P2 (SSM I equivalent), following the DCA's EO Exempt Level Study conducted in 1985.

FY 1996-97, the oversight designation was transferred to the Physical Therapy Examining Committee (PTEC) from the MBC (Chapter 829, Statutes of 1996 (AB3473)), which later changed the PTEC to the Physical Therapy Board of California (PTBC). The PTBC's EO exempt level did not change with the organizational change and remained allocated at the P2 level (SSM I equivalent).

On August 31, 2000, the EO exempt level was reallocated from level P2 to level O (SSM II equivalent) and the classification title changed from Deputy, Physical Therapy Examining Committee, and Staff Consultant to “Executive Officer, Physical Therapy Board of California” in result of another department-wide EO Exempt Level Study conducted by the DCA’s Office of Human Resources (OHR) (dated May 2000). At the time of the study (FY 2000/01), the PTBC was authorized 8.8 positions, including the EO position and was allocated a budget authority of \$1,956,976. In addition, the PTBC supported a licensee population of approximately 32,612.

FY 2011-12, the DCA initiated an EO Exempt Level Study and contracted with the California Human Resources (CalHR) to conduct a salary study of all the EO positions, including PTBC’s EO position to determine if the salaries were appropriately allocated. At the time the study was conducted, the PTBC was authorized 18.0 positions, including the EO position, had a budget authority of \$3,472,038 and approximately 32,187 licensees. Using the DCA’s previous EO Exempt Level Study Guidelines of May 2000, the PTBC would have met the allocation criteria for exempt level M. However, the Study was limited due to budget constraints resulting in furloughs, vacancies, state-wide hiring freezes, etc. and increased resources, including exempt level increases were not permitted.

FY 2015-16, the PTBC was authorized 19.1 positions, including the EO and also employs four additional staff (1 OT, 2 SSA and 1 AGPA) authorized in the “temp help” line item (blanket expenditures). These temporary positions were necessary to accommodate increasing program requirements and alleviate excessive backlogs. In addition, the PTBC had a budget authority of \$4,227,000 and projected to spend \$4,142,460 (year-end).

FY 2016-17, Board President, Katarina Eleby submitted a formal request on behalf of the Board Members to the DCA’s, Office of Human Resources requesting consideration to increase the EO’s exempt level, from O to level L, effective August 1, 2016. However, on April 21, 2017, President Eleby was informed by DCA’s Human Resource Chief, Ricardo DeLaCruz the Boards request for the exempt level increase was not approved.

FY 2017/18, Board President, Katarina Eleby submitted a 2<sup>nd</sup> formal request (attached) on behalf of the Board Members to the DCA’s Office of Human Resources requesting to increase the EO’s exempt level, from O to level L. On February 6, 2018, the Board’s request was partially approved to increase its EO exempt level from, O to level N. The Exempt Level N is equivalent to the Staff Services Manager II/III civil service classification.

While various significant program changes have occurred between FY 2000/01 and FY 2016/17, the most significant over the past five (5) years is as followed:

- 2010/11 – the PTBC implemented Continuing Competency (CC) requirements (California Code of Regulations, sections 1399.90 – 1399.99). The CC requires all licensees to accumulate 30 hours of continuing education during each renewal cycle (biennial) from a course provider approved by the Board. In addition, to ensure applicants meet CC requirements, the PTBC is required to conduct a percentage of random audits. This change increased the licensing requirements. As a result, the PTBC increased its staffing resources to manage the new additional workload.
- 2011/12 – the PTBC implemented the Consumer Protection Enforcement Initiative (CPEI) developed by the DCA. The CPEI proposed streamlining and standardize the complaint intake/analysis to decrease the average processing time for complaint intake, investigation, and prosecution from three years to 12-18 months. This change increased the enforcement requirements. As a result, the PTBC increased staffing resources to manage the new additional workload.

In addition, the PTBC implemented fixed-date testing for its National Physical Therapy Exam (NPTE) administered by the Federation of State Boards of Physical Therapy (FSBPT). The Fixed-date testing schedule requires all applicants to adhere to the FSBPT fixed-date testing schedule and deadlines. The FSBPT administers the NPTE for physical therapist and physical therapist assistants 4 times per year. This change revised the sequence and frequency of examinations, requiring the Board to process a higher volume of applications in a compressed amount of time resulting in additional workload within the application and licensing services. The PTBC was required to absorb the additional workload within its existing resources

- 2012/13 – Implemented expedited licensure requirements (Business and Professions Code, section 115.5). The expedited licensure requirements provide applicants identified as a spouse or domestic partner of active duty military personnel to an expeditious license process. This change revised the sequence of the application process, requiring the PTBC to process these applications expeditiously, in turn, processing a higher volume of applications in a compressed amount of time resulting in additional workload within the application, licensing and cashing services. The PTBC was required to absorb the additional workload within its existing resources.
- 2013/14 – Passage of SB 198 (eff. 1/1/14) – revised the Physical Therapy Practice Act in its entirety; however, the most impactful changes:
  - ✓ Medical Records - Added authority for the Board to collect \$1,000 per day for each day a patient's medical records have not been produced to the Board after the 15th day of request.
  - ✓ Test of English as a Foreign Language (TOEFL) - Added requirement for individuals educated outside the U.S. at a non-accredited school to submit proof of English proficiency.
  - ✓ Licensure Exemption – Added provisions providing licensure exemption to the licensees who are licensed out of state or out of the country if they are researching, demonstrating, or providing physical therapy in connection with teaching or participating in an education seminar for no more than 60 days a calendar year. ○ Education Accreditation – Added educational requirements shall include those prescribed by CAPTE or the Physiotherapy Education Accreditation Canada, and shall include 18 weeks of full time experience.
  - ✓ Licensure Renewal Fee Exemptions and Waivers - Added licensure renewal exemptions for Military, Disability, Voluntary/Unpaid; and Retired.
  - ✓ Direct Access – Added provisions allowing patients to access physical therapy services without a diagnosis for 45 calendar days or 12 visits, whichever occurs first. If treatment continues beyond 45 calendar days or 12 visits, the patient must receive an in-person examination from a physician and surgeon or podiatrist, who must also sign off on the physical therapist's plan of care. AB 1000 also expands the types of licensed professionals permitted to work for a professional corporation; adds physical therapy corporations to the list of corporations in Section 13401.5, identifying who, other than physical therapists, may be a shareholder, officer, or director of a physical therapy corporation; and, permits a licensed physical therapist to be a shareholder, officer, or director of a medical corporation and a podiatric corporation.
- 2015/16 – Implemented new licensing and enforcement online system, Breeze. The Breeze is an integrated system that has replaced the DCA's legacy systems (CAS/ATS), effective January 19, 2016. In order to determine the impact the Breeze has on board operations, the PTBC will continue to work on system efficiencies and monitor and track operations over the next 12 months. Meanwhile, the PTBC is required to absorb any additional workload within its existing resources.



- 2016/17 – Staffing resources increased by 3.0 positions in support the volume of workload for processing applications for examination and licensure. Further, in efforts to align our structure to meet allocation guidelines the PTBC was authorized one additional Staff Services Manager I position within the Application and Licensing Services Program. This action was necessary to obtain a separation in duties between its’ administrative functions and application and licensing functions. As a result, staff resources increased from 19.1 to 21.4 authorized positions. The 21.4 authorized positions do not include positions allocated as blanket expenditures, which includes one Office Technician (T) (Cashier) and one Staff Services Analyst (Application Analyst).
- 2017/18 – Staffing resources remain consistent with previous fiscal year at 21.4 authorized positions, with the exception of one additional Staff Services Analyst position within blanket resources. The PTBC was required to obtain one additional 2-year, limited-term Analyst position to manage its communication and education statutory requirements.

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## Analysis:

Generally, when changes occur, increasing program requirements, such as, scope of responsibility, staff size, budget, complexity, special requirements, etc. merits a salary or level increase.

Over the past decade, the PTBC’s role and responsibilities have changed significantly resulting in increased program requirements, which includes increased staffing levels, budget authority, operating expenditures, statute and regulatory. The PTBC’s EO Exempt Level has not changed since fiscal year 2000/01. Meanwhile the EO exempt level remains at the same level (O), which was determined based on PTBC’s organizational structure and level of responsibilities of FY 2000-01. The PTBC’s current structure as follows:

**Working Title:** Executive Officer  
**Exempt Level:** N  
**Salary:** 7,396 – 8,240

**Authorized Positions:** 21.4  
**Authorized Budget:** 4,575,000  
**Licensee Population:** 38,961

In reviewing the DCA’s EO exempt level criteria outlined in the EO Exempt Level Study of May 2000 and the CalHR Exempt Salary Schedule (July 2017), the PTBC’s EO level is not allocated to the appropriate level to support the current organizational structure effectively. The PTBC’s EO manages three (3) Staff Services Manager I (SSMI) civil service level positions on day to day operations and reports directly to a 7-Member Board appointed by the Governor, Speaker of the Assembly and Senate Rules Committee. The PTBC’s EO serves as the sole administrative agent on policy-making and provide policy and program management. In efforts to correct the PTBCs organization structural imbalance, the PTBC is currently working with the DCA, Office of Human Resources to obtain a second level officer at the SSM II level to manage the day to day operations. The PTBC will also seek a permanent solution to this issue through the Budget Change Proposal process.

In addition, The EO exempt level from N to level L, will not require a budget change proposal request, nor create a budget deficiency. The EO monthly salary base of level N is \$7396 – 8240 and \$8132 - \$9058 for level L. Based on the maximum monthly salary base, the PTBC’s expenditures may have a potential annual increase of \$9,816 within its Personnel Services budget. The PTBC is currently authorized \$2,029,000 for Personnel Services and projects to fully expend its budget (year-end); however, expenditures include the cost for temp help staff, approximately \$13,027 annually. The PTBC anticipates these additional expenditures to decrease each year – as staffing deficiencies be corrected through the BCP process allowing the PTBC to true-up its budget and significantly reduce its reliance on temp help. The potential maximum annual increase (\$9,816) in salaries and wages is minor and absorbable within existing resources.

Further, the DCA, Budget Office has advised staff that the PTBC's fund is healthy and the PTBC can support the estimated cost identified within its existing resources without requiring a budget change proposal.

Therefore, in my opinion, a change to the PTBC's EO Exempt Level from N to Level L is a viable course of action.

---

**Action Requested:**

Board Members - Motion to vote in support of the DCA, Office of Human Resources to work with the PTBC staff and appropriate agencies in obtaining an exempt level change that is appropriate to the PTBC's EO position allocation and organization structure.

Categories	FY 2000/01 (Actual)	FY 2011/12 (Actual)	FY 2012/13 (Actual)	FY 2013/14 (Actual)	FY 2014/15 (Actual)	FY 2015/16 (Actual)	FY 2016/17 (Actual)	FY 2017/18 (Projection)	% Increase / Decrease (FY 2000/01 FY 2017/18)
Authorized Positions	8.8	18.0	14.3	16.4	19.4	19.4	21.4	21.4	143%
Executive Officer (Exempt Level)	O	O	O	O	O	O	O	N	None
PERS SVS / OE & E Budget	\$1,496,576	\$2,491,132	\$2,249,952	\$2,253,849	\$2,758,979	\$3,025,000	\$3,267,000	\$3,361,000	125%
Licensee Population	21,351	32,187	32,604	34,207	35,435	36,312	37,407	38,961	82%
Applications Received	1,569	1,953	1,900	2,040	2,139	2,546	2,632	2,698	72%
Enforcement Budget	\$460,400	\$980,906	\$1,107,051	\$1,173,913	\$1,317,611	\$1,202,000	\$1,909,000	\$1,622,000	252%
Complaints Received	219	1,816	1,528	1,309	1,006	703	772	654	199%
Investigations	126	1,796	1,483	1,197	995	692	769	597	374%
Cases Referred to AG's Office	26	70	59	52	60	25	63	77	196%
Disciplinary Actions	15	33	35	41	54	54	33	38	153%
Citations Issued	4	613	258	249	99	70	38	29	625%
Authorized Budget	\$1,956,976	\$3,472,038	\$3,357,003	\$3,427,762	\$4,076,590	\$4,227,000	\$5,176,000	\$4,983,000	155%
Total Expenditures (CalStars FM13)	\$1,954,347	\$3,232,964	\$3,204,071	\$3,407,765	\$4,007,185	\$4,108,884	\$4,805,470	\$4,881,381	150%

- **FY 1996/97** EO Exempt Level P2, following the designated oversight transferring from Medical Board of California to PTBC.
- **FY 2000/01** EO level changed from level P2 to level O, following DCA's EO Exempt Level Study (5/2000).
- **FY 2011/12** EO Exempt Level remained at Level O.  
\$150,000 one-time AG Augmentation.
- **FY 2012/13** EO Exempt Level remained at Level O.  
\$170,000 one-time AG Augmentation.
- **FY 2013/14** EO Exempt Level remained at Level O.  
\$320,000 one-time AG Augmentation.  
BCP 1110-31 Staffing increase w/ funding \$189,000.
- **FY 2014/15** EO Exempt Level remained at Level O.  
BCP 1110-03L Staffing increase (2 yr. limited-term) w/ \$91,000 FY 14/15 and \$83,000 FY 15/16.  
BCP 1110-32 \$142,000 AG Augmentation.
- **FY 2015/16** EO Exempt Level remained at Level O.  
BCP 1110-03L 2 yr. limited-term AGPA position was abolished, effective 6/30/16.
- **FY 2016/17** EO Exempt Level remained at Level O.  
BCP 1111-024-BCP-BR-2016-GB Staffing increase (3) positions w/ \$268,000 FY16/17 and \$244,000 thereafter.
- **FY 2017/18** EO Exempt Level changed from, O to level N, effective February 2018.

Table 1. List DCA, Healing Arts Boards . The Boards similar to PTBC's scope of responsibilities are highlighted (blue). The larger healing arts Boards are provided in Table 2.

Program	Working Title	Exempt Category	Level	Level Definition	CalHR Established Salaries	Civil Service Excluded Level Definition	Authorized Budget	Authorized Positions	Licensee Population
Board of Chiropractic Examiners	Executive Officer	I. Management	* -		10,233 - 11,620		4,257	18.7	13,191
Physician Assistant Board	Executive Officer	I. Management	* -		7,335 - 8,416		1,795	3.7	11,534
Veterinary Medical Board	Executive Officer	I. Management	M	SSM III Equivalent	8,062 - 8,980	SSM III	4,913	19.9	29,545
Respiratory Care Board of California	Executive Officer	I. Management	M	SSM III Equivalent	8,062 - 8,980	SSM III	3,766	16.0	23,473
California Board of Psychology	Executive Officer	I. Management	M	SSM III Equivalent	8,062 - 8,980	SSM III	5,206	20.9	22,449
Physical Therapy Board of California	Executive Officer	I. Management	N	SSM II Equivalent	7,692 - 8,570	N/A	4,983	21.4	37,184 / 47 EK/EN Certificates
Dental Hygiene Committee of California	Executive Officer	I. Management	O	SSM II Equivalent	7,335 - 8,170	SSM II (M)	2,016	7.1	23,448
Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board	Executive Officer	I. Management	O	SSM II Equivalent	7,335 - 8,170	SSM II (M)	2,294	11.0	24,021
California State Board of Optometry	Executive Officer	I. Management	O	SSM II Equivalent	7,335 - 8,170	SSM II (M)	2,428	10.8	17,082
California Acupuncture Board	Executive Officer	I. Management	O	SSM II Equivalent	7,335 - 8,170	SSM II (M)	3,354	10.5	11,999
California Board of Occupational Therapy	Executive Officer	I. Management	O	SSM II Equivalent	7,335 - 8,170	SSM II (M)	2,292	14.4	15,553
Osteopathic Medical Board of California	Executive Director	I. Management	O	SSM II Equivalent	7,335 - 8,170	SSM II (M)	2,560	11.1	9,843
California Board of Podiatric Medicine	Executive Officer	I. Management	O	SSM II Equivalent	7,335 - 8,170	SSM II (M)	1,497	4.7	2,182

Table 2. List the largest DCA, Healing Arts Boards.

Program	Working Title	Exempt Category	Level	Level Definition	CalHR Established Salaries	Civil Service Excluded Level Definition	Authorized Budget	Authorized Positions	Licensee Population
Medical Board of California	Executive Director	I. Management	F	CEA B Equivalent	10,733 - 11,958	CEA (B)	63,837	155.9	157,831
Board of Pharmacy	Executive Officer	I. Management	* -		10,456 - 11,648		25,531	101.1	139,164
Board of Registered Nursing	Executive Officer	I. Management	* -		12,174 - 12,540		45,307	163.9	549,047
Board of Vocational Nursing & Psychiatric Technicians	Executive Officer	I. Management	J	Asst. Director (Line Program)	9,300 - 10,669	CEA (A)	16,305	58.4	137,796
Dental Board of California	Executive Officer	I. Management	J	Asst. Director (Line Program)	9,300 - 10,358	CEA (A)	16,687	68.3	86,383 / 18,355 (permits)
Board of Behavioral Sciences	Executive Officer	I. Management	J	Asst. Director (Line Program)	9,300 - 10,358	CEA (A)	11,560	54.1	108,662

The data being reported was collected from various resources, as follows:

- \* Staff was unable to identify the Exempt Levels of these positions.
- 1. CalHR Exempt Salary Schedule - Exempt Salary Chart (July 2017)
- 2. CalHR Exempt Pay Scale (State Controller's Records) (August 2018)
- 3. DCA Annual Report (2017)

# Exempt Salary Schedule

July 2017



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PUBLISHED BY







## Preface

The Exempt Salary Schedule provides salary information on:

- Elected state officers whose salaries are established by the California Citizens Compensation Commission,
- "Statutory" exempt state officers in the Executive Branch whose salaries are fixed by law, and
- "Non-statutory" exempt positions whose salaries are recommended by the appointing power and approved by the Department of Human Resources under the authority of Government Code §19825.

(See the section entitled "Salary Setting in the Executive Branch.")

Many of the salaries published here are subject to change as the duties, responsibilities, and organizational relationships of many of the positions listed may change during the year. Personnel Offices are notified via the Exempt Pay Letter whenever the salaries of exempt positions assigned to their department are changed and approved by the Department of Human Resources. State personnel staff may review the latest information through the State Controller's California State Pay (CSP) screen in the automated payroll system which changes daily or through the Human Resources Network (HR Net) on the CalHR web site which is updated monthly.

If you have any questions, please contact:

The Exempt Program  
Department of Human Resources  
1515 "S" Street, North Building, Suite 540N  
Sacramento, CA 95811-7258  
(916) 324-9381

[EPR@calhr.ca.gov](mailto:EPR@calhr.ca.gov)

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## **Salary-setting in the Executive Branch (Non-civil service)**

The Government of the State of California has several salary-setting mechanisms that establish the salaries of elected and appointed officials who are not in the Civil Service.

### ***Elected Officials***

The California Citizens Compensation Commission meets annually in the spring to review and establish salaries and benefits for elected officials in the Executive and Legislative branches. The Commission consists of seven members appointed by the Governor, three representing the public and two each the business community and labor organizations. Salaries become effective the first day of the new legislative session — the first Monday of December. The Department of Human Resources provides staff support to the Commission.

### ***Appointed State Officers***

The salaries of most top level state officers (Agency Secretaries and Department Directors) who are appointed by the Governor are set in Chapter 6, Part 1, Division 3, of Title 2 of the Government Code. Each section in this chapter lists a salary and the positions that are to receive that salary. (The State Senate must confirm any appointee to a position listed in this chapter.)

Chapter 6 also includes provisions that most of the salaries listed will increase in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees. The Department of Human Resources reports the amount of the increase to the State Controller (who administers the payroll system) to implement the increase.

### ***Department of Human Resources (CalHR) Exempts***

The Constitution of the State of California provides that members of boards and commissions, appointees of the Governor and one appointee of each Governor's appointee shall be exempt from civil service. All those that do not fall under the categories of appointed state officer or elected state official (above) come under the salary approval authority of the Department of Human Resources (CalHR). For these employees, CalHR approves the salary range for each position and determines any annual increase. These positions normally receive the same increase provided comparable civil service employees.

Please see “Exempt Authority” in the [Explanatory Notes](#) below for an explanation of the various exempt appointments.

***Exempt v. Excluded Employees***

The term “exempt” often is confused with “excluded”, however they are different. An excluded employee is excluded from collective bargaining (the Dills Act). An exempt employee is exempt from the civil service law and rules. Most exempt employees are excluded from collective bargaining because they are management level positions but some are not. The terms are not interchangeable.

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## Work Week Group Definitions

### ***Work Week Group 2:***

(Effective 10/1/85)

Overtime for employees in classes not eligible for exemption under Section 7K of the Fair Labor Standards Act (FLSA) is defined as all hours worked in excess of 40 hours in a period of 168 hours or seven consecutive 24-hour periods.

### **Hours Worked**

For the purpose of identifying hours worked under the provisions of the FLSA, only the time that is controlled or required by the State and pursued for the benefit of the State need be counted. Thus paid leave such as vacation, sick leave, holidays, compensating time off, etc., need not be included when determining if overtime hours have been worked under the FLSA. However, under applicable State regulations, paid leave is considered time worked and when an employee works more than 40 hours in a week that includes paid leave, an overtime payment obligation is incurred.

### **Work Periods**

A work period for WWG 2 employees is defined as a fixed and regularly occurring period of 168 hours - seven consecutive 24-hour periods. The appointing power determines the work week which may begin on any day at any hour. Once the beginning time of an employee's work week is established and noted in the records, it remains fixed regardless of the schedule of hours worked. The beginning of a work week may be changed if the change is intended to be permanent and it is not designed to evade the overtime provision of the FLSA.

In order to qualify for the Section 7K exemption, the employer must note in records applicable to each employee affected the 7K exemption is claimed and indicate the length of the work period, the starting day of the work period and the starting time of the day.

### **Overtime Authorization**

An employee shall not work overtime unless ordered to do so by his supervisor. A supervisor shall not allow an employee to perform overtime work without prior authorization and shall take affirmative steps to prevent unauthorized overtime from being worked.

### **Overtime Credit**

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; however, if an employee regularly works overtime in increments of less than 7 1/2 minutes,

periodic adjustments shall be made so that, over a period of time, the employee will be compensated for all hours actually worked.

### **Overtime Compensation**

The method of compensation (cash or compensating time off) for FLSA overtime worked shall be at the discretion of the appointing power in accordance with the following:

- Compensating time off on a one and one-half time basis may be authorized in lieu of cash compensation if granted within the pay period.
- Cash compensation may be authorized and the rate of cash compensation paid for overtime shall be one and one-half times the hourly equivalent of the employee's salary as of the time the overtime was worked. Fair Labor Standards Act overtime remaining at the end of the pay period shall be compensated for in cash.

### **Determination of Coverage under FLSA**

The provisions of Work Week Group 2 are made applicable to all classes that are determined by the Director of the Department of Human Resources to include positions subject to the Fair Labor Standards Act.

### ***Work Week Group "E"***

Work Week Group "E" includes classes that are exempted from coverage under the FLSA because of the "white-collar" (administrative, executive, professional) exemptions. To be eligible for this exemption a position must meet both the "salary basis" and the "duties" test.

Exempt (WWG E) employees are paid on a "salaried" basis and the regular rate of pay is full compensation for all hours worked to perform assigned duties. However, these employees shall receive up to 8 hours holiday credit when authorized to work on a holiday. Work Week Group E employees shall not receive any form of additional compensation, whether formal or informal, unless otherwise provided by the provisions of this work week group.

Consistent with the "salaried" nature of such a position, an exempt employee:

- Shall not be charged any paid leave for absences in less than whole day increments;
- Shall not be docked for absences of less than a work period.
- Shall not be subject to a disciplinary action suspension of less than full work week increments unless there is a violation of a major safety rule; and
- Shall not be required to document hours worked for payroll purposes.

### ***Work Week Group "SE" (Physicians, Attorneys, Teachers)***

Work Week Group "SE" applies to classes and positions with an 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. However, these employees shall receive up to eight hours of holiday credit when ordered to work on a holiday. Hours of work in excess of the average work week are not compensable, and shall not be deemed overtime. 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 for the entire pay period.

Consistent with the “salaried” nature of such a position, an exempt employee:

- Shall not be charged any paid leave for absences in less than whole day increments;
- Shall not be docked for absences of less than a work period.
- Shall not be subject to a disciplinary action suspension of less than full work week increments unless there is a violation of a major safety rule; and
- Shall not be required to document hours worked for payroll purposes.
- For rank and file employees, refer to the appropriate collective bargaining agreement for specific provisions that may otherwise be addressed and not contained in the above work week group definition.

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## The Exempt Position Request

The Exempt Position Request (EPR) was designed to provide the Governor's Office and CalHR with the information needed to process the paperwork associated with an exempt appointment, the establishment or abolishment of an exempt classification, and salary changes to those classifications. Part 1 is filled out by the requesting department and includes:

1. a. Appointee Information:

- Proposed Appointee
- Proposed Effective Date, Salary, Salary Range & Level

If appointee is a current State employee, fill in the following:

- Class Code, Monthly Salary & Current Class & Employing Department

1. b. Exempt Pay Scale Information:

- Current Schem Code, Class Code & Title
- Fill in "Current": If no changes to Class Code
- Fill in "Proposed": If changes are being made to Class Code

A *current* duty statement and organization chart must be attached as part of the package. If an existing exempt classification is being used, it often must be revised to reflect new duties and responsibilities. This often includes salary and other changes that must be made in the Exempt Pay Scale. If a new classification is being created for a new entitlement, only the proposed information should be filled out and the appropriate "new exempt class" box should be checked.

- The EPR should be signed and sent forward to the department's Agency for approval (if the department reports to an Agency) and then to the Governor's Appointments Unit.
- A copy of the package must also be sent to the CalHR Exempt Program ([EPR@calhr.ca.gov](mailto:EPR@calhr.ca.gov)) at this time.
- Departments and Agencies reporting directly to the Governor's Office should forward the EPR to the Governor's Appointments Unit. Independent agencies such as Constitutional Officer's departments, or Boards and Commissions should forward the EPR directly to CalHR *with a copy to the Governor's Office*.
- Upon review and approval by CalHR, a pay letter will be forwarded to SCO for processing.

A copy of the Exempt Position Request form is attached. It is also available on the Human Resources Network (HR Net) as a service to State Personnel Offices located on CalHR's website ([www.calhr.ca.gov](http://www.calhr.ca.gov)). (The HR Net is available to personnel offices by subscription only.)

## Exempt Salary Increases

Refer to online HR Manual, Section 1301, for information regarding the process for requesting Exempt salary increases.

If any further information is needed, the CalHR Exempt Program can be reached at (916) 324-9381.

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**Sample Exempt Position Request****Exempt Position Request**

CalHR Form EPR.docx (9/10/15)

Instructions: Complete and send through the agency (if appropriate) to the Appointments Unit of the Governor's Office who will forward it to CalHR. An advance copy should be sent to CalHR.

<b>I.a. Appointee Information</b>							
Proposed Appointee				Effective Date	Salary	Salary Range	Level
<b>If the appointee is currently a state employee:</b>							
Class Code	Monthly Salary	Current Class & Employing Department					
<b>I.b. Exempt Pay Scale Information</b>							
<b>Current Information and Proposed Changes, if any:</b> (Current information is available on Controller's CSP Screen or the Human Resources Network (HR NET))							
	Schem Code	Class Code	Title				
Current:							
Proposed:							
	Monthly Sal Rg.	Exempt Level	Authority/Entitlement	WWG	MCR	CBID	Footnotes
Current:							
Proposed:							
<input type="checkbox"/> New exempt class based on new legislation (attach a copy of the legislation). <input type="checkbox"/> New exempt class based on the conversion of a civil service managerial position under Gov. Code 12010.6.							
If new conversion, Civil Service Class to be Converted					Position Number		
<b>Definitions of Commonly Used Appointing Authorities: (Ref. CA State Constitution, Art. VII, Sec. 4)</b>							
C – Constitution Officer or Appointee (Not Gov. or Lt. Gov.)				F – Governor's (or Lt. Gov.'s) Appointee			
D – Board or Commission Member				G – Appointee of a Governor's Appointee			
E – Appointee of a Board or Commission				M – Special Authorizations			
<b>CBID:</b> E97 – Confidential; E98 – Supervisory; E99 – Managerial; E79 – Managerial Specialist (Non-supervisory)							
<b>I.c. Requesting Department</b>							
Requester's Title				Department			
Requester's Signature				Telephone Number		Date	
<b>II. Agency Approval</b>							
Name and Title of Approving Official				Agency Name			
Signature of Approving Official				Telephone Number		Date	
<b>III. Governor's Office Approval (Send to Appointments Unit, Attn. Lisa McVay)</b>							
Comments						(For CalHR Use Only)	
Name and Title of Approving Official							
Lisa McVay, Appointments Administrator				(916) 322-7458			
Signature of Approving Official				Date			



## The Conversion Process

This process is provided for by Government Code section 12010.6 and is available to line agency departments only, i.e., departments whose directors are directly appointed by the Governor.

The department identifies a vacant managerial position or a vacant position that can legitimately be reclassified to a managerial position. Once the position is identified, the regular appointment process is followed. The EPR must indicate that a new exempt class is being proposed based on the conversion of a vacant civil service managerial position and the position number of the civil service class must be included, in Part 1.b. The EPR should also include a copy of the duty statement, organization chart, a justification explaining the need for the conversion, and the recommended salary level.

The Governor's Office will not approve a conversion from civil service to an Exempt until the candidate is approved for appointment. Once the appointee is approved, the Governor's Office will send notification to CalHR to convert the civil service position.

CalHR will establish the Exempt position and issue an Exempt Pay Letter. The Pay Letter will be sent to SCO and to the department's Personnel Officer so the department can key the transaction.

If a department wishes to return an exempt position to civil service, they must obtain the approval of the Governor's Office. The Governor's Office and CalHR will determine if the exempt class should be abolished or inactivated on a temporary basis. In no case can the exempt class be used after the position has returned to civil service unless a new conversion is approved or, if the return was temporary, until the Governor's Office is notified and CalHR reactivates the exempt class.

If any further information is needed, the CalHR Exempt Program can be reached at (916) 324-9381.

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## Salaries of Exempt Classes

By law, the Department of Human Resources must approve the salary of each exempt position unless the law specifically exempts it. CalHR consults with the Governor's Office Appointments Unit in reviewing specific requests to change exempt position salaries. Approval of changes in salary levels for exempt positions must be obtained from CalHR and the Governor's Office prior to discussion of salary with potential appointees. New appointees are normally hired at the minimum of the range. If a higher starting rate is thought to be necessary, a request to hire above the minimum salary rate must be approved in advance by the Governor's Office Appointments Unit using the Exempt Position Request (EPR). The Appointments Unit will forward the request to the Department of Human Resources.

Positions which are either statutorily exempt from CalHR approval or whose salaries are established in statute ("statutory exempts") do not require prior review and approval by CalHR. Departments may key the PAR transaction directly into the State Controller's Office. Item 435 of the PAR must be completed.

## Appointments

All exempt appointments must be reviewed and approved by the Governor's Office (except appointees of other *elected* officials). Departments must send a cover memo of explanation, an Exempt Position Request (EPR), a current duty statement, and organization chart through the Governor's Appointments Unit with a copy to the Exempt Unit at CalHR.

If there is a change in duties or organizational structure, a new duty statement and organization chart must be submitted with the EPR.

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# Exempt Salary Chart

July 2017

Exempt Category	Level Definitions	Salaries in Statute		CalHR Established Exempt Salaries				Civil Service Excluded		
		Monthly Salary	Annual Salary	Monthly Min.	Monthly Max.	Annual Min.	Annual Max.	Level Definition	Monthly Min.	Monthly Max.
I. Management Positions:										
A.	Cabinet	13,706.14	164,474					201,869		
	All Others at Level A			12,741	-	14,194	152,892	-	170,328	
B.	Tier II Department Director	12,855.41	154,265	13,343	-	14,430	160,116	-	173,160	
	All Others at Level B			11,952	-	13,316	143,424	-	159,792	
C.	Chair - Major Boards	12,288.35	147,460	11,425	-	12,726	137,100	-	152,712	
	Member - Major Boards	11,909.99	142,920	11,071	-	12,335	132,852	-	148,020	Legal & Medical 15,885
D.	Major Chief Dep. (CEA C Equiv.)			10,925	-	12,168	131,100	-	146,016	CEA C 10,688 - 12,136
E.	Tier I Department Director	11,342.83	136,114	12,707	-	13,743	152,484	-	164,916	
	All Others at Level E			10,545	-	11,746	126,540	-	140,952	
F.	CEA B Equivalent			10,320	-	11,498	123,840	-	137,976	CEA B 9,625 - 11,465
G.	Ex. Officers, Major Boards			10,054	-	11,200	120,648	-	134,400	
	Chair - Medium Boards	10,775.87	129,310	10,018	-	11,157	120,216	-	133,884	
H.	Maj. Dept. Deputy Director			9,839	-	10,962	118,068	-	131,544	
	Small DD & Mbr. Med. Bds.	10,397.89	124,775	9,666	-	10,764	115,992	-	129,168	
I.	Asst. Agency Secretary I			9,371	-	10,445	112,452	-	125,340	
J.	Asst. Director (Line Program)			8,942	-	9,960	107,304	-	119,520	CEA A 6,913 - 9,937
K.	Asst. Agency Secretary II			8,529	-	9,501	102,348	-	114,012	
L.	CEA A Equivalent			8,132	-	9,058	97,584	-	108,696	
M.	SSM III Equivalent			7,752	-	8,635	93,024	-	103,620	SSM III 7,593 - 8,621
N.	SSM II/III Equivalent			7,396	-	8,240	88,752	-	98,880	
O.	SSM II Equivalent			7,053	-	7,856	84,636	-	94,272	SSM II (M) 6,913 - 7,853
II. Non-management Positions								SSM II (S)	6,063	- 7,760
P1.				6,893	-	7,451	82,716	-	89,412	
P2.	SSM I (Supervisory) Equiv.			6,531	-	7,101	78,372	-	85,212	SSM I 5,523 - 7,068
P2A	SSM I (Non-supervisory)			6,265	-	6,726	75,180	-	80,712	
P3.				5,979	-	6,453	71,748	-	77,436	
P4.	Assoc./AA II Level			4,955	-	6,158	59,460	-	73,896	Assoc./AA 4,784 - 6,168
P5.	SSA - Rg. C/AA I			4,117	-	5,103	49,404	-	61,236	SSA Rg. C 3,977 - 5,129
P6.	SSA - Rg. B			3,438	-	4,241	41,256	-	50,892	SSA Rg. B 3,317 - 4,276
P7.	SSA - Rg. A			3,158	-	3,865	37,896	-	46,380	SSA Rg. A 3,063 - 3,953
P8.	Mgt. Svcs. Tech.			2,689	-	3,254	32,268	-	39,048	MST Rg. A 2,713 - 3,501
P9.	(Grad) Student Assistant			2,329	-	2,771	27,948	-	33,252	GSA Rg. A 1,956 - 2,635
Q1.	Executive Secretary II			3,694	-	4,623	44,328	-	55,476	Ex. Sec. II 3,576 - 4,609
Q2.	Executive Secretary I			3,310	-	4,332	39,720	-	51,984	Ex. Sec. I 3,283 - 4,236
Q3.	Secretary			2,946	-	3,762	35,352	-	45,144	Secretary 2,921 - 3,766

***Public Health & Public Safety Positions***

SCHEM	CLASS CODE	CLASSIFICATION	INCUMBENT SALARY
EI00	1642	DIRECTOR/DEPARTMENT OF DEVELOPMENTAL SERVICES	\$16,654.62
EM00	1639	DIRECTOR/DEPARTMENT OF HEALTH CARE SERVICES	\$13,729.08 - 16,654.62
EP00	1641	DIRECTOR/DEPARTMENT OF STATE HOSPITALS	\$16,654.62
ES00	5945	DIRECTOR/DEPARTMENT OF SOCIAL SERVICES	\$19,003.12 – 19,573.22
GJ00	4850	DIRECTOR/DEPARTMENT OF FORESTRY	\$13,729.08 – 17,597.22
CJ00	8373	COMMISSIONER/DEPARTMENT OF CALIFORNIA HIGHWAY PATROL	\$21,523.84

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## Pay and Allowances – Military Department

### 1. Adjutant General

Effective 1 January 2017

Base Pay for Adjutant General Is Same Pay and Allowances  
as For Lieutenant General (O-9) in the U.S. Army

Class Code: 8409

Schem. Code: SP00

Entitlement: F/MV162 & 164.1

<b>Titles</b>	<b>Totals</b>
Basic Pay	\$15,583.20
Personal Allowance	41.67
<b>Total</b>	<b>\$15,624.87</b>

**Note:** Basic pay for an O-7 to O-10 is limited by Level II of the Executive Schedule which is \$15,125.10. This chart only shows Basic Military Pay, the personal allowance and the basic allowance for subsistence. Housing and other allowances may be provided and may be found online at the [Defense Finance and Accounting Service](#) (DFAS) website. (Go to *Military Members – Pay & Allowances – Military Pay Charts* and select the latest year.

### 2. Other Active duty Personnel

Other active duty personnel are paid based on their military rank plus they receive housing, subsistence and other allowances as appropriate. Basic pay is listed in the Exempt Pay Scale. The DFAS website above lists additional allowances. See Exempt Pay Differentials, Military for additional information.

Military pay is reported to the State Controller by the Military Department based on the latest information from the DFAS. CalHR reviews the information provided.

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## Alternate Salary Ranges

***Alternate Range Criteria 001******Assistant to Board Member/Board of Equalization/Class Code 4272***

- Range A. This range applies to all incumbents not meeting the criteria for Range B.
- Range B. This range applies to those incumbents who are members of the California State Bar or who possess a Doctorate, and serve as a high-level advisor to the Board Member.

***Alternate Range Criteria 002******Office Assistant (Typing)/Various Departments***

- Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.
- Range B. This range shall apply to incumbents who have satisfactorily completed one year of experience equivalent to that of an Office Assistant (Typing), Range A. Education may be substituted for the experience if approved by the Department of Human Resources Exempt Program.

***Alternate Range Criteria 003******Junior Staff Analyst/Office of Planning and Research/Class Code 2128***

- Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.
- Range B. This range shall apply to persons who have satisfactorily completed the equivalent of six months of experience as a Junior Staff Analyst; and may apply to persons who have six months of experience outside of State service performing analytical duties similar to those of a Junior Staff Analyst, Range A.

***Alternate Range Criteria 004******Technical Specialist I/Governor's Office, OPR/Class Code 0331***

- Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B or C.
- Range B. This range shall apply to persons who have satisfactorily completed the equivalent of six months experience as a Technical Specialist I; and may apply to persons who have six months of experience outside of State service performing duties similar to those of a Technical Specialist I.
- Range C. This range shall apply to persons who have satisfactorily completed the equivalent of twelve months experience as a Technical Specialist I (Range B) or eighteen months experience as Technical Specialist; and may apply to persons

who have eighteen months of experience outside of State service performing duties similar to those of a Technical Specialist I.

### ***Alternate Range Criteria 005***

Classes in the Governor's Office.

Application of Alternate Range Criteria is delegated to the Governor's Office.

### ***Alternate Range Criteria 006***

Established August 1, 1990

(Replaces Range 104 of the Civil Service Pay Scales)

Abolished June 30, 1996

### ***Alternate Range Criteria 007***

Established April 1, 1991

#### ***Various Classes***

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.

Range B. This range shall apply to incumbents who have satisfactorily completed one year of experience performing duties typical of the class. Education may be substituted for the experience if approved by the Department of Human Resources.

### ***Alternate Range Criteria 008***

Established May 31, 1991.

Revised January 1, 2000.

#### ***Teaching Classes in the Special Schools of the Department of Education***

Range A. This range shall apply to incumbents of teaching classes employed by the State Special Schools of the California Department of Education who work a regular school year as defined in their contract.

Range B. This range shall apply to incumbents of teaching classes employed by the California Schools for the Deaf and the California School for the Blind who are appointed to work an extended school year.



***Alternate Range Criteria 009***

Established January 1, 2000

***Supervising Teacher III***

- Range A. This is the monthly rate for incumbents in the classes of Supervising Teacher III, School for the Blind and Supervising Teacher III, School for the Deaf whose contract covers a 204-day school year.
- Range B. This is the monthly rate for incumbents in the classes of Supervising Teacher III, School for the Blind and Supervising Teacher III, School for the Deaf whose contract cover a full-time, 260-day year.

***Alternate Range Criteria 010***

Established July 31, 1992 (Rev. June 7, 1995)

Abolished June 30, 1996

***Alternate Range Criteria 011***

Established October 5, 1992

Real Estate Officer, Department of General Services

(See Civil Service Alt. Rg. 287)

***Alternate Range Criteria 012***

Established January 30, 1998

Abolished May 1, 2004

(Positions in the Trade and Commerce Agency used in Foreign Trade Offices)

***Alternate Range Criteria 013***

Effective January 1, 1998

(Number changed from 012 effective March 2, 2000)

***Executive Director, Fair Political Practices Commission, Class Code 5028***

Range A. This range applies to all incumbents not meeting the Criteria for Range B.

Range B. This range applies if the incumbent is a member of the California State Bar.

***Alternate Range Criteria 014***

Effective July 1, 2004

***Advisor to Board Member, Integrated Waste Management Board, Class Code 7511***

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.

Range B. Upon recommendation by the Board Member, this range may apply to incumbents who have satisfactorily completed the equivalent of 12 months experience as Advisor to Board Member, IWMB, Range A. Education or experience outside of state service may be substituted if approved by the Department of Human Resources.

Range C. Upon recommendation by the Board Member, this range may apply to incumbents who have satisfactorily completed the equivalent of 12 months experience as Advisor to Board Member, IWMB, Range B. Education or experience outside of state service may be substituted if approved by the Department of Human Resources.

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## Lump Sum Payments to Statutory Officers

### *Background*

Certain Statutory Officers (those Governor's appointees and elected officials whose salaries are set in statute) do not earn or use sick leave, vacation, or annual leave. An individual with prior state service, exempt or civil service, who is appointed to a position earning a statutory salary, may elect to receive a lump sum payment for accrued vacation or annual leave just prior to being appointed to or during the appointment to the statutory position. Payment is made at the salary rate of the last position where the leave was last earned. If the appointee chooses not to receive a lump sum payment at that time, the amount of leave is "banked" and is available if the individual returns to a position where leave is accrued and used.

When a statutory officer leaves state service, a lump sum payment is made if there is an existing leave balance. However, the rate of pay must be at the salary rate of the position where leave was last earned, adjusted for general salary increases that would have been received (as though the individual had remained in the former position). If the former position was civil service, the individual is reinstated to the former position and immediately separated, allowing a lump sum payment at the current rate of pay of the former position. **However, since the duties, and therefore the salaries, of an exempt position can change dramatically over time, the department must get the approval of the Department of Human Resources if reinstatement is to an exempt position.** The last department in which leave was earned is responsible for the payment although there is no prohibition on the current department making the payment if it chooses to do so.

### *Procedures for Lump Sum Payment in an exempt position*

Send CalHR a memo with the name, social security number, last date in the position in which vacation or annual leave was earned, class code, title of the position and the salary on the date he/she left. Show your calculation of what the present day salary would be with general salary increases.

CalHR will verify (or correct) the salary information and return the approval to the department. If the approved salary is the current salary rate for the CalHR exempt position to which the individual is reinstated, the department can key enter the reinstatement and the separation for the lump sum payment. If the approved salary is NOT the current salary rate, the department must send the reinstatement and separation PAR documentation with a copy of CalHR's approval to the State Controller's Office for processing. Refer to the Personnel Action Manual Section 5.75 for further details.

In some cases, the statutory officer who banked leave credits may later request payment before leaving state service. This is permissible, but again, the lump sum payment must be

made based on the salary of the position in which leave was last earned. CalHR approval of the salary rate for the lump sum payment must be obtained by following the above procedures. Once the approved salary rate is received from CalHR, the department can process the reinstatement and separation PAR documents as indicated above.

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## Exempt Pay Differentials

**1. Exempt Pay Differential*****All CalHR Exempts (Type "F")*****Voluntary Personal Leave Program****Effective:** July 1, 2004**Revised:** August 17, 2004 (Effective July 1, 2004)**Department:** Department of Human Resources**Schem Code:** DC00**Class Title:** All CalHR exempt excluded classes (Class Type F) with a CBID of E79, E97, E98 or E99 except those that do not receive paid leave per Government Code Section 19857.**Rate/Earnings ID:** Minus 4.62% (1 day) Earnings ID – 8VL1  
Minus 9.23% (2 days) Earnings ID – 8VL2***Criteria:***

All employees participating in the Voluntary Personal Leave Program shall have their salary reduced by the above rates and shall accrue a personal leave day or two (or a portion if working less than full-time) the first of the following pay period.

***If Applicable, Should Pay Differential Be:***

Pro-rated .....  
     -Permanent Full-time Only .....Yes  
     -Part-time/Intermittent .....No  
 Subject to qualifying pay period .....No  
 All time bases and tenure eligible .....No  
 Subject to PERS deduction .....NA

**Inclusion in Rate to Calculate the Following Benefit Pay**

Overtime .....No  
 IDL .....No  
 EIDL .....No  
 NDI .....No

**Lump sum:**

Vacation .....No  
 Sick Leave .....No  
 Extra Hours.....No

**2. Exempt Pay Differential****Corrections and Rehabilitation****CDCR Compaction and Retention****Title of class:** Exempt Appointees in the Department of Corrections and Rehabilitation**Class Code:** Various**CB/ID:** E99**Effective Date:** January 31, 2007**Rates and Earning IDs:**

0.5 % of Monthly Salary .....8005  
 1.0 % of Monthly Salary .....8010  
 2.0 % of Monthly Salary .....8020  
 3.0 % of Monthly Salary .....8030  
 4.0 % of Monthly Salary .....8040  
 5.0 % of Monthly Salary .....8050  
 6.0 % of Monthly Salary .....8060  
 7.0 % of Monthly Salary .....8070  
 8.0 % of Monthly Salary .....8080  
 9.0 % of Monthly Salary .....8090  
 10.0 % of Monthly Salary .....8100  
 11.0 % of Monthly Salary .....8110  
 12.0 % of Monthly Salary .....8120  
 13.0 % of Monthly Salary .....8130  
 14.0 % of Monthly Salary .....8140  
 15.0 % of Monthly Salary .....8150

Pro-rated: .....Yes

Flat rate: .....No

Subject to qualifying pay period: .....No

Subject to PERS deduction: .....No

Please indicate if all time bases and tenures are eligible: Yes

Inclusion in rate to calculate the following benefit pay:

Overtime .....N/A

IDL .....Yes

EIDL .....Yes, if applicable

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other:

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**3. Exempt Pay Differential****CDCR Retention Incentive Differential****Effective Date: July 1, 2017****Department: Department of Corrections and Rehabilitation****Schem Code: ID00**

<b>Class Code</b>	<b>Title of class</b>	<b>CB/ID</b>
0320	Undersecretary, Operations	E99
0321	Chief, Office of Correctional Safety	E99
0322	Director, Division of Adult Institution	E99
0533	Director, Division of Adult Parole Operations	E99
5033	Associate Director, High Security (Males)	E99
5507	Deputy Director, Facility Support, Division of Adult Institutions	E99
6281	Director, Division of Internal Oversight and Research	E99
6298	Associate Director, Female Offender Program and Services	E99
6581	Director, Division of Juvenile Justice	E99
7642	Associate Director, Reception Center Institutions	E99
9077	Associate Director, General Population –Males Division of Adult Institutions	E99
9081	Deputy Director, Operations and Programs, Division of Juvenile Justice	E99
9380	Deputy Director, Internal Affairs	E99
9593	Superintendent	E99
9625	Warden/Department of Corrections	E99
9649	Chief, Contract Beds Unit	E99
9657	Deputy Director, Facility Operations	E99

**Rates and Earnings ID:**

<b>Rate</b> <b>(Refer to appropriate rate criteria to determine eligibility)</b>	<b>Earnings ID</b>
1. 2% Non-PERSable	8HS1
2. 4% Non-PERSable	8HS2
3. 6% Non-PERSable	8HS3
4. 6% PERSable	8HS4

Effective July 1, 2017, employees appointed to an eligible classification who meet the service

criteria listed below shall be eligible to receive this Pay Differential based on qualifying time in the above mentioned classifications. Time served in eligible classifications prior to July 1, 2017, does not count towards eligibility for this pay differential. Employees are not eligible to receive more than one rate.

**Rate Criteria:**

1. Employees in one of the eligible classifications on July 1, 2017, shall receive 2% of base salary (non-PERSable) for the first 12 cumulative qualifying pay periods in any of the classifications listed above or the classifications listed in Pay Differential 420. Employees hired after July 1, 2017, shall be eligible upon the first qualifying pay period.
2. Employees in an eligible classification shall receive 4% of base salary (non-PERSable) per pay period if they have worked 13 to 24 cumulative qualifying pay periods in any of the classifications listed above or the classifications listed in Pay Differential 420.
3. Employees in an eligible classification shall receive 6% of base salary (non-PERSable) per pay period if they have worked more than 24 qualifying pay periods in any classifications listed above or the classifications listed in Pay Differential 420.
4. Employees in an eligible classification shall receive 6% of base pay (PERSable) per pay period after 24 cumulative qualifying pay periods in the same eligible classification.

**Compensation Terms:**

- An employee who serves on an Out of Class or acting assignment from an ineligible classification to an eligible classification, is not eligible to receive this pay differential.
- If an employee is placed on a leave of absence, the qualifying pay periods immediately preceding and following a break in service shall be accumulated toward the pay differential. However, no time will be accumulated toward the pay differential during the leave of absence.

**Upon movement to another eligible classification:**

Salary determinations shall be calculated using base salary only. Employees moving from one eligible classification to another eligible classification will retain qualifying time accrued toward this pay differential, however, qualifying time towards PERSability will reset when changing between eligible classifications.

**Upon return to an eligible classification:**

Salary determinations shall be calculated using base salary only. Employees moving from one eligible classification to an ineligible classification will retain qualifying time accrued toward this pay differential when returning to an eligible classification, however, qualifying time towards PERSability will only be retained when returning to the same eligible classification.

***If applicable, should pay differential be:***

Pro-rated: .....No  
Flat rate: .....No  
Subject to qualifying pay period: .....Yes  
All time bases and tenures eligible .....Yes  
Subject to PERS deduction: .....See Rates

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....Yes  
EIDL .....Yes  
NDI .....Yes

Lump Sum:

Vacation/Annual Leave .....Yes  
Sick Leave .....Yes  
Extra Hours.....Yes  
Other:

**4. Exempt Pay Differential*****Covered California*****Covered California Administrative Incentive Award**

**Title of class:** Executive Director  
**Class Code:** 9856  
**CB/ID:** E99  
**Earnings ID:** 9I1  
**Effective date:** June 1, 2014 (Payable in each following Fiscal Year)  
**July 1, 2016 (Inactive)**

**Rate:** 0-40% of base salary

***Criteria:***

Payable once a year upon certification to the State Controller's Office by the Covered California five-member board, and the amount specified for each individual has been approved by this board.

\*Per Government Code 100503, the Board has salary setting authority over this Exempt position.

***If applicable, should pay differential be:***

Pro-rated .....No  
 Flat Rate .....Yes  
 Subject to qualifying pay period .....No  
 All time bases and tenures eligible .....No  
 Subject to PERS deduction .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
 IDL .....No  
 EIDL .....No  
 NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
 Sick Leave .....No  
 Extra Hours.....No

**5. Exempt Pay Differential****Covered California Recruitment****Effective date:** May 1, 2015**Department:** Health Benefit Exchange**Schem Code:** KL00

<b>Class Code</b>	<b>Title of class</b>	<b>CB/ID</b>
6045	Director, Individual and Small Business Sales	E99
6059	Chief Technology Officer	E99
6063	Chief Financial Officer	E99
6075	Information Technology, Project Director	E99
6157	Chief Deputy Executive Director, Operations	E99
6500	Director of Marketing	E99
6572	Director, Plan Management	E99
9856	Executive Director <sup>1</sup>	E99
9898	Chief Deputy Executive Director	E99
9937	General Counsel	E99
9938	Communications and Public Relations, Director	E99

**Earnings ID:** 9K4**Rate:** Up to 60% of First Year's Annual Base Salary**Criteria:**

This is a recruitment differential for purposes of attracting and retaining high level executives in the above named classifications.

It is a one-time, up-front payment made upon appointment to an eligible classification. It is available only to those hired from outside State Service. The amount of the differential in each case would be specific to the individual executive's personal circumstances.

- For all classifications, the Board will approve the differential based on the individual's personal circumstances, not to exceed 60 percent of the new hire's first year's base salary.

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<sup>1</sup> Per Government Code 100503, the Board has salary setting authority over this Exempt position.

- For all classifications, repayment of part or all of the differential would be required in the event the executive does not continue employment with HBEX/CC for two years, based upon the following prorated schedule:
  - 0 to less than 12 months                      100 percent payback
  - 12 to 24 months                                  50 percent payback

***If applicable, should pay differential be:***

Pro-Rated .....No  
Flat Rate .....Yes  
Subject to qualifying pay period .....No  
All time bases and tenures eligible .....No  
Subject to PERS deduction .....No

## Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....No  
EIDL .....No  
NDI .....No

## Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No

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**6. Exempt Pay Differential****Covered California Retention Pay Differential**

**Effective:** July 1, 2017  
**Department:** California Health Benefit Exchange  
**Schem Code:** LP00  
**Class Title:** Chief Medical Officer (6618)\*  
**Earnings ID:** 9K6

**Criteria:**

The purpose of this Retention Differential is to ensure individuals hired from private sector who suffer substantial loss of compensation are provided with sufficient incentive to remain employed with the California Health Benefit Exchange (HBEX), also known as Covered California (CC).

The pay differential is incumbent only and shall apply to the exempt classification indicated above to receive a lump sum of \$150,000 retention pay differential at the conclusion of year five of employment. The retention differential will provide \$50,000 per year for years three, four, and five from the employment effective date of the Chief Medical Officer.

**Compensation Terms:**

- If the employee voluntarily separates or is dismissed for cause prior to completing the five consecutive years of employment, there shall be no pro rate payment.
- If the Board dismisses the employee without cause they will receive a pro rate payment of the retention differential, based upon the criteria above and the following pro-rated schedule:
 

○ Less than 35 months	No payment
○ After completion of 36-47 months	\$50,000 payment
○ After completion of 48-59 months	\$100,000 payment
○ After completion of 60 months	\$150,000 payment

\*Per Government Code 100503, the Board has salary setting authority over this Exempt position.

**If applicable, should pay differential be:**

Pro-rated .....See Compensation Terms  
 Flat Rate .....Yes

Subject to qualifying pay period .....No

All time bases and tenures eligible .....No

Subject to PERS deduction .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

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## 7. *Exempt Pay Differential*

### *District Agricultural Associations*

#### **DAA Retention Pay**

**Effective:** July 1, 2004  
**Revised:** July 1, 2005, October 1, 2007, January 1, 2014, December 1, 2017

**Department:** Food and Agriculture  
**Schem Code:** NX00  
**Class Title:** Secretary-Manager VII, 22nd District – Del Mar Fair  
 Secretary-Manager VII, 32nd District – Orange County  
**Rate:** Up to 25%  
**Earnings ID:** SL

**Class Title:** Secretary-Manager VII, 22nd District – Del Mar Fair  
 Secretary-Manager VII, 32nd District – Orange County  
 Secretary-Manager V, 50<sup>th</sup> Division – Lancaster Fair  
**Rate:** Up to 20%  
**Earnings ID:** SL

**Class Title:** Secretary-Manager V, 1a District – Cow Palace  
**Rate:** Up to 15%  
**Earnings ID:** SL

#### ***Criteria:***

Effective July 1, 2004, the Boards of the 22nd District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager VII when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

Effective July 1, 2005, the Boards of the 32nd District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager VII when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

Effective October 1, 2007, the Boards of the 50<sup>th</sup> Division District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager V when it

determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

Effective January 1, 2014, the Boards of the 1a District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager V when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

Effective December 1, 2017, the Boards of the 22<sup>nd</sup> and 32<sup>nd</sup> District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager VII when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

***If Applicable, Should Pay Differential Be:***

Pro-rated

-Full time/part time.....Yes  
-Intermittent .....N/A

Subject to qualifying pay period .....No

All time bases and tenure eligible .....Yes

Subject to PERS deduction.....Yes

Inclusion in Rate to Calculate the Following Benefit Pay

Overtime .....N/A  
IDL .....Yes  
EIDL .....Yes  
NDI .....Yes

Lump sum

Vacation .....Yes  
Sick Leave .....Yes  
Extra Hours.....Yes

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**8. Exempt Pay Differential****Education and Special Schools****Site Superintendent R & R Differential**

<b>Effective date:</b>	July 1, 1998
<b>Revised:</b>	July 1, 2000
<b>Department:</b>	Education, School for the Deaf
<b>Schem Code:</b>	NE10
<b>Title of class:</b>	Site Superintendent, California School for the Deaf
<b>Class Code:</b>	8742
<b>CB/ID:</b>	M03
<b>Rate:</b>	\$250, \$500, \$750, \$1000, \$1250, \$1500 per pay period

**Criteria:**

Any employee appointed to an exempt position performing the duties of a Site Superintendent at the California School for the Deaf will be eligible for this rate differential upon certification by the department that the following criteria are met:

1. The employee must be appointed to a full time position as Site Superintendent at the Fremont or Riverside School for the Deaf.
2. The rate step upon appointment for an employee recruited from outside the State civil service shall be the minimum amount required to recruit a qualified incumbent. The department shall retain documentation in support of any rate step above the minimum authorized at the time of appointment.
3. Upon appointment from a California civil service position to a qualifying exempt position, an employee receiving a differential rate may, at the discretion of the department, move to a rate one step above his or her current differential rate.
4. An incumbent may, at the discretion of the department, receive one rate step increase in each consecutive 12-month period of employment up to the top rate of the differential. In the event an employee receives and the department confirms a bona fide offer of employment above the combined maximum base salary rate plus the differential, the department may authorize payment of a differential rate at the step needed to match the job offer, up to the maximum differential rate.
5. An employee who receives the differential must remain in a qualifying position for a minimum of 24 consecutive months after the effective date of this differential. Should an employee terminate employment prior to conclusion of the 24 month period other

than for reasons of serious illness, death, or other reasons determined by the appointing power to be beyond the employee's control, he or she shall be required to reimburse the department for all monies paid under this provision.

6. The differential shall terminate upon the employee's transfer or reassignment to a non-qualifying assignment.
7. An employee receiving this differential must be evaluated at least once in each 12-month period of employment and meet or exceed performance criteria.
8. To compute the appointment salary rate upon movement to another classification in State service, compensation under this pay differential shall not be included in computing the employee's new salary rate.

***If applicable, should pay differential be:***

Pro-rated: .....No  
Subject to qualifying pay period: .....Yes  
Are all time bases and tenures are eligible? .....No  
Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....No  
EIDL .....No  
NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No  
Other:

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**9. Exempt Pay Differential**

**Recruitment and Retention**  
**Staff at State Special Schools and Diagnostic Centers**

**Effective date:** January 1, 2002 (Replaces prior Pay Differential effective August 1, 1999)

**Revised:** August 1, 2000.)

**Department:** Department of Education Special Schools or Diagnostic Centers

<b>Class Code</b>	<b>Schem Code</b>	<b>Class Titles</b>	<b>CB/ID</b>
9149	NE05	SUBSTITUTE TEACHER, SCHOOL FOR THE BLIND	R03
9151	NE05	TEACHER, SCHOOL FOR THE BLIND	R03
9153	NE05	TEACHER SPECIALIST, SCHOOL FOR THE BLIND	R03
9154	NE05	SUPERVISING TEACHER I, SCHOOL FOR THE BLIND	S03
9170	NE05	SUPERVISING TEACHER II, SCHOOL FOR THE BLIND	S03
9173	NE05	SUPERVISING TEACHER III, SCHOOL FOR THE BLIND	S03
9174	NE05	ASSISTANT SITE SUPERINTENDENT, SCHOOL FOR THE BLIND	M03
9176	NE05	SITE SUPERINTENDENT, SCHOOL FOR THE BLIND	M03
9731	NE05	SUPERVISING TEACHER I, SCHOOL FOR THE BLIND, FISCAL YEAR	S03
9732	NE05	SUPERVISING TEACHER II, SCHOOL FOR THE BLIND, FISCAL YEAR	S03
9145	NE05	SUPERVISING TEACHER III, SCHOOL FOR THE BLIND, FISCAL YEAR	S03
9178	NE10	SUBSTITUTE TEACHER, SCHOOL FOR THE DEAF	R03
9180	NE10	TEACHER, SCHOOL FOR THE DEAF	R03
9191	NE10	TEACHER SPECIALIST, SCHOOL FOR THE DEAF	R03
9192	NE10	SUPERVISING TEACHER I, SCHOOL FOR THE DEAF	S03
9193	NE10	SUPERVISING TEACHER II, SCHOOL FOR THE DEAF	S03
9195	NE10	SUPERVISING TEACHER III, SCHOOL FOR THE DEAF	S03
9196	NE10	ASSISTANT SITE SUPERINTENDENT, SCHOOL FOR THE DEAF	M03
9199	NE10	SITE SUPERINTENDENT, SCHOOL FOR THE DEAF	M03
9733	NE10	SUPERVISING TEACHER I, SCHOOL FOR THE DEAF, FISCAL YEAR	S03
9734	NE10	SUPERVISING TEACHER II, SCHOOL FOR THE DEAF, FISCAL YEAR	S03
9146	NE10	SUPERVISING TEACHER III, SCHOOL FOR THE DEAF, FISCAL YEAR	S03
9200	NE15	TEACHER SPECIALIST, DIAGNOSTIC CENTER	R03
9202	NE15	SUPERVISING TEACHER, DIAGNOSTIC CENTER	S03
9203	NE15	DIAGNOSTIC CENTER DIRECTOR	M03

**Locations:** California School for the Blind – Fremont  
California School for the Deaf – Fremont  
Diagnostic Center – North (Fremont)

**Rate:** \$700/month or \$32.31/day

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**Earnings ID:** 8k67  
**Locations:** All other special schools of the Department of Education  
**Rate:** \$400/month or \$18.46/day  
**Earnings ID:** 8k24

**Criteria:**

1. All employees in the above classes at the Department of Education Special Schools or Diagnostic Centers shall receive the appropriate differential for their primary appointment only. Part-time employees shall receive a pro rata share of the differential based on their time base. Intermittent employees shall receive the daily rate.
2. Full-time and part-time employees receiving additional appointments to teach summer school sessions shall not be eligible to receive a second differential.

***If applicable, should pay differential be:***

Pro-rated: .....No  
Subject to qualifying pay period: .....No  
Are all time bases and tenures are eligible?.....Yes  
Subject to PERS deduction: .....Yes

**Inclusion in rate to calculate the following benefit pay:**

Overtime .....No  
IDL .....No  
EIDL .....Yes  
NDI .....No

**Lump Sum:**

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No  
Other:

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**10. Exempt Pay Differential****High Speed Rail****High Speed Rail Recruitment Differential (Program Manager)****Effective date:** December 3, 2012**Department:** High Speed Rail Authority**Schem Code:** CE00**Class Title:** Chief Program Manager, High Speed Rail Authority**Class Code** 6155**CB/ID** E99**Earnings ID:** 9K2**Rate:** Up to 5.5% of the First Year's Annual Base Salary**Criteria:**

This is a recruitment differential for the purposes of attracting and retaining high level executive's in the above-named classification. It is a one-time, up-front payment made upon appointment to the classification. It is available only to those hired from outside State service. The amount of the differential in each case will be specific to the individual executive's personal circumstances.

The Authority will approve the differential based on the individual candidate's personal circumstances.

Repayment of part or all of the differential will be required in the event the Chief Program Manager does not continue employment with the High Speed Rail Authority for two years, based upon the following prorated schedule.

0-less than 12 months	100 percent payback
12-24 months	50 percent payback

If applicable, should pay differential be:

Pro-rated: .....Yes

Flat rate: .....No

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible: .....No

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

## Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other: .....No

Departments can key a 671 transaction via the Payroll Input Process (PIP) system using Earnings ID 9K2, if applicable.

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**11. Exempt Pay Differential****High Speed Rail Recruitment Differential (Executive Director)****Effective date:** June 18, 2012**Department:** High Speed Rail Authority**Schem Code:** CE00**Title of class** Executive Director, High Speed Rail Authority**Class Code:** 9568**CB/ID:** E99**Earnings ID:** 9K3**Rate:** \$25,000 at the end of the first and second year of service.**Criteria:**

This is a recruitment differential for purposes of attracting and retaining high level executives in the above-named classification. It is a one-time payment equal to \$25,000 made at the end of the first year of service if certain performance metrics are achieved to the satisfaction of the Authority by the deadlines proposed.

An additional one-time payment equal to \$25,000 will be made at the end of the second year of service if performance metrics, later to be determined by the Authority, are achieved to the satisfaction of the Authority. Both payments are subject to the 5% salary reduction currently imposed by the State Administration and Legislature and is inclusive of any future reductions proposed by the State Administration or Legislature.

**If applicable, should pay differential be:**

Pro-rated: .....No

Flat rate: .....Yes

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible?.....No

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No  
Other

Departments can key a 671 transaction via the Payroll Input Process (PIP) system using Earnings ID 9K3, if applicable.

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**12. Exempt Pay Differential****Military****Basic Allowance for Housing (BAH)****Effective:** March 1, 1998**Revised:****Department:** Military Department**Schem Code:** SP00**Class Title:** ("Class" shows the pay level of each rank. Actual titles may vary.)

Officers			Warrant Officers			Enlisted		
CBID	Class	Class Code	CBID	Class	Class Code	CBID	Class	Class Code
E99	O10	9156	E97	W5	8365	E97	E9	7746
E99	O9	9157	E97	W4	8366	E97	E8	7747
E99	O8	9158	E97	W3	8367	E97	E7	7748
E99	O7	9159	E97	W2	8368	E97	E6	7749
E99	O6	9160	E97	W1	8369	E97	E5	7750
E99	O5	9161				E97	E4	7751
E99	O5A	9162				E97	E3	7752
E98	O4	9163				E97	E2	7753
E98	O4A	9164				E97	E1	7754
E97	O3	9166						
E97	O2	9167						
E97	O1	9168						

**Rate:** In accordance with the Federal Schedule for BAH.**Criteria:** Employees in the above classes are eligible for BAH.**Subject to PERS Deduction:** YesReturn to: [Table of Contents](#)

**13. Exempt Pay Differential****Basic Allowance for Subsistence (BAS)****Effective:** March 1, 1998**Department:** Military Department**Class Title:** ("Class" shows the pay grade of each rank. Actual titles may vary.)

Officers			Warrant Officers			Enlisted		
CBID	Class	Class Code	CBID	Class	Class Code	CBID	Class	Class Code
E99	O10	9156	E97	W5	8365	E97	E9	7746
E99	O9	9157	E97	W4	8366	E97	E8	7747
E99	O8	9158	E97	W3	8367	E97	E7	7748
E99	O7	9159	E97	W2	8368	E97	E6	7749
E99	O6	9160	E97	W1	8369	E97	E5	7750
E99	O5	9161				E97	E4	7751
E99	O5A	9162				E97	E3	7752
E98	O4	9163				E97	E2	7753
E98	O4A	9164				E97	E1	7754
E97	O3	9166						
E97	O2	9167						
E97	O1	9168						

**Rate:** In accordance with the Federal Schedule for BAS (See the [Defense Finance and Accounting Service](#) website.)**Criteria:** Employees in the above classes are eligible for BAS.**Subject to PERS Deduction:** YesReturn to: [Table of Contents](#)

**14. Exempt Pay Differential****ConUS COLA****Effective:** July 1, 2001**Department:** Military Department**Class Title:** ("Class" shows the pay grade of each rank. Actual titles may vary.)

Officers			Warrant Officers			Enlisted		
CBID	Class	Class Code	CBID	Class	Class Code	CBID	Class	Class Code
E99	O10	9156	E97	W5	8365	E97	E9	7746
E99	O9	9157	E97	W4	8366	E97	E8	7747
E99	O8	9158	E97	W3	8367	E97	E7	7748
E99	O7	9159	E97	W2	8368	E97	E6	7749
E99	O6	9160	E97	W1	8369	E97	E5	7750
E99	O5	9161				E97	E4	7751
E99	O5A	9162				E97	E3	7752
E98	O4	9163				E97	E2	7753
E98	O4A	9164				E97	E1	7754
E97	O3	9166						
E97	O2	9167						
E97	O1	9168						

**Rate:** .....In accordance with the Federal Schedule for ConUS COLA**Criteria:** .....Employees in the above classes are eligible for the ConUS COLA.**Subject to PERS Deduction:**...Yes**Subject to Withholding:** .....Yes**Processing:**

The department should process F671 transactions using Payment Type A Suffix D and enter the gross amount.

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**15. Exempt Pay Differential*****Peace Officers*****Physical Fitness Incentive Pay**

**Effective:** July 1, 2002  
**Revised:** June 1, 2016

**Departments:** Office of the Inspector General  
**Schem Code:** TD00  
**Class Title:** Exempt Peace Officers who are in the Peace Officer/Firefighter retirement category (except Department Directors).  
**CB/ID:** E99

**Rate/Earnings ID:**

- |                         |  |
|-------------------------|--|
| 1. \$130 per pay period | Earnings ID: 8PF1 (Full-time, Part-time) |
|                         | Earnings ID: 8PF2 (Intermittent)         |
| 2. \$65 per pay period  | Earnings ID: 8PF3 (Full-time, Part-time) |
|                         | Earnings ID: 8PF4 (Intermittent)         |

***Criteria:***

- Effective 07/01/02, eligible employees as defined above must have 60 or more qualifying pay periods of State service and have an annual physician's certification of having passed the physical fitness exam.
- Effective 07/01/02, eligible employees as defined above with less than 60 qualifying pay periods of State service must have an annual physician's certification of having passed the annual physical fitness exam.

***If Applicable, Should Pay Differential Be:***

Pro-rated  
     -Full time/part time.....Yes  
     -Intermittent .....No  
 Subject to qualifying pay period .....No  
 All time bases and tenure eligible .....Yes  
 Subject to PERS deduction .....No

Inclusion in Rate to Calculate the Following Benefit Pay:

Overtime .....No/Yes (FLSA)

IDL .....Yes

EIDL .....Yes

NDI .....Yes

Lump sum:

Vacation .....No

Sick Leave .....No

Extra hours .....No

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**16. Exempt Pay Differential****Retirement Systems****CalPERS Administrative Incentive Award****Effective date:** July 1, 1998 (Payable in each following Fiscal Year)**Revised:** July 1, 2004**Department:** Public Employees' Retirement System**Schem Code:** DF00**Title of class:** Chief Executive Officer**Class Code:** 4278**CB/ID:** E99**Rate:** 0-40% of base salary**Criteria:**

Payable once a year upon certification to the State Controller's Office<sup>1</sup> by the President of the Board of Administration of the California Public Employees Retirement System that the procedures in the "Compensation Policies and Procedures for Exempt Positions", as initially adopted November 1997, or as may be subsequently amended by the Board of Administration, have been followed, and the amount specified for each individual has been approved by this Board.

***If applicable, should pay differential be:***

Pro-rated: .....No

Flat rate: .....Yes

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible? .....No

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

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<sup>1</sup> A copy will be forwarded to the Department of Human Resources.



Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other:

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**17. Exempt Pay Differential****CalPERS Recruitment Differential****Effective Date:** August 18, 2004**Department:** Public Employees' Retirement System**Schem Code:** DF00**Title of class** Chief Executive Officer**Class Code** 4278**CB/ID** E99**Earnings ID:** GC**Rate:** Up to 60% of the first year's annual base salary***Criteria:***

This is a recruitment differential for purposes of attracting and retaining high level executives in the above-named classification. It is a one-time, up-front payment made upon appointment to the classification. It is available only to those hired from outside State service. The amount of the differential in each case will be specific to the individual executive's personal circumstances.

The Board of Administration, upon recommendation of the Performance and Compensation Committee, will approve the differential based on the individual candidate's personal circumstances, not to exceed 60 percent of the new hire's first year's base salary.

Repayment of part or all of the differential will be required in the event the Chief Executive Officer does not continue employment with CalPERS for two years, based upon the following prorated schedule:

0-less than 12 months	100 percent payback
12-24 months	50 percent payback

Any exception to the repayment schedule requires the approval of the Board of Administration, upon the recommendation of the Performance and Compensation Committee.

***If applicable, should pay differential be:***

Pro-rated:.....No

Flat rate:.....Yes

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible?.....No

Subject to PERS deduction:.....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

## Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other:

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**18. Exempt Pay Differential****CalSTRS Performance Recognition Pay****Effective:** July 1, 2007**Department:** State Teachers' Retirement System**Schem Code:** DG00**Class Title:** Chief Executive Officer, CalSTRS**Class Code:** 4256**CB/ID:** E99**Earnings ID:** 98**Rate:** 80% of Annual Base Salary**Criteria:**

Employees who have been designated in Education Code Section 22212.5 and who have been evaluated in accordance with the Teachers' Retirement Board Compensation Policies and Procedures for Chief Executive Officer. The employee shall receive the performance recognition pay once each fiscal year, based on performance during the preceding fiscal year.

**If applicable, should pay differential be:**

Pro-Rated: .....No  
Full-time/part-time: .....Yes  
Intermittent: .....N/A  
Flat Rate: .....No  
Subject to qualifying pay period: .....No  
All time bases and tenures eligible: .....Yes  
Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....N/A  
IDL .....Yes  
EIDL .....N/A  
NDI .....No

Lump sum:

Vacation .....No  
Sick leave .....No  
Extra Hours .....No

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***19. Exempt Pay Differential******State Compensation Insurance Fund*****State Compensation Insurance Fund Bonus Program****Effective date:** January 1, 2009, (Payable in each following Fiscal Year)**Revised date:** December 12, 2013**Department:** State Compensation Insurance Fund**Schem Code:** LT00

<b>Class Code</b>	<b>Class Title</b>	<b>CB/ID</b>
9295	President, State Compensation Insurance Fund	E99
9727	Chief Financial Officer, State Compensation Insurance Fund	E99
9728	Chief Information Officer, State Compensation Insurance Fund	E99
9775	Chief Investment Officer, State Compensation Insurance Fund	E99
9725	Chief Operating Officer, State Compensation Insurance Fund	E99
9726	Chief Risk Officer, State Compensation Insurance Fund	E99
9730	General Counsel, State Compensation Insurance Fund	E99
6383	Chief Claims Operations Officer, SCIF	E99
6399	Chief of Internal Affairs, SCIF	E99
6388	Chief Medical Officer, SCIF	E99
6497	Chief Actuarial Officer, SCIF	E99

**Rate:** 0 – 40 % of base salary**Earnings IDs:** 9M***Criteria:***

At the discretion of the State Compensation Insurance Fund Board of Directors', exempt appointees may be granted a Bonus in the amount specified by the Board up to the maximum above pursuant to the following Criteria.

1. This differential will be available only to exempt appointees to the above named positions.
2. The amount of the bonus will be specific to each individual executive's personal circumstances and designed as a bonus for performance against pre-established goals.
3. Each bonus will require approval of the State Fund Board of Directors.

***If applicable, should pay differential be:***

Pro-rated: .....No

Flat rate: .....No

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible: .....Yes

Subject to PERS deduction: .....No

## Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

## Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other: .....N/A

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**20. Exempt Pay Differential****State Compensation Insurance Fund Recruitment Differential****Effective Date:** August 1, 2007**Department:** Compensation Insurance Fund, State**Schem Code:** LT00**Class Title:** President of the State Compensation Insurance Fund**Class Code:** 9295**CB/ID** E99**Earnings ID:** 9K**Rate:** Up to 60% of the First Year's Annual Base Salary***Criteria:***

This differential is intended to be a onetime up-front payment made upon appointment, pursuant to the provisions of Insurance Code section 11785 which authorizes the State Compensation Insurance Fund (SCIF) Board to fix the compensation for the President. The differential would be available only to a President hired from outside State Service. The amount of the differential would be specific to the executive's personal circumstances, and would be designed as an incentive to accept a job offer at a salary and incentive award schedule. In no case would this pay differential exceed 60% of the new hire's first year's annual base salary. Each differential would require the approval of the Board. Repayment of part or the entire differential would be required in the event the executive does not continue employment with SCIF for two years, based upon the following prorated schedule:

- 100 percent if employed less than 6 months
- 75 percent if employed 6 months but less than 12 months
- 50 percent if employed 12 months but less than 18 months
- 25 percent if employed 18 months but less than 2 years

Any exceptions to the repayment schedule require the approval of the SCIF Board and are to be determined on a case by case basis.

***If applicable, should pay differential be:***

Pro-rated: .....No

Flat rate: .....Yes

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible? .....No

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

## Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other:

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**21. Exempt Pay Differential****State Compensation Insurance Fund Recruitment and Retention****Effective Date:** September 29, 2008**Revised date:** February 23, 2009

August 2, 2010

December 12, 2013

**Department:** Compensation Insurance Fund, State**Schem Code:** LT00

<b>Class Code</b>	<b>Class Title</b>	<b>CB/ID</b>
9295	President, State Compensation Insurance Fund (SCIF)	E99
9727	Chief Financial Officer, SCIF	E99
9725	Chief Operating Officer, SCIF	E99
9728	Chief Information Officer, SCIF	E99
9726	Chief Risk Officer, SCIF	E99
9730	General Counsel, SCIF	E99
9775	Chief Investment Officer, SCIF	E99
6383	Chief Claims Operations Officer, SCIF	E99
6399	Chief of Internal Affairs, SCIF	E99
6388	Chief Medical Officer, SCIF	E99
6497	Chief Actuarial Officer, SCIF	E99

**Rate and Earnings ID:**

0.4% of Monthly Salary .....8N04

0.5 % of Monthly Salary .....8N05

1.0% of Monthly Salary .....8N1

2.0% of Monthly Salary .....8N2

3.0% of Monthly Salary .....8N3

4.0% of Monthly Salary .....8N4

5.0% of Monthly Salary .....8N5

6.0% of Monthly Salary .....8N6

7.0% of Monthly Salary .....8N7

8.0% of Monthly Salary .....8N8

9.0% of Monthly Salary .....8N9

10.0% of Monthly Salary .....8N10

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11.0% of Monthly Salary .....	8N11
12.0% of Monthly Salary .....	8N12
13.0% of Monthly Salary .....	8N13
14.0% of Monthly Salary .....	8N14
15.0% of Monthly Salary .....	8N15

***Criteria:***

At the discretion of the State Compensation Fund (SCIF) Board of Directors', exempt appointees may be granted a combination of the percentage rates listed above pursuant to the following Criteria:

- This Pay Differential shall be used by SCIF as a recruitment and retention tool to attract and retain executive talent.
- This Pay Differential shall be available only to Exempt Appointees to the above named positions.
- The amount of the Pay Differential will be specific to each individual Exempt Appointee's personal circumstances and shall be designed and approved by the State Fund Board of Directors.
- This Pay Differential shall not exceed 25% of the Exempt Appointee's monthly base salary rate.
- Each differential shall require approval of the State Fund Board of Directors.
- At the discretion of the State Fund Board of Directors, this Pay Differential shall continue until the Exempt Appointee transfers to a position not eligible for the Pay Differential.

***If applicable, should pay differential be:***

Pro-rated: .....Yes

Flat rate: .....No

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible? .....Yes

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No  
Other:.....N/A

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## **Explanatory Notes**

In the following pay scale section of the salary schedule, classes are listed in a schematic arrangement to show departmental/agency groupings. Each exempt position has been assigned a schematic code consisting of two letters and two digits that immediately precede the class code. The schematic code is used to organize classes by agency and department in the pay scales.

Each exempt position has also been assigned a four digit class code number that immediately precedes the class title. This number is used for payroll and transaction purposes.

### ***Title***

Each exempt position is assigned a title. More than one department may have a class with the same title, but each class will have a different class and schematic code.

### ***Entitlement***

The California Legal Code Section that authorizes the exempt position. Please be sure to notify Department of Human Resources if an entitlement changes, as this affects the employee's appointment papers and may delay processing by State Controller's Office.

### ***Compensation***

The rate of pay assigned to that position. Unless otherwise specified, all rates of pay are quoted in dollars per month and are for fulltime employment.

### ***Exempt Levels***

The standard exempt levels with monthly and annual salary rates are listed in the [Exempt Salary Chart](#).

### ***Work Week Group***

"WWG" is the abbreviation for workweek group. The definitions of the workweek groups to which positions are assigned appear in the Workweek Group Definition Section of the Pay Scale.

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***Collective Bargaining Identifier***

“CBID” is the abbreviation for Collective Bargaining Identifier. All classes with a CBID beginning with "E" are excluded from collective bargaining. They receive benefits equivalent to the following categories:

- E99 Management
- E98 Supervisory
- E97 Confidential
- E79 Non-supervisory management
- E Not eligible for benefits

***Exempt authority***

Authority for all appointments is found in the Constitution, Article VII, Section 4. The following are the authority explanations (lettering coincides with that of the Constitution):

- a) Legislative officers and employees.
- b) Judicial Branch officers and employees.
- c) Elected officials plus a deputy and an employee selected by each elected officer.
- d) Members of boards and commissions.
- e) A deputy or employee selected by each board or commission.
- f) State officers appointed by the Governor or the Lieutenant Governor.
- g) A deputy or employee selected by each officer under Section 4(f).
- h) University of California and California State College officers and employees.
- i) Teaching staff of schools under Department of Education — or Superintendent of Public Instruction Jurisdiction.
- j) Member, inmate, and patient help in State homes, charitable or correctional institutions, and State facilities for mentally ill or retarded persons.
- k) Members of the militia while engaged in military service.
- l) District agricultural association officers and employees, employed less than six months in a calendar year.
- m) In addition, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Council may appoint or employ two deputies or employees.

**Footnote Key**

- S1 Statutory salary (annual salary set by statute).
- S2 Statutory salary with specified limitations.
- S4 Not eligible for general salary increases.
- S5 Elected Constitutional State Officer for whom salary and benefits are established by the California Citizens Compensation Commission.
- S6 Salary based (in law) on another salary set in statute as follows:
1. SP00/8409 - Adjutant General, Military Department—limited by §5308 of Title V, U.S. Code to Level V of the Executive Schedule. Same pay and allowances as Lieutenant General in U.S. Army. (See Chart II).
  2. SP00/8844Apr – The Assistant Adjutant General, Military Department-limited by §5308 of Title V, U.S. Code to Level V of the Executive Schedule. Same pay and allowances as Brigadier General in U.S. Army. (See Chart II).
  3. VJ01/5070 - Member, California Citizens Compensation Commission is tied to Member, Fair Political Practices Commission.
- S8 Statutory positions that earn and use annual leave per GC §19849.16 and CAC 599.752.1.
- E1 Classes excluded from minimum wage coverage under the Fair Labor Standards Act (FLSA).
- E2 Salary rate parallels civil service class.
- E3 Salary rate is determined as provided herein:
- 6082 - Secretary/Chief Counsel, Unemployment Insurance Appeals Board is tied to Chief Administrative Law Judge, Unemployment Insurance Appeals Board, CEA.
- E4 Salary has a statutorily set maximum per Government Code §12001:
- Not to exceed amount specified in Government Code §11550:
- 5310 Executive Secretary to the Governor
- Not to exceed amount specified in Government Code §11552:
- 5315 Sr. Assistant to the Governor
- 5314 Assistant to the Governor
- 5101 Staff Assistant to the Governor
- 9604 Senior Advisor

- E5 Exempt Class receiving a pay differential or bonus.
- E6 For Summer School rates, apply provisions of Chart II.
- E7 Salary authorized to be established by the appointing power.
- LT00/9295 President, State Compensation Insurance Fund, Gov. Code §19825.
- NH00/2909 Director, Postsecondary Education Commission, Education Code § 66905.
- SL00/5744 Legislative Counsel
- E8 Exempt appointment under provisions of Government Code §12010.6.
- E9 Positions loaned from the authorized agency to another with the approval of the Governor and under the authority of Government Code §12010.5.
- A1 Positions (in addition to Statutory positions) that do not earn or use vacation, annual leave or sick leave per Government Code § 19857.
- G1 A position no longer funded in its respective department's budget but the entitlement remains in law.

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## Exempts Tied to Statutory Salary Levels

### Government Code Section:

#### *The State Auditor*

(TA00/9096)

8543.7. (a) The annual salary for the State Auditor shall be equal to that of agency secretaries of the executive branch of government pursuant to [Government Code] Section 11550.

(b) The State Auditor shall be repaid all actual expenses incurred or paid by him or her in the discharge of his or her duties.

### Business and Professions Code Section:

#### *Director and Members of the California Gambling Control Commission*

(SB30/9082, 9085)

19814A. (a) The director and the members of the commission shall receive the salary provided for by Section 11553.5 of the Government Code.

(b) This section shall become operative on the occurrence of one of the events specified in Section 66 of the act that added this section to the Business and Professions Code.

### By Agreement between CalHR and a specific agency:

#### *Legal Advisor, PERB*

(VT00/1685)

Legal Advisor, PERB, is tied with the civil service class of PER Counsel, OH58/6184.

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<sup>1</sup> This commission exists in the statutes but is not funded in the state budget.

<sup>2</sup> Ibid.

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AB22B	DIVERSION EVALUATION COMMITTEE	AL00	SEISMIC SAFETY COMMISSION
AB22D	PHYSICAL THERAPY BOARD	AV00	VETERANS AFFAIRS
AB22E	PHYSICIANS' PEER COUNSELING PANEL	AV01	VETERANS' HOME OF CALIFORNIA
AB22F	PHYSICIAN ASSISTANT COMMITTEE	<b>CA00</b>	<b>TRANSPORTATION AGENCY</b>
AB22G	PODIATRIC MEDICINE, CALIFORNIA BOARD OF	CA03	TRAFFIC SAFETY, OFFICE OF
AB22I	RESPIRATORY CARE BOARD OF CA	CB00	BOARD OF PILOT COMMISSIONS
AB24	OPTOMETRY, STATE BOARD OF	CD00	TRANSPORTATION COMMISSION
AB25	PHARMACY, CALIFORNIA STATE BOARD OF	CE00	HIGH SPEED RAIL AUTHORITY
AB27	REGISTERED NURSING, BOARD OF	CJ00	HIGHWAY PATROL, CALIFORNIA
AB28	PROFESSIONAL ENGINEERS & LAND SURVEYORS, AND GEOLOGISTS, BOARD OF	CP00	MOTOR VEHICLES
AB30	COURT REPORTERS BOARD OF CA	CP05	NEW MOTOR VEHICLE BOARD
AB32	VETERINARY MEDICAL BOARD	CT00	TRANSPORTATION
AB33	VOCATIONAL NURSING & PSYCHIATRIC	<b>DA00</b>	<b>GOVERNMENT OPERATIONS AGENCY</b>
		DB00	GENERAL SERVICES

<i>Dept. Code</i>	<i>Agency or Department Name</i>	<i>Dept. Code</i>	<i>Agency or Department Name</i>
DC00	HUMAN RESOURCES, DEPARTMENT OF	EQ03	STATE REHABILITATION COUNCIL
DD00	TECHNOLOGY, DEPARTMENT OF	ER00	INDEPENDENT LIVING COUNCIL, STATEWIDE
DE00	ADMINISTRATIVE LAW, OFFICE OF	ES00	SOCIAL SERVICES
DF00	PUBLIC EMPLOYEES RETIREMENT SYSTEM	EV00	HEALTH PLANNING & DEVELOPMENT, OFFICE OF STATEWIDE
DG00	TEACHERS RETIREMENT SYSTEM, STATE	EV01	HEALTH ADVISORY COUNCIL
DH00	FRANCHISE TAX BOARD	EV02	HEALTH MANPOWER COMMISSION
DI00	STATE PERSONNEL BOARD	EV03	HEALTH POLICY & DATA ADVISORY COMMISSION
DJ00	VICTIM COMPENSATION & GOVERNMENT CLAIMS BOARD	EV04	HEALTH PROFESSIONS EDUCATION FOUNDATION
DK00	TAX AND FEE ADMINISTRATION	<b>FA00</b>	<b>LABOR &amp; WORKFORCE DEVELOPMENT AGENCY</b>
DL00	TAX APPEALS, OFFICE OF	FB00	AGRICULTURAL LABOR RELATIONS BOARD
<b>EA00</b>	<b>HEALTH AND HUMAN SERVICES AGENCY</b>	FC00	EMPLOYMENT DEVELOPMENT
EA02	OFFICE OF SYSTEM INTEGRATION	FC01	UNEMPLOYMENT INSURANCE APPEALS BOARD
EA04	MANAGED RISK MEDICAL INSURANCE BOARD	FC02	EMPLOYMENT TRAINING PANEL
EC00	AGING	FD00	INDUSTRIAL RELATIONS
EC05	AGING, COMMISSION ON	FD05	APPRENTICESHIP STANDARDS, DIV. OF
ED00	CHILD SUPPORT SERVICES	FD10	APPRENTICESHIP COUNCIL
EE00	ALCOHOL AND DRUG PROGRAMS	FD15	WORKERS' COMPENSATION, DIVISION OF
EF00	COMMUNITY SERVICES AND DEVELOPMENT	FD20	OCCUPATIONAL SAFETY & HEALTH, DIV. OF
EG00	DEVELOPMENTAL DISABILITIES, COUNCIL ON	FD25	INDUSTRIAL WELFARE COMMISSION
EG00A	DEVELOPMENTAL DISABILITIES, AREA BOARDS ON	FD30	LABOR STANDARDS ENFORCEMENT, DIVISION OF
EH00	DISABILITY ACCESS, CALIFORNIA COMMISSION ON	FD35	LABOR STATISTICS & RESEARCH, DIV. OF
EI00	DEVELOPMENTAL SERVICES	FD40	OSHA APPEALS BOARD
EJ00	EMERGENCY MEDICAL SERVICES AUTHORITY	FD45	OSHA STANDARDS BOARD
EK00	MANAGED HEALTH CARE, DEPARTMENT OF	FE00	WORKFORCE INVESTMENT BOARD, CA
EM00	HEALTH CARE SERVICES	FF00	PUBLIC EMPLOYMENT RELATIONS BOARD
EM01	MEDICAL THERAPEUTICS & DRUG ADV. COUNCIL	<b>GA00</b>	<b>NATURAL RESOURCES AGENCY</b>
EM02	CANCER ADVISORY COUNCIL	GA01	CONSERVATION CORPS, CALIFORNIA
EN00	PUBLIC HEALTH	GA05	OCEAN PROTECTION COUNCIL
EP00	STATE HOSPITALS	GA10	UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
EP02	MENTAL HEALTH OVERSIGHT AND ACCOUNTABILITY COMM.	GB00	AFRICAN AMERICAN MUSEUM
EQ00	REHABILITATION	GD00	COASTAL COMMISSION, CALIFORNIA
EQ01	VOCATIONAL REHABILITATION APPEALS BOARD	GE00	COASTAL CONSERVANCY
EQ02	LICENSED BLIND VENDORS, COMMITTEE OF	GF00	COLORADO RIVER BOARD
		GG00	CONSERVATION
		GH00	ENERGY COMMISSION
		GI00	FISH AND GAME

<i>Dept. Code</i>	<i>Agency or Department Name</i>	<i>Dept. Code</i>	<i>Agency or Department Name</i>
GJ00	FORESTRY AND FIRE PROTECTION & FIRE MARSHAL, STATE		BOARD OF
GK00	PARKS AND RECREATION	IP00	PAROLE HEARINGS, BOARD OF
GK01	SAN JOAQUIN RIVER CONSERVANCY	IQ00	JUVENILE HEARINGS, BOARD OF
GL00	SAN FRANCISCO BAY CONSV. & DEVEL. COMMISSION		<b>Non-Agency Departments</b>
GM00	LANDS COMMISSION, STATE	JC00	ARTS COUNCIL, CALIFORNIA
GO00	WATER RESOURCES	JP00	CHIROPRACTIC EXAMINERS, BD
GO01	CENTRAL VALLEY FLOOD PROTECTION BOARD	KL00	HEALTH BENEFIT EXCHANGE, CALIFORNIA
GP00	SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY	LA00	COMMUNITY COLLEGES, CALIFORNIA
GQ00	WATER COUNCIL, CALIFORNIA-WESTERN STATES	LC00	CRIME CONTROL & VIOLENCE, CALIF. COMMISSION
GR00	TAHOE CONSERVANCY, CALIFORNIA	LE00	EXPOSITION AND STATE FAIR, CALIFORNIA
GS00	DELTA PROTECTION COMMISSION	LG00	FISCAL INFORMATION SYSTEM, CALIFORNIA
GT00	COACHELLA VALLEY MOUNTAINS CONSERVANCY	LP00	LITTLE HOOVER COMMISSION
GU00	BALDWIN HILLS CONSERVANCY	LQ00	STATE MANDATES, COMMISSION ON
GV00	SAN GABRIEL & LOWER LA RIVERS & MNTS CONSERVANCY	LT00	COMPENSATION INSURANCE FUND, STATE
GW00	DELTA STEWARDSHIP COUNCIL	LU00	CONSTITUTION REVISION COMMISSION
GX00	SAN DIEGO RIVER CONSERVANCY	LV00	CONTROLLER, STATE
GY00	SIERRA NEVADA CONSERVANCY BOARD	NA00	DISTRICT AGRICULTURAL ASSOCIATIONS
GZ10	CALIFORNIA SCIENCE CENTER	ND50	CHILDREN AND FAMILIES COMMISSION
<b>HA00</b>	<b>ENVIRONMENTAL PROTECTION AGENCY</b>	NE00	EDUCATION, DEPARTMENT OF
HB00	AIR RESOURCES BOARD	NE05	EDUCATION, SCHOOL FOR THE BLIND
HB01	SCIENTIFIC ADV. COMMITTEE ON ACID DEPOSITION	NE10	EDUCATION, SCHOOL FOR THE DEAF
HB02	SCIENTIFIC REVIEW PANEL ON TOXIC AIR CONTAM	NE15	EDUCATION, DIAGNOSTIC CENTERS
HC00	ENVIRONMENTAL HEALTH HAZARD ASSESMENT, OFFICE	NE20	SUMMER SCHOOL FOR THE ARTS
HD00	INTEGRATED WASTE MANANGEMENT BD	NE30	QUALITY EDUCATION COMMISSION
HE00	PESTICIDE REGULATION	NF00	LIBRARY, CALIFORNIA STATE
HF00	TOXIC SUBSTANCES CONTROL	NH00	POSTSECONDARY EDUCATION COMMISSION, CALIFORNIA
HG00	WATER RESOURCES CONTROL BOARD	NL00	EQUALIZATION, BOARD OF
HH00	RESOURCES, RECYCLING, AND RECOVERY	NN00	FAIR POLITICAL PRACTICES COMMISSION
<b>ID00</b>	<b>CORRECTIONS AND REHABILITATION</b>	NP00	FINANCE
ID05	PRISON INDUSTRY AUTHORITY	NX00	FOOD AND AGRICULTURE
ID10	JOINT VENTURE POLICY ADVISORY BOARD	PA00	GOVERNOR'S OFFICE
ID30	CORRECTIONAL INDUSTRIES COMMISSION	PA05	MEDICAL ASSISTANCE COMMISSION, CALIFORNIA
IG00	STATE AND COMMUNITY CORRECTIONS,	PA40	PLANNING AND RESEARCH, OFFICE OF
		PA50	GOVERNOR'S OFFICE OF BUSINESS & ECONOMIC DEVELOPMENT
		PA51	FILM COMMISSION, CALIFORNIA
		PA53	INFRASTRUCTURE BANK
		PA55	OFFICE OF EMERGENCY SERVICES
		PC00	CHILD DEVELOPMENT POLICY ADV COMM
		RD00	INSURANCE

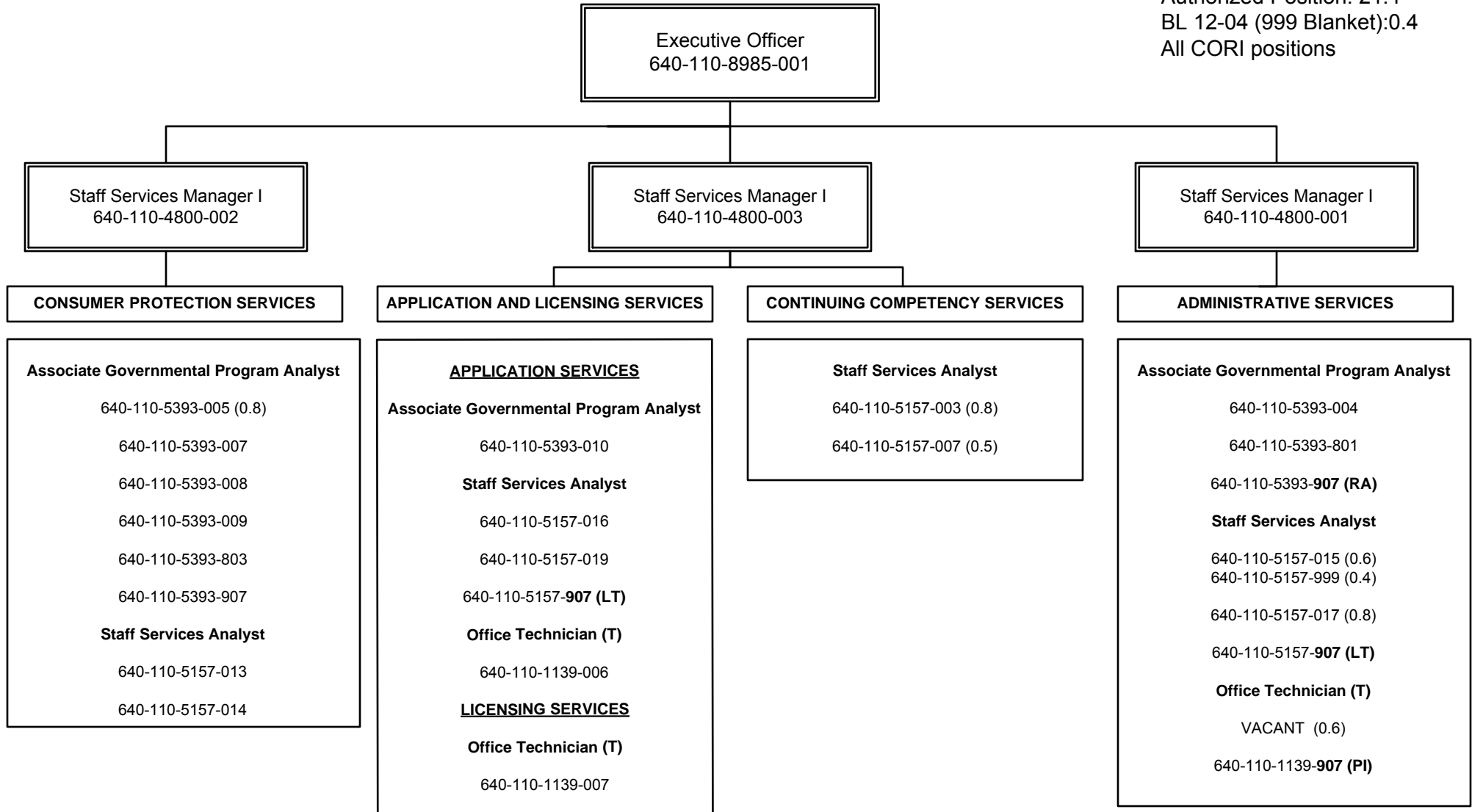


<i>Dept. Code</i>	<i>Agency or Department Name</i>	<i>Dept. Code</i>	<i>Agency or Department Name</i>
RD10	EARTHQUAKE AUTHORITY, CALIFORNIA	XO15	SCHOOL FINANCE AUTHORITY, CALIFORNIA
SB00	JUSTICE	XO20	TAX CREDIT ALLOCATION COMMISSION
SB10	PEACE OFFICERS STANDARDS & TRAINING, COMM. ON	XO25	POLLUTION CONTROL FINANCING AUTHORITY, CALIF.
SB30	GAMBLING CONTROL COMMISSION, CALIFORNIA	XO30	HEALTH FACILITIES FINANCING AUTHORITY
SD00	LAW REVISION COMMISSION, CALIFORNIA	XO35	EDUCATION FACILITIES AUTHORITY, CALIFORNIA
SL00	LEGISLATIVE COUNSEL BUREAU	XO40	ALTERNATIVE ENERGY & ADVANCED TRANSPORTATION FINANCING AUTHORITY, CA
SL05	UNIFORM STATE LAWS, COMMISSION ON	XO45	LOCAL INVESTMENT ADVISORY BOARD
SM00	LIEUTENANT GOVERNOR	XO55	SCHOLARSHARE INVESTMENT BOARD
SM05	ECONOMIC DEVELOPMENT, COMMISSION FOR	XO60	DEBT ADVISORY COMMISSION, CALIFORNIA
SN00	LOTTERY COMMISSION, CALIFORNIA STATE	XO65	CALIFORNIA SECURE CHOICE RETIREMENT SAVINGS INVESTMENT BOARD
SP00	MILITARY DEPARTMENT	XO70	INDUSTRIAL DEVELOPMENT FINANCING ADV. COMMIS.
SQ00	NARCOTICS & DRUG ABUSE, ADV. COUNCIL ON	XO80	DEBT LIMIT ALLOCATION COMMITTEE, CALIFORNIA
SR00	INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE	XO90	ACHIEVING A BETTER LIFE EXPERIENCE ACT BOARD
SS00	NATIVE AMERICAN HERITAGE COMMISSION	XS00	VOCATIONAL EDUC. & TECH. TRG., ADV. COUNCIL
TA00	AUDITOR'S OFFICE, CALIFORNIA STATE	XT00	VOTING MACHINES & VOTE TABULATION DEVICES, CO
TD00	INSPECTOR GENERAL, OFFICE OF THE		
VB00	CALIFORNIA/MEXICO AFFAIRS, OFFICE OF		
VC00	OSTEOPATHIC MEDICAL BOARD		
VC01	NATUROPATHIC MEDICINE COMMITTEE		
VR00	PUBLIC BROADCASTING COMMISSION, CA <sup>1</sup>		
VS00	PUBLIC DEFENDER, STATE		
VV00	PUBLIC UTILITIES COMMISSION		
XA00	SANTA MONICA MOUNTAINS CONSERVANCY		
XD00	SECRETARY OF STATE, OFFICE OF THE		
XJ00	STATUS OF WOMEN, COMMISSION ON		
XK00	STUDENT AID COMMISSION		
XM00	TEACHER CREDENTIALING, COMMISSION ON		
XN00	CONSUMER POWER & CONSERVATION FINANCING AUTHORITY		
XO00	TREASURER, STATE		
XO05	URBAN WATERFRONT RESTORATION FINANCING AUTH.		
XO10	POOLED MONEY INVESTMENT BOARD		

<sup>1</sup> This commission exists in the statutes but is not funded in the state budget.



CURRENT  
 FY 2017-18  
 Authorized Position: 21.4  
 BL 12-04 (999 Blanket):0.4  
 All CORI positions



Jason Kaiser,  
 Executive Officer

Date

Personnel Analyst

Date

**Date:** 8/15/2017  
**Prepared for:** Board Members  
**Prepared by:** Liz Constancio, Administrative Services Manager  
**Subject:** 2<sup>nd</sup> Request - Executive Officer Exempt Level Increase

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**Purpose:**

To request the exempt level of the PTBC's Executive Officer (EO) position be increased from Level O to Level L. The Board Members have determined this action is necessary in efforts to provide the appropriate exempt level in support of the PTBC's organizational structure.

Attachments: 1. [PTBC's Executive Officer Exempt Level/Organizational Structure Overview \(PTBC-5/2016\)](#)  
2. [DCA Exempt Level Comparison \(PTBC-8/2017\)](#)  
3. [DCA Executive Officer Exempt Level Study \(DCA-5/2000\)](#)  
4. [Exempt Salary Schedule \(CalHR-10/2016\)](#)  
5. [Career Executive Assignment Guidelines \(CalHR-11/2015\)](#)  
6. [Memorandum Request for Consideration of Increase of Exempt Level of Executive Officer \(Draft -8/2017\)](#)  
7. [Executive Officer Exempt Level Increase \(Previous package\) \(PTBC-8/2016\)](#)

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**Background:**

The PTBC's Executive Officer (EO) Exempt Level is not appropriately allocated in accordance with the organization structure.

The EO position was initially established on July 1, 1976 with the title of "Deputy, Physical Therapy Examining Committee, and Staff Consultant". The position was under the direction of the Medical Board of California (MBC) within the Department of Consumer Affairs (DCA).

On November 14, 1988, the EO exempt entitlement B&P code E/BP2604 was tied to the position and on March 2, 1989, the exempt level changed from P4 level (Associate Analyst II equivalent) to level P2 (SSM I equivalent), following the DCA's EO Exempt Level Study conducted in 1985.

FY 1996-97, the oversight designation was transferred to the Physical Therapy Examining Committee (PTEC) from the MBC (Chapter 829, Statutes of 1996 (AB3473)), which later changed the PTEC to the Physical Therapy Board of California (PTBC). The PTBC's EO exempt level did not change with the organizational change and remained allocated at the P2 level (SSM I equivalent).

On August 31, 2000, the EO exempt level was reallocated from level P2 to level O (SSM II equivalent) and the classification title changed from Deputy, Physical Therapy Examining Committee, and Staff Consultant to "Executive Officer, Physical Therapy Board of California" in result of another department-wide EO Exempt Level Study conducted by the DCA's Office of Human Resources (OHR) (dated May 2000). At the time of the study (FY 2000/01), the PTBC was authorized 8.8 positions, including the EO

position and was allocated a budget authority of \$1,956,976. In addition, the PTBC supported a licensee population of approximately 32,612.

FY 2011-12, initiated an EO Exempt Level Study and contracted with the California Human Resources (CalHR) to conduct a salary study of all the EO positions, including PTBC's EO position to determine if the salaries were appropriately allocated. At the time the study was conducted, the PTBC was authorized 18.0 positions, including the EO position, had a budget authority of \$3,472,038 and approximately 32,187 licensees. Using the DCA's previous EO Exempt Level Study Guidelines of May 2000, the PTBC would have met the allocation criteria for exempt level M. However, the Study was limited due to budget constraints resulting in furloughs, vacancies, state-wide hiring freezes, etc. and increased resources, including exempt level increases were not permitted.

FY 2015-16, the PTBC was authorized 19.1 positions, including the EO and also employs four additional staff (1 OT, 2 SSA and 1 AGPA) authorized in the "temp help" line item (blanket expenditures). These temporary positions were necessary to accommodate increasing program requirements and alleviate excessive backlogs. In addition, the PTBC had a budget authority of \$4,227,000 and projected to spend \$4,142,460 (year-end).

FY 2016-17, Board President, Katarina Eleby submitted a formal request on behalf of the Board Members to the DCA's, Office of Human Resources requesting consideration to increase the EO's exempt level, from O to level L, effective August 1, 2016. However, on April 21, 2017, President Eleby was informed by DCA's Human Resource Chief, Ricardo DeLaCruz the Boards request for the exempt level increase was not approved.

While various significant program changes have occurred between FY 2000/01 and FY 2016/17, the most significant over the past five (5) years is as followed:

- 2010/11 – the PTBC implemented Continuing Competency (CC) requirements (California Code of Regulations, sections 1399.90 – 1399.99). The CC requires all licensees to accumulate 30 hours of continuing education during each renewal cycle (biennial) from a course provider approved by the Board. In addition, to ensure applicants meet CC requirements, the PTBC is required to conduct a percentage of random audits. This change increased the licensing requirements. As a result, the PTBC increased its staffing resources to manage the new additional workload.
- 2011/12 – the PTBC implemented the Consumer Protection Enforcement Initiative (CPEI) developed by the DCA. The CPEI proposed streamlining and standardize the complaint intake/analysis to decrease the average processing time for complaint intake, investigation, and prosecution from three years to 12-18 months. This change increased the enforcement requirements. As a result, the PTBC increased staffing resources to manage the new additional workload.

In addition, the PTBC implemented fixed-date testing for its National Physical Therapy Exam (NPTE) administered by the Federation of State Boards of Physical Therapy (FSBPT). The Fixed-date testing schedule requires all applicants to adhere to the FSBPT fixed-date testing schedule and deadlines. The FSBPT administers the NPTE for physical therapist and physical therapist assistants 4 times per year. This change revised the sequence and frequency of examinations, requiring the Board to process a higher volume of applications in a compressed amount of time

resulting in additional workload within the application and licensing services. The PTBC was required to absorb the additional workload within its existing resources

- 2012/13 – Implemented expedited licensure requirements (Business and Professions Code, section 115.5). The expedited licensure requirements provide applicants identified as a spouse or domestic partner of active duty military personnel to an expeditious license process. This change revised the sequence of the application process, requiring the PTBC to process these applications expeditiously, in turn, processing a higher volume of applications in a compressed amount of time resulting in additional workload within the application, licensing and cashing services. The PTBC was required to absorb the additional workload within its existing resources.
- 2013/14 – Passage of SB 198 (eff. 1/1/14) – revised the Physical Therapy Practice Act in its entirety; however, the most impactful changes:
  - ✓ Medical Records - Added authority for the Board to collect \$1,000 per day for each day a patient's medical records have not been produced to the Board after the 15th day of request.
  - ✓ Test of English as a Foreign Language (TOEFL) - Added requirement for individuals educated outside the U.S. at a non-accredited school to submit proof of English proficiency.
  - ✓ Licensure Exemption – Added provisions providing licensure exemption to the licensees who are licensed out of state or out of the country if they are researching, demonstrating, or providing physical therapy in connection with teaching or participating in an education seminar for no more than 60 days a calendar year. ○ Education Accreditation – Added educational requirements shall include those prescribed by CAPTE or the Physiotherapy Education Accreditation Canada, and shall include 18 weeks of full time experience.
  - ✓ Licensure Renewal Fee Exemptions and Waivers - Added licensure renewal exemptions for Military, Disability, Voluntary/Unpaid; and Retired.
  - ✓ Direct Access – Added provisions allowing patients to access physical therapy services without a diagnosis for 45 calendar days or 12 visits, whichever occurs first. If treatment continues beyond 45 calendar days or 12 visits, the patient must receive an in-person examination from a physician and surgeon or podiatrist, who must also sign off on the physical therapist's plan of care. AB 1000 also expands the types of licensed professionals permitted to work for a professional corporation; adds physical therapy corporations to the list of corporations in Section 13401.5, identifying who, other than physical therapists, may be a shareholder, officer, or director of a physical therapy corporation; and, permits a licensed physical therapist to be a shareholder, officer, or director of a medical corporation and a podiatric corporation.
- 2015/16 – Implemented new licensing and enforcement online system, Breeze. The Breeze is an integrated system that has replaced the DCA's legacy systems (CAS/ATS), effective January 19, 2016. In order to determine the impact the Breeze has on board operations, the PTBC will continue to work on system efficiencies and monitor and track operations over the next 12 months. Meanwhile, the PTBC is required to absorb any additional workload within its existing resources.
- 2016/17 – Staffing resources increased by 3.0 positions in support the volume of workload for processing applications for examination and licensure. Further, in efforts to align our structure to

meet allocation guidelines the PTBC was authorized one additional Staff Services Manager I position within the Application and Licensing Services Program. This action was necessary to obtain a separation in duties between its' administrative functions and application and licensing functions. As a result, staff resources increased from 19.1 to 21.5 authorized positions, The 21.5 authorized positions does not include positions allocated as blanket expenditures, which includes a Cashier and one Application Analyst.

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### **Analysis:**

Generally, when changes occur, increasing program requirements, such as, scope of responsibility, staff size, budget, complexity, special requirements, etc. merits a salary or level increase.

Over the past decade, the PTBC's role and responsibilities have changed significantly resulting in increased program requirements, which includes increased staffing levels, budget authority, operating expenditures, etc. The PTBC's EO Exempt Level has not changed since fiscal year 2000/01. Meanwhile the EO exempt level remains at the same level (O), which was determined based on PTBC's organizational structure and level of responsibilities of FY 2000-01. The PTBC's current structure is as follows:

**Working Title:** Executive Officer  
**Exempt Level:** O  
**Salary:** 7053-7856

**Authorized Positions:** 21.4  
**Authorized Budget:** 5,224,000  
**Licensee Population:** 36,368

In reviewing the DCA's EO exempt level criteria outlined in the EO Exempt Level Study of May 2000, the PTBC's EO level is not allocated appropriately to support the current organizational structure.

In addition, The EO exempt level from O to level L, will not require a budget change proposal request, nor create a budget deficiency. The EO monthly salary base of level O is \$7053-\$7856 and \$8132 - \$9058 for level L. Based on the maximum monthly salary base, the PTBC's expenditures may have a potential annual increase of \$14,424 within its Personnel Services budget. The PTBC is currently authorized \$1,975,000 for Personnel Services and projects to fully expend its budget (year-end); however, expenditures include the cost for temp help staff, which approximately \$13,027 annually. The PTBC anticipates these additional expenditures to decrease each year – as staffing deficiencies have been corrected through the BCP process allowing the PTBC to true-up its budget and significantly reduce its reliance on temp help. The potential maximum annual increase (\$14, 424) is minor and absorbable within existing resources.

Further, the DCA, Budget Office has advised staff that the PTBC's fund is healthy and the PTBC can support the estimated cost identified within its existing resources without requiring a budget change proposal.

Therefore, in my opinion, a change to the PTBC's EO Exempt Level from O to Level L is a viable course of action.

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### **Action Requested:**

Board Members - Motion to vote in support of the DCA, Office of Human Resources to work with the PTBC staff and appropriate agencies in obtaining an exempt level increase for PTBC's EO position.



**Physical Therapy Board of California**  
**Executive Officer Exempt Level / Organizational Structure Overview**

Categories	FY 1996/97 (Actual)	FY 2000/01 (Actual)	FY 2011/12 (Actual)	FY 2012/13 (Actual)	FY 2013/14 (Actual)	FY 2014/15 (Actual)	FY 2015/16 (Actual)	FY 2016/17 (As of 6/30/17)	% Increase / Decrease (FY 2000/01 FY 2016/17)
<b>Authorized Positions</b>	<b>5.5</b>	<b>8.8</b>	<b>18.0</b>	<b>14.3</b>	<b>16.4</b>	<b>19.4</b>	<b>19.4</b>	<b>21.4</b>	<b>143%</b>
<b>Executive Officer (Exempt Level)</b>	<b>P2</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>None</b>
PERS SVS / OE & E Budget	\$949,210	\$1,496,576	\$2,491,132	\$2,249,952	\$2,253,849	\$2,758,979	\$3,025,000	\$3,267,000	<b>118%</b>
<b>Licensee Population</b>	<b>18,786</b>	<b>21,351</b>	<b>32,187</b>	<b>32,604</b>	<b>34,207</b>	<b>35,435</b>	<b>36,312</b>	<b>37,435</b>	<b>75%</b>
Applications Received	1,094	1,569	1,953	1,900	2,040	2,139	2,546	2,771	<b>77%</b>
Enforcement Budget	\$652,351	\$460,400	\$980,906	\$1,107,051	\$1,173,913	\$1,317,611	\$1,202,000	\$1,909,000	<b>315%</b>
Complaints Received	189	219	1,816	1,528	1,309	1,006	703	769	<b>251%</b>
Investigations	192	126	1,796	1,483	1,197	995	692	775	<b>515%</b>
Cases Referred to AG's Office	22	26	70	59	52	60	25	51	<b>96%</b>
Disciplinary Actions	9	15	33	35	41	54	54	33	<b>120%</b>
Citations Issued	0	4	613	258	249	99	70	38	<b>850%</b>
<b>Authorized Budget</b>	<b>\$1,601,561</b>	<b>\$1,956,976</b>	<b>\$3,472,038</b>	<b>\$3,357,003</b>	<b>\$3,427,762</b>	<b>\$4,076,590</b>	<b>\$4,227,000</b>	<b>\$5,176,000</b>	<b>164%</b>
Total Expenditures (CalStars FM13)	\$1,539,012	\$1,954,347	\$3,232,964	\$3,204,071	\$3,407,765	\$4,007,185	\$4,108,884	\$4,805,470	<b>146%</b>

- **FY 1996/97**
  1. No Change in EO Level, following the designated oversight transferring from MBC to PTBC.
- **FY 2000/01**
  1. EO level changed from level P2 to level O, following DCA's EO Exempt Level Study (5/2000).
- **FY 2011/12**
  1. No Change in EO Level.
  2. \$150,000 one-time AG Augmentation.
- **FY 2012/13**
  1. \$170,000 one-time AG Augmentation.
- **FY 2013/14**
  1. No Change in EO Level.
  2. \$320,000 one-time AG Augmentation.
  3. BCP 1110-31 Staffing increase w/ funding \$189,000.
- **PY 2014/15**
  1. No Change in EO Level.
  2. BCP 1110-03L Staffing increase (2 yr. limited-term) w/ \$91,000 FY14/15 and \$83,000 FY15/16.
  3. BCP 1110-32 \$142,000 AG Augmentation.
- **CY 2015/16**
  1. No Change in EO Level.
  2. 6/30/16, 2 yr. limited-term AGPA position was abolished.
- **CY 2016/17**
  1. No Change in EO Level.
  2. BCP 1111-024-BR-2016-GB Staffing increase (3.0 positions) w/\$268,000 FY16/17 and \$244,000 FY17/18 and ongoing.



**Physical Therapy Board of California**  
**August 2017 Board Meeting**  
**Comparison of DCA Healing Arts Boards - Exempt Levels Scope of Responsibility**

Table 1. List DCA, Healing Arts Boards s . The Boards similar to PTBC's scope of responsibilities are highlighted (blue). The larger healing arts Boards are provided in Table 2.

Program	Working Title	Exempt Category	Level	Level Definition	CalHR Established Salaries	Civil Service Excluded Level Definition	Authorized Budget	Authorized Positions	Licensee Population
Board of Chiropractic Examiners	Executive Officer	I. Management	* -		9,839 - 11,173		4,091	19.4	18,619
Physician Assistant Board	Executive Officer	I. Management	* -		7,053 - 8,092		1,672	4.5	10,764
Veterinary Medical Board	Executive Officer	I. Management	M	SSM III Equivalent	7,752 - 8,635	SSMIII	4,964	21.3	25,799
Respiratory Care Board of California	Executive Officer	I. Management	M	SSM III Equivalent	7,752 - 8,635	SSMIII	3,733	17.4	23,215
California Board of Psychology	Executive Officer	I. Management	M	SSM III Equivalent	7,752 - 8,635	SSMIII	4,962	21.3	22,079
Physical Therapy Board of California	Executive Officer	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	5,224	21.4	36,368
Dental Hygiene Committee of California	Executive Officer	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	2,036	10.2	24,205
Speech Language Pathology & Audiology & Hearing Aid Dispensers Board	Executive Officer	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	1,997	9.6	22,330
California State Board of Optometry	Executive Officer	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	1,889	12.4	17,082
California Acupuncture Board	Executive Officer	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	3,795	11.0	16,126
California Board of Occupational Therapy	Executive Officer	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	2,318	15.2	15,553
Osteopathic Medical Board of California	Executive Director	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	2,291	11.4	9,074
California Board of Podiatric Medicine	Executive Officer	I. Management	O	SSM II Equivalent	7,053 - 7,856	SSMII (M)	1,511	5.2	2,333

Table 2. List the largest DCA, Healing Arts Boards.

Program	Working Title	Exempt Category	Level	Level Definition	CalHR Established Salaries	Civil Service Excluded Level Definition	Authorized Budget	Authorized Positions	Licensee Population
Medical Board of California	Executive Director	I. Management	F	CEA IV Equivalent	10,320 - 11,498	CEA (B)	63,216	170.9	155,679
Board of Pharmacy	Executive Officer	I. Management	* -		10,054 - 11,200		20,477	101.1	138,444
Board of Registered Nursing	Executive Officer	I. Management	* -		11,706 - 12,058		42,513	157.8	528,198
Board of Vocational Nursing & Psychiatric Technicians	Executive Officer	I. Management	* -		8,942 - 10,259		13,320	67.9	134,410
Dental Board of California	Executive Officer	I. Management	J		8,942 - 9,960	CEA (A)	13,349	67.5	97,139 / 17,380 (permits)
Board of Behavioral Sciences	Executive Officer	I. Management	J		8,942 - 9,960	CEA (A)	12,550		108,662

The data being reported was collected from various resources, as follows:

CalHR Exempt Pay Scale (REV. 8/8/17)

CalHR Exempt Pay Schedule (REV. 10/2016)

DCA, Annual Report (2016)

Govenor's Budget Act (FY 2016/17)

\* - Staff was unable to identify the Exempt Levels of these positions.

## **SUMMARY OF ISSUES**

At the request of the Department of Personnel Administration (DPA), the Department of Consumer Affairs (DCA) reviewed the exempt Executive Officer positions for the various boards within the Department to determine the appropriate Exempt Levels for those positions.

## **METHODOLOGY**

The Department conducted a study of the salaries and levels of responsibility of the Executive Officer positions. Included in this study were:

- a review of the history of the exempt levels of the positions;
- a review of the duty statement of the positions;
- a review of the organizational structures;
- a objective comparison of the numbers for each program over the past ten years (1989-90 and 1998-99) and
- a survey completed by each incumbent which sought to elicit more information in the more subjective areas of complexity and sensitivity.

## **ANALYSIS**

The analysis of the information contained in the study focused on the following allocation considerations:

1. Degree of authority
2. Scope of Responsibility
3. Staff size
4. Budget
5. Complexity
6. Sensitivity of Programs
7. Special requirements

### **DEGREE OF AUTHORITY**

Executive Officers for all boards have such a similar degree of authority that it is not a determining factor. All positions have the authority to make essentially the same types of decisions; differences exist in the consequence of error of such decisions.

Each position has administrative authority over staff, responsibility for policy development and implementation and responsibility for management of the board programs, including:

- Examinations and/or licensing;
- Regulations;
- Complains and mediation;
- Inspections and/or investigations;
- Enforcement/disciplinary actions;
- Legislation and testimony;
- Budget development and testimony;
- Strategic Plan development;
- Media contact;
- Industry relations; and
- Public education programs.

In the larger boards, immediate responsibility for some of these functions may be delegated to subordinate staff; in the small boards, often the Executive Officer is the only one qualified to make decisions in these areas.

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## SCOPE OF RESPONSIBILITY (Staff/Budget) – Historical Overview

In 1985, when the last salary survey was completed, the boards were categorized in accordance with the following criteria:

Level	Size	Budget	Staff	Licensees
I	Small Department <ul style="list-style-type: none"> <li>Medical Board</li> <li>Contractors</li> </ul>	\$10 M +	100+	100,000+
K	Largest Board <ul style="list-style-type: none"> <li>Accountancy*</li> <li>Dental Examiners*</li> <li>Pharmacy</li> <li>Professional Engineers</li> <li>Registered Nursing*</li> <li>Voc.Nurse &amp; Psych Tech.*</li> </ul>	\$2.5 – 10 M	35 – 100	100,000+
L	Large Board <ul style="list-style-type: none"> <li>NONE</li> </ul>	\$2.0 – 2.5 M	24 – 34	25 – 100,000
M	Medium Board <ul style="list-style-type: none"> <li>Architects</li> <li>Athletic</li> <li>Structural Pest</li> </ul>	\$1.0 – 2.0 M	15 – 24	20 – 25,000
O	Small Board <ul style="list-style-type: none"> <li>Behavioral Sciences*</li> <li>Vet Medicine*</li> </ul>	\$0.5 – 1.0 M	10 – 14	10 – 20,000
P2	Smallest Boards <ul style="list-style-type: none"> <li>Acupuncture*</li> <li>Dental Auxiliaries</li> <li>Geology</li> <li>Optometry</li> <li>Physical Therapy*</li> <li>Physician Assistants*</li> <li>Podiatric Medicine*</li> <li>Psychology*</li> <li>Respiratory Care*</li> <li>Shorthand Reporters</li> <li>Speech Pathology</li> </ul>	Up to \$0.49 M	2 – 9	Up to 10,000

### \* Received upgrades after 1985 study

- RN increased from M to K
- Accountancy, Dental, Pharmacy, Voc Nurse increased from M to L
- Architects increased from O to M
- Behavioral Science, Vet Med increased from P2 to O
- Acupuncture, Physical Therapy, Physician Assist, Podiatric Med, Psychology and Respiratory Care increased from P4 to P2

The following changes have occurred since 1985:

In 1989, Respiratory Care Board increased from P2 to O.

In 1990, Psychology increased from P2 to O.

In 1994, Psychology increased from O to M.

In 1995, Voc Nurse increased from L to K

In 1997, Medical Board and CSLB increased from G to F; Behavioral Science increased from O to M; Accountancy, Dental and Pharmacy increased from L to K and Architects increased from M to L.

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Over the past fifteen years, the changes shown above have altered the categories and levels. The chart below describes the current structure:

Level	Size	Budget	Staff	Licensees
F	Small Department • No change	\$36 - 45M	314 - 479	400,000+
K	Largest Board • No change	\$5.6 – 13.7M	40 – 96.7	35 - 325,000
L	Large Board • Architects	\$3.5M	34.1	
M	Medium Board • Athletic • Behavioral Science • Structural Pest	\$0.9 – 4.5M	13.3 – 35.9	2 – 20,000
O	Small Board • Vet Medicine	\$1.85 M	12	14,000
P2	Smallest Board • Acupuncture • Dental Auxiliaries • Geology • Optometry • Physical Therapy • Physician Assistants • Podiatric Medicine • Court Reporters • Speech Pathology	\$0.9 – 2M	5.1 – 10.8	3 – 43,000
P4*				

\*As in 1985, the Board of Guide Dogs for the Blind, with a FY 2000-01 staff of 1.5 and a budget of \$.1M, is currently allocated to this level

COMPLEXITY/SENSITIVITY

To evaluate the complexity of each position, the following factors were considered:

- Number of separate programs
- Complexity of examinations (Board-developed vs. purchased or national; multiple parts, etc.)
- Difficulty of application approval (complexity of requirements; foreign school curriculum review; equivalency formulas, etc.)
- School accreditation/approval
- Continuing education requirements
- Complexity of investigations
- Discipline (citation and fine programs; review committees; stipulation; license revocation, etc.)
- Interaction with other agencies (other state and local public agencies; professional associations; industry contacts, etc.)
- Consumer education programs
- Special programs (diversion; research; trusts, etc.)

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To evaluate the sensitivity of the programs, the following factors were reviewed:

- Public interest
- Legislative interest/activity
- Media contact
- Sophistication of licensees (educational level; political interest, etc.)
- Types of enforcement cases
- Consequence of error
- Health and Safety issues

SPECIAL REQUIREMENTS

The statutory requirement for professional licensure for the Executive Officers of two boards, Registered Nursing and Vocational Nurse, must be given special consideration in determining Exempt Level allocations.

**QUANTITATIVE AND QUALITATIVE DATA FOR EACH BOARD**

The information provided below uses the categories established in 1985 but indicates the current Exempt Levels of the Executive Officer positions.

**SMALL DEPARTMENT (CURRENTL LEVEL F) – CONTRACTORS, MEDICAL BOARD**

Although these boards have grown substantially since 1985, Exempt Level upgrades during the past fifteen years have adequately addressed these issues; therefore, no changes are requested.

**LARGEST BOARDS (CURRENT LEVEL K/L) - ACCOUNTANCY, DENTAL BOARD, PROFESSIONAL ENGINEERS, PHARMACY, ARCHITECTS (L), VOCATIONAL NURSE, REGISTERED NURSING**

In 1985, the Board of Architectural Examiners was allocated to level M and Professional Engineers was allocated to level K; the rest of these boards were assigned to level L. With the exception of Professional Engineers, all of these boards have moved up one level in the past fifteen years to address the growth in staffing and budget levels. But the increased classification levels of subordinate civil service staff has created compaction in the Board of Accountancy, Pharmacy, Professional Engineers and the Dental Board which now merits an additional level for the Executive Officers. In addition, the requirement for professional licensure for the Executive Officers for the Board of Registered Nursing and the Board of Vocational Nurse and Psychiatric Technicians and the obvious public health and safety issues of these two boards should be considered adequate reasons for higher levels for these boards. The Department also deems the higher professional level of the licensee population of the Board of Registered Nursing a valid basis for justifying the highest Exempt Level for this category of boards.

### **Board Of Accountancy**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	47.4	81	+70.9	84.3
Budget	\$6,157,000	\$9,663,000	+56.9	\$9.8M

Note: 30,695 Licenses or Registrations were renewed and 16,721 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest - Medium

In 1999, the Board's Website experienced a tremendous amount of public inquiries and almost a 200% growth from the previous year – 233,866 "hits" in 1999, compared with 78,515 "hits" in 1998. Board staff responded to almost 6,000 email inquiries in 1999. In the summer of 2000, the Board will unveil its online "License Lookup" feature on its Website.

#### Legislative Interest – High

The Board sponsors at least one piece of legislation annually, and it is currently rewriting its enabling legislation, the Accountancy Act. In addition, the Board participates in the promulgation of new regulations or amending existing regulations at least three times each year. In addition, the Board is undergoing its second sunset review, with a report due to the Joint Legislative Sunset Review Committee later this year.

#### Program Sensitivity – High

The Board is often involved in high profile, complex disciplinary matters involving large accounting firms. This activity requires management of significant resources by the Executive Officer related to the litigation of these matters.

#### Complexity and Visibility

California is the only accountancy board in the nation to offer an online application for the Uniform CPA Examination. For the Board's latest semi-annual examination, approximately 6,000 of the 8,000 total candidates applied online via the Board's Website.

As regulator of the second largest number of accounting professionals in the nation, California plays a national leadership role in initiatives involving the profession, such as heading the newly-formed Regulatory Coalition of Boards of Accountancy. The chart of the Coalition is to effect positive and timely change in the management of all examination-related issues, ensure active participation of accountancy regulators in the change management process and achieve uniformity in exam practices in the 54 jurisdictions. The Executive Officer frequently serves in national leadership positions, such as serving on the Computerization Implementation Committee (leading the automation of the Uniform CPA Examination) and she is called upon to speak at state and national meetings as well as serve on state and national panels regarding regulation of the profession.

In addition, California is actively participating in the effort to develop national uniformity in licensing. The Executive Officer regularly interacts with the American Institute of Certified Public Accountants, the National Association of State Boards of Accountancy as well as with various industry and trade associations in the state regarding the examination, licensing and regulation of the profession.



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**California Dental Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	39.4	48.8	+23.9	54.4
Budget	\$3,221,000	\$6,435,052	+99.8	\$6.5M

Note: 13,893 Licenses or Registrations were renewed and 1,374 licensure examinations were scheduled in 1998-99.

Qualitative Factors

Public Interest – High

A number of recent deaths in dental offices due to the use of oral sedation, unlicensed practice and scope of practice involving Oral Maxiofacial Surgeons performing cosmetic surgery have resulted in a great deal of public interest, including major television network news stories.

Legislative Interest – High

The unfortunate incidents cited above have created renewed legislative interest in issues involving the Dental Board and the practice of dentistry in California.

Health and Safety Issues

Scope of practice, Oral Maxiofacial surgeons, control of infections, office dentistry methods (mercury vs. non-mercury), fluoridation and unlicensed activities are the major issues facing the Dental Board.

**Board of Professional Engineers and Land Surveyors**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	47	59	+25.5	59.5
Budget	\$3,809,000	\$6,954,976	+82.6	\$7.0M

Note: 18,716 Licenses or Registrations were renewed and 11,051 licensure examinations were scheduled in 1998-99.

Qualitative Factors

Complexity and Visibility

Public awareness and legislative interest typically peak immediately after a natural disaster. For instance, after the Loma Prieta earthquake, there were several instances of collapsed structures ranging from large parking garages and freeway overcrossings, to small apartment complexes and family homes.

Unlike other regulated professions, a negligent or incompetent engineer has the capability of causing severe injury or death to thousands of individuals. For instance, the failure of a dam could cause harm to all those that are in the way when it fails. Or, if a building collapses numerous individuals may face severe injury or death. In contrast to this profession is a healing arts professional. Should he or she be found negligent or incompetent, typically the harm is only to one individual.

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Furthermore, the engineering profession differentiates itself due to the separate branches of registration and the overall scheme of registration. The Executive Officer and Board staff must be versed in the complexities of the law in order to effectively carry out the Board's mandate of protecting the public health and safety. For instance, a safety engineer is not authorized to design structures. Nor are several other disciplines. Only a civil engineer, or civil engineer with a structural authority, may design structures. Such differences must be delineated upon application, during examination development and during the investigation of an enforcement case.

In addition, the enforcement workload is impacted by the complexity of the cases. Although the number of enforcement cases may be low in comparison to other programs, the complexity creates a different workload. For instance, a case of a roof collapsing may seem to lead one to the conclusion that the engineer was negligent or incompetent. From this, however, many situations may arise. There could have been faulty workmanship by the contractor. Or, there could be shared blame between a contractor and the engineer. The nature of the building industry requires the coordination of several disciplines. Therefore, in reviewing a case of such type it is important that staff procure an expert with relevant expertise in the area of the violation, be well versed in the PE or PLS Act in order to provide guidance to the expert, be able to separate out violation of the PE or PLS Act from other areas of law, have general knowledge of closely related disciplines such as architects and contractors, and lastly have good project manager skills.

Therefore, throughout all of these phases the Executive Officer must have a thorough grasp of all programs and laws to assure that staff carries out their roles in a prudent manner.

### **Board of Pharmacy**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	33	52	+57.6	52.9
Budget	\$3,051,000	\$5,965,000	+95.5	\$6.4M

Note: 23,665 Licenses or Registrations were renewed and 1,518 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest – High

There is a vast range of highly potent drugs available to prescribers to treat diseases in patients. To perform their intended functions these drugs must be properly prescribed, dispensed, handled, stored and used. Drugs that may save lives, alleviate pain and cure illnesses, may also produce harmful effects, or possibly kill, if not dispensed and used correctly. Prescription drugs are a constant factor in emergency room admissions as well as prime factors in drug addictions and deaths.

All prescription drugs and prescription devices provided to Californians and California's licensed health care practitioners are dispensed, furnished and transported by Board of Pharmacy-licensed entities and individuals. For example, to ensure that drugs are properly dispensed and used correctly, pharmaceutical therapy must be provided and assessed by highly educated and trained pharmacists who meet the professional standards set by the Board.

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### Legislative Interest - High

#### *Regulation*

The Board of Pharmacy has one of the most active regulatory programs in the Department of Consumer Affairs. Since 1990, the Board has promulgated over 61 regulations. This is over 6 regulations per year. In addition in 1995, pursuant to Executive Order W-127-95, the Board reviewed over 92 regulations against 11 criteria. The purpose of the review was to demonstrate the necessity of existing regulations.

#### *Legislation*

The Board has a legislative program that is complex and diverse in its policy implications which requires the Board to be very proactive to ensure its presence at the Legislature. Each year since 1989, the Board has sponsored at least one major bill that impacts the practice of pharmacy in California. For example:

- In 1991, the Board sponsored legislation that authorized the use of pharmacy technicians. This was a major change to the practice of pharmacy that was vigorously opposed by labor. As sponsor of the legislation, the Board led a large coalition of professional associations and interested parties to negotiate its successful passage. The law allowed registered pharmacy technicians to count and pour medications, functions that were traditionally required of pharmacists.
- In 1992, the Board put in place a regulation that required pharmacists to consult with patients on all new medications.
- These new requirements revolutionized pharmacy by changing how pharmacy was practiced -- by placing the pharmacist at the front of the pharmacy "talking" to the patient, and the pharmacy technician behind the counter performing the more technical functions that did not require the expertise of the pharmacist.

Other examples of major legislative actions initiated by the Board:

- In 1993, California was one of the first states that authorized the electronic transmission of prescriptions. This was the result of legislation sponsored by the Board.
- In 1996, the Board sponsored legislation that recodified the entire pharmacy act.
- In 1997, the Board followed with another Board-sponsored bill that made over 200 substantive changes to pharmacy law. The Board is not aware of any other departmental agency pursuing such an ambitious legislative proposal with such success.
- In 1998, the Board sponsored legislation to make technical and clean-up changes to the pharmacy law as a result of the previous year's legislation.
- In 1999, over 20 major pharmacy law changes took place and again the Board sponsored legislation that enacted ten of those changes. The Board was also highly involved in the other 10 bills that changed pharmacy law, and actively pursued and achieved amendments to address Board concerns and public protection mandates.

Also in 1999, the Board actively opposed legislation that would have significantly changed the authority of physicians to dispense medications and effectively operate pharmacies. Because of the questionable tactics of the bill's sponsor, there was no public policy hearing on this major change. For months, the Board was the only agency to vigorously oppose this bill. The Board's amendments were finally taken at the end of the session, but the Board-led opposition led to the veto of the bill for other provisions that still remained.

Pharmacists are the gatekeepers when it comes to prescription medications and perform an essential double check when dispensing medications, so pharmacy law overlaps with the laws other health care providers such as physicians, osteopaths, physician assistants, nurses, nurse practitioners, veterinarians, dentists and optometrists. Consequently the Board must monitor pending legislation involving these practitioners as their scope of practice changes and gives

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them authorization to "furnish" medication similar to a physician's "prescribing" medication. The Board must also monitor the Health and Safety Code because these statutes govern controlled substances and federal statute as well, areas of law enforced by the Board.

The Board monitors and takes positions on numerous bills annually. The Board is involved in many complex and sensitive negotiations with major political entities such as: the California Medical Association, California Retailers Association, Kaiser Permanente, California Association of Health Plans, California Nurses Association, California Pharmacists Association, California Association of Health System Pharmacists, United Food and Commercial Workers, California Narcotics Officers Association and the California District Attorney's Office.

This year the Board is sponsoring three major pieces of legislation. The first one would require pharmacies to implement quality assurance programs to prevent prescription errors (SB 1339, Figueroa). This is a major consumer protection bill. It is especially important in light of the recent studies documenting the high incident of medical errors. The Board anticipates opposition from the Trial Lawyers Association, a major player in the Legislature.

The Board is also sponsoring legislation to make permanent CURES (the electronic tracking program for Schedule II prescription drugs) and eliminate the triplicate prescription document (AB 2018, Thomson). The elimination of the triplicate prescription document is major program change in that this document has been in use for over 50 years. The Board has formed a coalition of support that includes professional associations and major pain advocacy organizations who believe that the triplicate prescription document prevents patients from getting adequate pain control. The Attorney General's Office does not support the elimination of the triplicate nor do other law enforcement agencies, so the Board will have substantial opposition to overcome to secure enactment of the legislation.

Prior to the introduction of the bill, the Board hosted a conference to develop policy as it relates to the monitoring of Schedule II drugs in California. Nationally recognized experts in pain management made presentations at the conference and were actively involved in the policy discussions as were representatives from the Drug Enforcement Administration and the AG's Office.

The Board is also the origin of provisions in SB 1554 (Senate Business and Professions Committee) that will make three technical changes in pharmacy law and will contain a substantive change to permit ambulances to obtain prescription medication from pharmacies.

In addition to these three significant pieces of legislation, the Board is actively involved in monitoring and advocating the Board's position on another 18 bills that affect the practice of pharmacy, and is offering amendments to nearly 10 bills. In addition, there are another 200 bills that have been introduced impacting managed care or the general operations of the Board as an entity of the executive branch.

### Program Sensitivity

#### *Internet Pharmacy*

Over the last year the growth of Internet pharmacies has skyrocketed. These are pharmacies from which consumers can order their prescription drugs electronically. While pharmacy law requires that a patient have a written prescription, there are some unscrupulous sites that provide prescription drugs to consumers upon completion of a health questionnaire and review of the questionnaire by a physician. Or the pharmacy internet site is in a foreign country and the drugs are being provided without a prescription. This issue has been the subject of federal and



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state oversight hearings. Internet pharmacies that dispensed prescription medications to California patients must be licensed in California as nonresident pharmacies.

Current pharmacy law does provide adequate protection and authority to pursue action against unlicensed or illegal pharmacy practice over the internet, especially since the provider may not be in California. However, to assure adequate public protection, the Board will be seeking additional resources to proactively investigate these sites and work cooperatively with other state boards of pharmacy and the Federal Food and Drug Administration to ensure that medications are being properly dispensed.

### *Patient Confidentiality*

Because of rapid technological advancement in pharmacy practice today, the Board is constantly reviewing its law to ensure that a patient's confidentiality is adequately protected. Examples of confidentiality issues that the Board is involved in include the electronic transmission of a prescription from a prescriber's office to a pharmacy, where the prescription information may reside at a website outside the control of the prescriber or pharmacist; the use of patient compliance programs to remind patients to take their medications or in unethical situations, the drug manufacturer obtains patient information to encourage the patient to switch medications to the manufacture's brand; and the negligent acts of pharmacists who do not confidentially destroy prescription records to ensure adequate public protection.

These issues are the subjects of highly visible media reports and legislation has been introduced to deal with many of these topics. The Board's leadership, visibility and activities in these areas will have a major influence on consumer protection in the future.

### *Automation*

There are many robotic dispensing machines available to pharmacies that are more efficient to use than their human counterparts, and these machines can economically dispense thousands of prescriptions safely. However, pharmacy law is very specific and restricts to a pharmacist the ability to perform most duties. Moreover, if a process is not authorized in law as being permitted, it is not authorized. As a result the Board constantly reviews various permutations of automated dispensing devices to determine if the law supports their use. The Board's position is to make its authority broad enough so that pharmacy law is able to accommodate and not hinder these technological advancements. Pharmacy is a highly automated profession and the Board is strategically positioning itself so that it can be proactive to change instead of reactive which is detrimental to the patient.

### *Prescription Errors*

In November 1999, the Institute of Medicine issued a report about patient safety and medical errors in our nation's health care system. According to the study, as many as 98,000 Americans lose their lives each year as a result of preventable medical errors. Up to 7,000 die because of errors in prescribing medications. And the cost of all these errors is as much as \$29 billion in medical bills. In addition to this study, there have been many articles in the press on the numbers of prescription errors and the significant patient harm these errors can cause. Prescription error complaints are the number one consumer complaint that the Board receives, approximately 300 per year.

Prescription errors are serious and this issue has caught everyone's attention. Several different resolutions have been proposed at state and national levels, including a national reporting system. The Board of Pharmacy is sponsoring legislation that would require all pharmacies to implement a quality assurance program that would document and prevent future prescription errors. If such legislation is enacted, California will be one of the first states to require such a program.

### *Manpower Issues*

There is tremendous concern among large employers of pharmacists (chain store pharmacies) that by 2004, there will not be enough pharmacists to fill the 5 billion prescriptions projected. These estimates represent a doubling of prescription volume over the next four years, so without an increase in the number of pharmacists (which cannot occur because there are not sufficient pharmacists or enough students in pharmacy schools), patients will have much longer delays in getting their prescription medication unless various solutions are implemented including:

- increasing the number of ancillary support allowed in a pharmacy,
- expanding the use of the ancillary support,
- making technology more available,
- placing automated dispensing devices in remote pharmacy locations without a pharmacist,
- requiring an universal insurance card and
- allowing reciprocity.

Each of these options is highly controversial among various sectors of health care and the pharmacy profession, and the Board needs to act with leadership to find a resolution.

### *Drugs from Mexico*

Many consumers cross the border daily to obtain drugs from Mexico at substantial savings. However, many consumers are unaware that unlike the United States, Mexico has no requirement that a qualified health professional (such as a pharmacist) dispenses these drugs. Mexico treats prescription drugs like any other commodity. There is also no guarantee that the prescription drug dispensed meets the stringent manufacturing standards of the United States. And because the prescription label frequently is in Spanish, the patient does not know if he or she is actually receiving the intended drug or understands how to take the medication properly.

Also, other consumers travel to Mexico to obtain prescription medications after seeing a Mexican health professional to obtain a written prescription first. This is usually done for those seeking controlled substances.

Another concern is that Mexican drugs are smuggled into California and sold at swap meets and unlicensed entities contrary to good patient care, and in violation of pharmacy law and customs law.

The Board is participating on the Bi-national Task Force with the Mexican Government to address many of these health and safety concerns. To demonstrate the economic impact of prescription drug trade in Mexico, there are over 1,000 pharmacies in Tijuana compared to 300 pharmacies in San Diego.

### Complexity and Sensitivity

#### *Integration and Activation of the Board's Strategic Plan*

Over the last two years, the Board has reorganized its operations and activities into one of five goal areas. Established as committees, each of these goal areas is overseen by a team of two board members who work with the Executive Officer and designated staff to pursue strategic and ongoing activities essential to the Board's mandate. The goal areas are: Enforcement, Licensing, Public Education and Communication, Legislation and Regulation, and Organizational Development.

Through these committees, the Board establishes policy initiatives that are brought to the Board for approval and activation. The Board meets four times annually, and each committee meets

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at least once per quarter before the Board meeting to discuss the committee's activities. At each Board meeting, a status update of the committee's activities is provided. At least once a year, each committee holds a public meeting.

Another essential component to the Board's strategic plan is the annual update and full staff integration into the strategic planning process. By such activities, the Board's plan is kept current and vital to both board members and staff, who share responsibility for achieving the purpose, vision and goal objectives.

### *Evolving Practice of Pharmacy and Pharmacists' Payment for Cognitive Services*

Historically the reimbursement to pharmacists for their services is only done on the product dispensed, so pharmacists essentially earn sales commission on prescription medications they dispense instead of being paid on the their professional knowledge and services provided in managing and advising patients on drug therapy.

The profession has been undergoing substantial change, crisis and consolidation since the early 1990s. Managed care has depressed reimbursement rates for prescription drug prices to such low levels that pharmacies are having a difficult time meeting expenses. Unhappy pharmacists continue to pressure and blame the Board for failing to step in and resolve these economic issues. The Board is expected to address Labor Code issues, reimbursement issues, workload and staffing within pharmacies, and independent pharmacies versus large retail corporations who are saturating the market with the pharmacies located in communities. The result is considerable conflict for any action or inaction the Board takes in these areas.

### **Board of Vocational Nurse and Psychiatric Technicians**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	30.5	35.8	+17.4	40
Budget	\$ 3,474,000	\$5,150,000	+48.2	\$5.6M

Note: 35,807 Licenses or Registrations were renewed and 6,141 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Enforcement Enhancements

##### *Cost Recovery*

Pursuant to the Business and Professions Code, Section 125.3, the Board is authorized to request the administrative law judge to direct the licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. In 1994, the Board implemented a program to order payment of enforcement costs by licensees who were disciplined. The Board aggressively pursues cost recovery for all of its enforcement cases. An internal Cost Recovery Tracking Program was established to monitor receipt of all applicable monies.

##### *Probation Monitoring Program*

In 1995, the Board implemented a drug/alcohol-screening program. This program ensures that all licensees who are on Board imposed probation due to drug or alcohol related offenses abstain from the use of those substances.

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### *Remediation Program*

In 1995, the Board established new requirements for "remedial coursework" for cases in which the licensee's actions do not warrant formal disciplinary action.

### *Enforcement Fingerprint Program*

In 1996, legislation was enacted to implement a fingerprint program. All applicants for licensure are required to submit fingerprint cards which are checked by the Department of Justice and the Federal Bureau of Investigation to ascertain if the individual has any criminal convictions. If a reported conviction is substantially related to the practice of Licensed Vocational Nurses or Psychiatric Technicians, licensure may be denied.

### *Record of conviction Information Collected on Renewal Forms*

In 1996, the Board established new requirements that licensees must "self-disclose" conviction information every two years, prior to license renewal.

### *Performance Standards Defined*

In 1996, the Board established new regulations which specify that Licensed Vocational Nurses and Psychiatric Technicians must safeguard their patients'/clients' health and safety by reporting to the Board instances of unprofessional conduct.

### *Citation and Fine Program*

In 1996, the Board established new regulations which specified the criteria for issuance of a citation and/or fine.

### *Collection Requirements*

In 1996, the Board established an agreement with the Franchise Tax Board Intercept Program to intercept tax refunds and lottery winnings from individuals who owe delinquent sums of money to the Board (e.g., cost recovery and fines, etc.)

### *Internet Web Site:*

In 1997, the Board established an Internet Web Site, which provides information about the Board's activities and requirements. Consumers can obtain a listing of recent disciplinary actions, information on California accredited vocational nursing and psychiatric technician schools, information for filing complaints, and a fact sheet for applying for licensure. The Web Site is located at <http://www.bvnpt.ca.gov>.

### *Restricted Licensed Vocational Nursing Requirements*

Established through legislation which became effective in 1988, the Board requires issuance of "restricted Vocational Nursing Licenses" to Medical Technical Assistants who are employed by the California Department of Corrections and California Department of Youth Authority.

### *Examination Enhancements*

In 1990, the Board successfully developed and implemented computer administered testing for Psychiatric Technicians licensure. The computer based examination allows for centralized scheduling, increased testing opportunities, a more secure and controlled testing environment and immediate score reports. In 1994, the Board converted to year-round computer-adaptive testing for its Vocational Nurse applicants. Prior to that date, the Board's Executive Officer chaired the National Council State Boards of Nursing' Committee to effectuate the successful development and implementation of computerized testing for Registered Nurses and Licensed Vocational Nurses nationwide.



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### *Continuing Education*

In 1992 the Board implemented continuing education requirements as a conditions of license renewal for Psychiatric Technicians.

### **Board of Registered Nursing**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	69.2	96.7	+39.7	96.7
Budget	\$8,451,000	\$13,051,00	+54.4	\$13.7M

Note: 123,621 Licenses or Registrations were renewed and 13,528 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest

Following are examples that demonstrate the high public interest in the Board of Registered Nursing:

- BRN issues draw such intense public interest that audiences consistently range from 200 – 1,000 people for board meetings and forums. Such levels of public interest and participation are rare within the department.
- Media interest is high regarding egregious enforcement cases, particularly those involving patient deaths or patient abuse.
- Media interest is also high regarding the nursing shortage, changes in nursing practice, the impact of unlicensed assistive personnel, legislative initiatives regarding nursing, and other nursing issues.
- Millions of California consumers receive care from RNs each year in California. These consumers rely on the BRN to ensure that their RNs are safe and competent to practice. No other government or private organization fulfills this mission.
- Over 17,000 people per month contact the BRN via telephone and 7,000 people per month contact the web site to inquire about nursing practice issues, verification of RN licensure, or other issues of public interest.
- The ongoing nursing shortage generates significant public interest in the BRN's efforts to assess and resolve this problem. California has the lowest ratio of RNs to population of any state, which has serious implications for the quality of nursing care to consumers. The number of RNs in the state has increased greatly in the past 10 years, but the increase in the number of RNs has not kept pace with the growth in California's population.

#### Legislative Interest

The Legislature relies on the Board of Registered Nursing as an objective, credible source on nursing issues that affect consumers in California. The BRN Executive Officer is contacted frequently by legislative consultants for input on issues, and Senators and Assembly Members solicit her testimony for hearings at the Legislature. Examples of the Board's involvement with Legislative issues include:

- In 1999 the Senate Business and Professions Committee requested the Executive Officer to testify at hearings on the nursing shortage. The BRN is recognized as the only source in the state for data on nursing demographics and trends for workforce planning. These hearings resulted in significant legislative proposals and initiatives.

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- A special Senate subcommittee sought the Executive Officer's testimony twice in 1993 on topics related to government effectiveness. The BRN was one of only three boards selected to testify based on recognized effectiveness of its programs.
- Each year the BRN has legislative input on over 30 bills, including testimony and/or meetings with consultants and legislators. The Executive Officer and staff must confer with nursing and consumer groups to determine the various perspectives on proposed legislation, including controversial issues. After much research, the BRN takes positions on bills based on its mission to promote quality nursing care for consumers. The Legislature consistently seeks the BRN's position and views on pending bills.
- Legislative proposals that the BRN is called upon for input are frequently controversial and far-reaching. A few examples include: nursing staffing ratios; "prescriptive" authority for nurse practitioners to order controlled substances and obtain DEA numbers; restriction or expansion of the role of unlicensed personnel assisting with nursing care; solutions for the nursing shortage; "whistle-blower" protection for RNs; regulation of telephone medical advice by out-of-state RNs; and performance of complex laboratory examinations by RNs.
- The BRN is often called upon to act in a leadership role to implement newly enacted legislation. For example, the BRN facilitated formation of the "Scott Commission" to implement AB 655 and chaired the mandated committee. The committee will meet its mandate to report in April to the Legislature and the Governor on its proposals to increase the number of nursing school graduates and to provide more specialty training in critical areas where there are nursing shortages.

### Program Sensitivity

The Executive Officer of the Board of Registered Nursing must respond to controversial and sensitive issues that receive much public attention. This sensitivity results from many factors: the life-and-death nature of nursing practice, the overlapping practice issues among health care providers, the conflicting agendas of some of the BRN's stakeholders, and the philosophical differences among groups. Specific examples of questions and issues facing the Executive Officer include:

- Can or should RNs administer lethal injections in death penalty cases?
- Should advanced practice RNs have prescribing authority and be registered with the DEA?
- To what degree can RNs overlap into medical practice under the legal framework for standardized procedures?
- In what ways, if any, does the practice of a certified nurse anesthetist differ from an anesthesiologist? (Or a certified nurse midwife versus an obstetrician?)
- Can unlicensed assistive personnel safely perform some nursing functions in certain settings such as community care homes or schools?
- Can or should RNs administer injections for therapeutic abortions?
- Are standards for internationally educated RN applicants too stringent or too low when compared to U.S. education standards? Do the standards balance the need for consumer protection as well as fairness for applicants?

### Health and Safety Issues

#### *Complexity of nursing practice*

Registered nurses make decisions in their practice every day that can mean life or death for their patients. The practice of registered nursing has grown more complex and advanced in recent years. RNs deliver babies, administer anesthesia, provide primary care, use advanced technology such as lasers, and independently assess and intervene with patients in intensive care and emergency settings. The science and technology of

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nursing has advanced, as reflected in the more complex equipment and computers that patients and visitors observe at hospitals.

Reflecting the advanced complexity of nursing practice, the BRN now regulates eight specialized certification categories for RNs. Many advanced RNs practice very independently in areas where the consequences of errors can be very grave. Therefore, the BRN must be vigilant to set safe standards for entry into practice and must remove unsafe practitioners through an effective enforcement program.

This increased complexity and seriousness of outcomes has resulted in more difficult and complex enforcement cases. The BRN has responded by more than doubling its enforcement budget and staffing over the past 10 years.

### *Serious enforcement cases*

The health and safety impact of the Board of Registered Nursing is significant, with violations of RNs resulting in the death, potential death, or harm of patients. In severe cases that pose immediate public threats, the BRN intervenes immediately through an Interim Suspension Order or through a legal intervention during the criminal proceeding, if the case is in criminal court. The Board investigates approximately 1,000 serious complaints each year and takes disciplinary action in 150 or more cases. Currently, the Board has over 200 probationers that it is monitoring due to health and safety issues for the consumer.

The following examples of offenses that led to revocation help demonstrate the health and safety role of the BRN:

- Failed to initiate CPR or other lifesaving measures during patient emergency, resulting in patient death or harm.
- Convicted of abuse of elder resulting in serious pain and suffering.
- Falsified records, failed to provide nursing care, and failed to make home visits to patients.
- Administered dangerous drug to patient without a physician order when contraindicated, resulting in patient harm.
- Convicted of theft from elderly.
- Sexually abused patients and convicted of battery.
- Caused patient death by administering medication by wrong route.
- Overmedicated patients with controlled substances.
- Unable to practice safely due to severe mental illness.
- Failed to adequately evaluate and recognize a patient as high-risk, placing the patient in danger.
- Gross negligence and unlicensed practice of medicine in liposuction procedures, resulting in death and harm to patients.
- Convicted of lewd, lascivious acts with child.
- Deprived elderly patients of safety, hygiene, and disease protection as owner of residential care facility.
- Approximately 60% of BRN enforcement cases involve diversion of drugs for self-use by RNs. This results in impairment of their ability to practice safely, and in the most serious cases, the drug diversion also results in depriving a patient of needed pain relief.

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### *Diversion Program*

One of the best tools that the Board of Registered Nursing employs to protect the health and safety of consumers is its Diversion Program. Through the Diversion Program, the Board can intervene immediately to remove a chemically dependent or mentally ill nurse from practice. (RNs can only qualify for the Diversion Program if there has been no patient harm or sale of drugs.) Upon receiving a complaint, the Board writes the RN and informs them of the availability of the Diversion Program. If they voluntarily enter the program, suspend their practice, seek treatment, and submit to monitoring, they can avoid disciplinary action against their license. Within only two weeks of a complaint, the RN can be out of practice and in treatment, providing immediate consumer protection. By comparison, if the same case goes through the enforcement process, intervention and practice limits will take an average of 18 months due to the legal requirement for formal investigation and hearings.

Currently, the Board is monitoring 400 RNs in its Diversion Program. This program directly affects public safety and health by removing potentially unsafe RNs from practice and monitoring them while they undergo rehabilitation for chemical dependency or mental illness. They do not re-enter nursing practice until deemed safe by a panel of experts. Through such immediate intervention, the Board can help prevent unsafe practice while the RN is impaired.

### *Fingerprint Program*

Since 1991, the BRN has required fingerprints from RN applicants to identify any criminal history. In addition, the fingerprints remain on an active status with the Department of Justice so that the BRN is alerted of any subsequent arrests and convictions after licensure. Annually, this program yields approximately 400 reports of convictions that the Board investigates to determine if the RN is safe to practice in light of the underlying facts of the conviction. The public health and safety is protected through this program in light of the serious crimes that are identified, such as murder, manslaughter, assault, child abuse, sexual offenses, grand theft, fraud, and other crimes that are substantially related to nursing.

### Board Complexity and Visibility

The complexity and visibility of the Board of Registered Nursing have been addressed in part by the preceding sections of this report and in the report of August 1999. The complex nature of registered nursing practice and its impact on all the consumers of California make the issues facing the Board difficult and subject to broad scrutiny by many groups.

### *Educational oversight*

One of the Board's most far-reaching impacts is with the 126 educational programs that it regulates. Registered nursing programs are subject to the oversight and approval of the Board of Registered Nursing, and advanced practice programs seek the Board's approval to ensure that they meet BRN standards.

The Board has the authority to take enforcement action to warn schools about deficiencies and order action to come into compliance. If the school fails to come into compliance, the Board has the authority, with warning, to close the program. This authority extends to the CSU, UC, community college, and private college systems. Therefore, the deans and directors of nursing school programs work very closely with the Board to ensure compliance.

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Because of the Board's strong role in evaluating nursing programs, many entities rely on the Board's expertise. For example, national accrediting bodies seek the Board's counsel on accrediting standards at a federal level.

### *Other visibility considerations*

The Executive Officer must represent the Board to the public, including Executive and legislative leaders and 50-60 advocacy groups representing the nursing profession, consumers, and employers of RNs. This liaison role is especially significant in light of the fact that there are over a quarter of a million licensees and millions of patients in California. The Board takes seriously its responsibility to be responsive to its numerous stakeholders.

As described previously, 200-1,000 members of the public attend and monitor board actions and decisions. In addition, board issues and cases generate much media interest.

No other public or private entity duplicates the roles of the Board of Registered Nursing. The Board serves a unique, far-reaching role in consumer protection that is widely recognized by the diverse, numerous groups that it serves.



**MEDIUM BOARDS (CURRENT LEVEL M) – BEHAVIORAL SCIENCE, PSYCHOLOGY, STRUCTURAL PEST, ATHLETIC COMMISSION**

In 1985, Structural Pest and the Athletic Commission were allocated to level M and categorized as “medium” boards with complex, sensitive programs and small to moderate professional staff. Behavioral Science was assigned level O and Psychology level P2. Currently, all of these boards, with the exception of the Athletic Commission meet or exceed the 1985 criteria for “large” boards in staffing and budget levels. The complexity of the licensing and examination programs for the Structural Pest Control Board and program sensitivity and the professional level of licensees of the Board of Psychology and the Board of Behavioral Science warrant increased levels for the Executive Officers of these boards.

**Board of Behavioral Science**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	23	35.9	+56	35.9
Budget	\$2,198,000	\$4,664,000	+112.2	\$4.5M

Note: 2,921 Licenses or Registrations were renewed and 5,750 licensure examinations were scheduled in 1998-99.

Qualitative Factors

Public Interest – High

*Internet Website*

In June 1996, the Board established an Internet website that provides information about all program areas the Board oversees. Consumer information for filing complaints, public disclosure, and a listing of recent disciplinary actions is available along with licensee forms and information. The website receives approximately 4,000 hits monthly.

*MFCC Group Advertising and Referral Services*

Effective May 19, 1997, the MFCC Group Advertising and Referral Services Program was established and was then legal to operate, provided they first register with the Board. The Board implemented specific registration, advertising and referral requirements for these services with a free, one-time registration. Referral service registration remains valid until revoked, or until the referral service requests that it be discontinued.

*Outreach Efforts*

Since 1994, the Board has taken several steps in pursuing outreach efforts to consumers, licensees, professional associations and educational institutions. These efforts include the following:

- Establishment of “Answers to Frequently Asked Questions” brochure
- Board’s semi-annual Newsletter
- Establishment of a consumer guide, “What the Board of Behavioral Sciences Can Do For You”
- Establishment of “How to File a Complaint with the Board of Behavioral Sciences” brochure
- Update of the “Professional Therapy Never Includes Sex” brochure
- Establishment of “Board of Behavioral Sciences Expert Guidelines”

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### Complexity and Visibility

#### *Citation and Fine:*

In 1996, the Board was given the authority to cite and fine licensees for offenses that do not rise to the level of requiring formal discipline. This program allows the Board to cite and fine unlicensed individuals for violating the Business and Professions Code. The Board developed regulations and obtained a BCP to implement this program in 1998. As part of this program the Executive Officer is personally responsible for the informal hearing process. This hearing is the opportunity for the subject of the citation to dispute the circumstances and the amount of the fine. This hearing process is an additional task performed by the Executive Officer with a high level of responsibility.

The citation and fine program greatly enhances the Board's enforcement program and in addition serves to assist in the detection and curtailment of unlicensed practice, which currently can only be prosecuted by a District Attorney.

#### *Cost Recovery*

In 1996, the Board implemented a cost recovery program to recover the cost of investigation and attorney fees to offset the Board's enforcement costs. This program has resulted in the actual award and recovery of \$36,520 in FY 1997/98 and \$26,596 in FY 1998/99 to date.

#### *Continuing Education*

Established through regulations, effective May 19, 1997, the continuing education program is another method for maintaining quality consumer services. After January 1, 1999, MFCC and LCSW license renewal was contingent upon the completion of 36 hours of continuing education. Licensees have the flexibility to take courses they think are pertinent to their practice, providing the courses are related to their scope of practice. Many county departments and health facilities are approved providers of continuing education, and offer free training to their employees. The Board's approval of providers is a two-year blanket approval covering any qualified course offered. This reduces obstacles to course planning, making the continuing education program user-friendly for providers.

#### *Examination Enhancements*

Examination is a primary means of ensuring public safety. The Board continually evaluates and strengthens the criteria for selecting subject matter experts to ensure the quality of examination development workshops. In April 1995, Lead Oral Examiners were hired to monitor and enhance the performance of oral examiners. Project planning, implemented in October 1995, for examination development and administration is intended to ensure accomplishment of the Board's goals and deadlines. In September 1995, the cost of the oral examination administration was reduced and in January 1996, the Board augmented oral examiner training sessions by preparing training programs and content outlines for participants.

#### *Enforcement Enhancements*

A staffing reorganization in 1995 has resulted in numerous improvements in the Board's Enforcement Program. There has been a decrease in the backlog of enforcement complaints and cases, and an improvement in the case processing time. In addition, there is a new probation monitor position to facilitate and enhance oversight of licensees and registrants who have been placed on probation. In February 1997, the Board added regulations for citations and fines, a much-needed alternative to the discipline options.

#### *Recognition*

In 1997, the Board received the American Association of State Social Work Boards award for *Superior Consumer Publications in the Interest of Protection of the Public*.

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**Board of Psychology**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	8.5	12.3	+44.7	13
Budget	\$1,300,000	\$2,900,000	+119.2	\$3.1M

Note: 7,117 Licenses or Registrations were renewed and 1,741 licensure examinations were scheduled in 1998-99.

Qualitative Factors

Public Interest – High

The Board of Psychology has historically attracted an extremely high level of public interest. Primarily, this can be attributed to the intimate nature of the consumer issues that come before the Board. Over the past decade Board disciplinary cases have involved discipline against psychologists involved in the cases of the Menendez brothers and O. J. Simpson. The Board has handled numerous cases against celebrities which pique the interest of the public, such as the complaint filed by Monica Lewinski against her psychologist and the highly publicized revocation of Brian Wilson's (Beach Boys) psychologist after requests for the assistance of the Board by his family and members of the band. The Board is often confronted with high profile non-celebrity cases such as the revocation of psychologist Richard Boylan. This case received national attention as it involved a psychologist renown for treating individuals who had been "abducted by aliens". This particular psychologist included "nude hot tubbing" as part of his treatment for women who claim to have been abducted by extra-terrestirals. This case raised the attention of the Board to issues of the safety of the personal safety of its staff and members which resulted in the installation of a full bullet-resistant glass entrance. Board staff has consulted with the motion picture industry during the making of the movies *Mumford* and *The Final Analysis*.

The California Board of Psychology has been the leader across North America in promoting a zero tolerance policy for sexual misconduct with patients. The Board was the first jurisdiction to pass legislation which mandates revocation of a license of a psychologist found guilty of sexual misconduct with a patient. Most other jurisdictions have since passed similar legislation. Additionally, the Board successfully pursued legislation which prohibits registered sex offenders from being able to enter the field of psychology.

Legislative Interest – High

Several issues related t the Board are currently at the height of the Legislature's interest. Currently, in response to SB 433 (Johnson), the Board is working with the California Judicial Counsel in its efforts to develop mandated guidelines for establishing qualifications of individuals who perform child custody evaluations for the Family Courts throughout California. This work will most assuredly result in clean-up legislation in the coming years. Child custody issues in general will continue to be a legislative topic in the focus of public attention for years to come simply because of the potential effects this issue has on the family structure.

Managed care is a major legislative issue about which the Board must be in the forefront. The Board's concerns are focused on unqualified, unlicensed individuals within HMOs making decisions about consumers' mental health needs.

Prescription privileges for psychologist is also an issue in the forefront of the legislative efforts of the profession through its professional associations. This is an issue the Board must be on top



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of and provide because of the obvious public health issues. In response to this eventual possibility, the Board has once again come to the forefront and developed a "Medication Statement" and has published guidelines for those licensees whose practices may include patients who are concurrently under the care and treatment of a physician. Both of these documents are posted on the Board's website to educate the public in these areas.

### Program Sensitivity – High

Child custody issues, patient confidentiality, sexual misconduct, celebrity cases – all of these topics generate an immense amount of media interest. The Board of Psychology was the first Board in the Department of Consumer Affairs to issue press releases on all final disciplinary cases. It is also the first board to post all of its disciplinary cases on its website. This public outreach has resulted in media attention including staff appearances on national news magazines such as *Prime Time Live* with Diane Sawyer as well as numerous in-person interviews with news stations across the state.

The Board must appropriately and sensitively handle issues relating to Family Court and child custody cases. One third of the Board's complaints involve issues of psychologists performing services for Family Court. Such cases are ultra-sensitive inasmuch as, regardless of the outcome, at least one of the parties will be upset (and often violently so) at the outcome of the case. Very often, the Board is used as a means to resolve the upset party's frustration with the decision of the Family Court. This is one areas in which the staff routinely works with an outside expert in the Family Court to review and appropriately act upon these hyper-sensitive and often volatile cases.

### Health and Safety Issues

As described above, the most sensitive issues facing the Board are those involving psychologist-patient boundaries and sexual intimacies, child custody and Family Court matters, and matters involving patient confidentiality, such as in the Menendez brothers case. These issues exist for the Board obviously as a result of the nature of the practice of psychology. This practice involves intimate issues of the human psyche and therefore will produce extreme concerns and risks regarding the public's health and safety of which the Board must be acutely aware and prepared to appropriately handle.

### Complexity and Visibility

Interest in the Board of Psychology has also been heightened by the Board's unprecedented efforts in licensing examination validation. The Board is the only psychology board in North America which has independently validated the national written licensing examination. Many other jurisdictions have benefited from the Board's efforts in this regard. Additionally, the Board's oral licensing examination has been similarly validated and has withstood all legal challenges files against it to date. The Board's oral examination is so well respected that it was recently published as the national model for oral licensing examinations in Oral Examination Guidelines published in 1999 by the Associate of State and Provincial Psychology Boards. It is not an overstatement to assert that the California Board of Psychology leads the profession in issues of psychology licensing examination defensibility and validation.

The California Board of Psychology is the largest regulator of the profession of psychology in the world. The globalization of the psychology profession has put the Board's efforts in the forefront of the 21<sup>st</sup> century regulation of the practice. The Board must be represented effectively and admirably around the world by its Executive Officer. Representatives from Germany and Australia have visited the Board's offices and continue dialogue via email to consult with the Board's Executive Officer as those countries develop a model of regulation of the profession which places the consumer in the forefront of concern. The Board's Executive Officer has been invited to attend the Second International Congress on Licensure, Certification

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and Credentialing of Psychologists in Oslo, Norway in July 2000 specifically to participate in discussions focused on enforcement policy and licensing, oral examination development, administration and validation.

### *Continuing Education*

The largest program change has been the implementation of the Board's continuing education program. This program is the most innovative and unique of any continuing education program in the Department of Consumer Affairs. First, this program is quality centered. The Board ensures the quality and appropriateness of each continuing education course. This requires individual course review of the thousands of courses that are offered nationally each year. Continuing education programs at other boards review only providers, which is a much simpler task, but one that ignores the quality of each offering. The Board accomplishes this course review by overseeing the accrediting agency of the California Psychology Association (CPA). The Board's Executive Officer oversees the work of the CPA staff and provides consultation with the CPA Education Committee staff regarding policy and guidelines of course review. No other Executive Officer works in such a capacity to ensure quality of continuing education offerings. Additionally, the Executive Officer oversees an annual audit of the CPA, which involves board members and staff. Finally, since 1996 the continuing education program has required the Board to put into place the Continuing Education Committee.

### *Cost Recovery*

As part of resolving enforcement issues, a cost recovery program has been implemented. During the 1996/97 fiscal year, total cost recoveries ordered to the Board were \$128,000 and \$79,000 restitution to consumers. During the 1997/98 fiscal year, total cost recoveries ordered to the Board were \$108,000.

### *Cite and Fine Program*

In 1996, the Board was given the authority to cite and fine licensees for offenses that do not rise to the level of requiring formal license discipline. Additionally, this program allows the Board to cite and fine unlicensed individuals for violating the Business and Professions Code.

If the subject of a citation and fine wishes to dispute the citation or the amount of the fine, the subject can request a hearing before the Board Executive Officer. This is an opportunity for the subject of the citation to dispute the circumstances and the amount of the fine before the Board's Executive Officer. In fiscal year 1997/98, the Executive Officer presided over five such hearings.

### *Consumer Education*

In 1995, to address the need to disseminate regulatory information to consumers and to applicants and licensees, the Board formed yet another committee - the Consumer Education Committee. The Executive Officer serves as chairperson of this public relations committee. This committee oversees approximately 20 public presentations each year, most of which are performed by the Executive Officer. The committee focuses on personally delivering information about the regulation of the profession. Additionally, since 1995, the committee, under the direction of the Executive Officer has developed 4 brochures to assist both consumers of psychological services as well as licensees.

Since 1995, the Board has produced 6 "BOP" updates (Board's newsletter). These publications have received international recognition.

The Board's Executive Officer, with the assistance of the DCA Internet Team, has developed a web site. This premier web site sets an example and standard of excellence for all board publications, licensing information, recent updates, etc. It is the first and only board web site to

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offer an interactive complaint form for consumers to file complaints over the Internet. Current enhancement efforts are ongoing to offer on-line verifications of licenses and on-line access to all board application forms by the third quarter of 1999.

### *Liaison to National Organizations*

The Board's Executive Officer has been asked to serve on several national committees. He has served on the following committees in capacities that have never been served by a non-psychologist:

#### Association of State and Provincial Psychology

- Committee on Computerization of the Administration of the Examination for Professional Practices in Psychology (1994 to 1997)
- Board Administrator's Task Force (1994 to 1997)
- Committee on Education and Training for Credentialing (1996 to present)

#### American Psychological Association

- Sponsor approval Review System (1996 to present)

The Committee on Education and Training for Credentialing is especially noteworthy as this committee is developing a national oral examination for the licensure of psychologists using California's oral examination as a model.

### **Structural Pest Control Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	26.7	29.6	+10.9	31.5
Budget	\$2,265,000	\$3,285,205	+45	\$3.5M

Note: 2,536 Licenses or Registrations were renewed and 10,410 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Health and Safety Issues

The pest control industry reaches into nearly facet of everyday life. Childcare centers, schools, hospitals, convalescent and nursing homes, residential care facilities avail themselves of pest control. Every restaurant, food supplier, service station, state building, sports facility, ships, planes and trains, etc., have need of the pest control industry on a regular or frequent basis.

Since 1976 according to records, 40 deaths have resulted from pesticide fumigations. In 1969, a natural gas blast resulting from an improperly conducted fumigation leveled a 32 square block area of San Jose. In 1996, a similar blast leveled one building and damaged several other buildings in Santa Clara. Inadequate regulation of the pest control industry can be catastrophic and potentially deadly. When a termite inspector fails to identify termite infestation, fungus decay or damage to a structure, a house can collapse, a deck fail, or a balcony fall.

The average consumers are not entomologists, they don't know how to understand label requirements or handle pesticides and they often don't know what can happen to a home when termites, fungus and wood boring beetles go unabated.

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### Complexity and Visibility

The Board is unique in that it has 10 licensing categories and conducts 10 different exams every month. The Board responds to approximately 19,000 inquiries per year. Nearly 1300 complaints per year are mediated or investigated for compliance with the Structural Pest Control Act.

Nearly every real-estate transaction in the State of California will involve a "termite inspection" done on the property. The result is that over 8000 addresses per day (where "inspections" have been done) are filed by the pest control companies and processed by the Board. This information is made available to the public upon request.

The Board also negotiates and signs an inter-agency agreement each year with the Department of Pesticide Regulation. This agreement allows the county agricultural commissioners to act as agents of the Board with regard to pesticide applications misuse and violations.

## **ATHLETIC COMMISSION**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-1999	% Change	2000-01
Authorized Positions	13.9	15.3	+10	15.3
Budget	\$ 789,000	\$ 798,932	+1	\$0.9M

Note: 1,227 Licenses or Registrations were renewed in 1998-99.

### Qualitative Issues

#### Public Interest – High

Boxing as a sport has been practiced for centuries. The public is intrigued with the concept of two unarmed combatants entering a ring with only one emerging as the victor. This is not a team sport, it is a brutal one-on-one sport where one competitor tries to render the other competitor unconscious and this is one facet of the sport that attracts public interest. The public pays millions of dollars annually to watch pay-per-view boxing events on television and it is not uncommon for boxers to be paid millions of dollars based upon pay-per-view sales. Approximately 100,000 people attend live boxing events annually in California.

#### Legislative Interest - High

Both the California Legislature and the Federal Government have a high interest in boxing. Both entities realize that boxing is one profession that attracts participants from various socio-economic levels of society and persons from "third world" countries. Boxing is one of the few means that these individuals have to advance their standard of living. Knowing the type of individuals that make boxing their profession, the California Legislature created the California Professional Boxers' Pension Plan in 1981 to afford boxers a guaranteed retirement income. Based upon the nature of the sport the California Legislature is concerned with the health and safety of boxers. A few examples of this issue is the required neurological testing and HIV/HBV testing as a condition of licensure and continuous training for ringside physicians and officials.

In 1996 the Federal Government enacted the Professional Boxing Safety Act. This Act outlines prescribed safety standards, regulation of boxing matches held in states without athletic (boxing) commissions and conflicts of interest for employees/members of athletic commissions.



## EXECUTIVE OFFICER EXEMPT LEVEL STUDY May, 2000

### Program Sensitivity - High

The California State Athletic Commission has sole authority and jurisdiction over all boxing and full-contact martial arts events held in this state.

Unfortunately death can be a result of a boxing or martial arts matches. Generally there is one boxing related death per year in the United States. California's last ring death was in 1998 (professional martial arts) and before that in 1988 (professional boxing).

The sport as well as the Athletic Commission is under constant scrutiny by the media. The print media as well as television continually interviews the Executive Officer relative to the status, impact and vulnerability of the sport.

Currently there are several Federal investigations into the sport of boxing. These investigations range from racketeering to corruption within the industry. The commission has implemented major procedures to prevent these activities which are viewed as inherent to the sport. This commission takes pride in its integrity and being above board when dealing with complex issues and individuals involved in the sport of boxing.

### Health and Safety Issues

The California Athletic Commission is one of the few state commissions that does not require pregnancy testing for female boxers. To date, we have been unsuccessful in our legislative attempts to implement pregnancy testing. It is not a question if a tragedy will happen but when it will happen. We view this as a major potential liability.

Another health and safety issue is the unknown and unpredictable consequences of long term blunt force head trauma.

### Complexity and Visibility

The Athletic Commission has a high degree of visibility in that it regulates and supervises more events than any other state commission. California often quadruples the number of boxing events held in other states. An average year can produce 85-140 professional boxing events, 30-60 amateur/professional full-contact martial arts events and approximately 200 amateur boxing events. It should be noted that each individual bout or match requires commission approval based upon the competitor's ability, experience, etc.

- The intake of applicable revenue is affected by boxing matches being staged on Indian Reservations. The issue of sovereignty has placed the commission in an awkward position.
- The commission is one of the major focal points of the media based upon sheer volume of events alone.
- Other state and foreign commission's rely on input from this commission regarding health, safety and welfare of the participants.

The commission is required to conduct training clinics for officials and physicians to ensure that only the most highly qualified individuals are a part of protecting the health, safety, and welfare of licensees.

A new form of full-contact martial arts known as mixed martial arts or submission fighting has evolved which falls under the auspices of the commission. This sport involves the use of choke holds and joint manipulation to force an opponent to submit.

## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

May, 2000

While this commission does serve to protect the consumer, it is without a doubt the only agency that must also protect its licensees from one another.

### **SMALL BOARDS (CURRENT LEVEL 0) – RESPIRATORY CARE, VETERINARY MEDICINE**

In 1985, the Respiratory Care Board (RCB) was categorized as a “smallest” board and assigned level P2; subsequently, in 1989, the Executive Officer level was upgraded to level O, equivalent to that of Veterinary Medicine. Since that time, the staff, budget, and licensee population for RCB have grown to levels which meet or exceed the 1985 criteria for “medium” boards. In addition, the complexity has also increased greatly, with the addition of additional programs such as the assumption of the Probation Program, duties which were previously performed by the Medical Board and DCA’s Division of Investigations. As in 1985, the multiple program responsibilities, program complexity and professional level of the licensees in addition to the increased staffing and budget levels, supports a level increase for the Board of Veterinary Medicine.

### **Respiratory Care Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	6	16.9	+181.6	24.9 (13 prof)
Budget	\$ 745,224	\$1,791,081	+140.4	\$2.4M

Note: 6,373 Licenses or Registrations were renewed and 749 licensure examinations were scheduled in 1998-99.

### Qualitative Issues

#### Public Interest – High

The RCB was placed in the national and international spotlight due to the Efren Saldivar, “Angel of Death” case in 1998. Saldivar is alleged to have killed up to 50 terminally ill patients. As part of the investigation, bodies have been exhumed and the possibility of criminal charges is pending. The spotlight also continues because there is a civil suit filed against Saldivar by some of the families of the patients who he is believed to have killed.

The RCB’s Executive Officer, (Cathleen McCoy), has received a national consumer protection award (FARB) and an international award (CLEAR). The Executive Officer is also a nominee for the Woman In Government Award sponsored by the Center for the American Woman and Politics and *Good Housekeeping* magazine.

#### Legislative Interest – Medium

Due to the “Angel of Death,” employer and licensee mandatory reporting legislation flew through the legislature which enabled the following changes:

- A statute of limitations was placed on filing accusations.
- The education requirements have been raised effective 7/1/00.
- Day care providers were granted an exemption to provide nebulizer treatments to children only after formal training by an RCP or other designated health professional.
- The ceiling on Continuing Education Units (CEU) was raised from 15 to 30 biennially (regulations will have to be promulgated to change current number required.)
- The RCB raised the rates to register CEU providers to match that charged by the DCA’s Bureau for Private Postsecondary and Vocational Education.

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### Program Sensitivity - High

Except for stabbing a needle directly into the heart, the fastest absorption of pharmaceuticals is through inhalation. It is why the adverse reactions are instantaneous and the consequences dire from a few minutes of oxygen deprivation. Patients are fragile because respiratory disease is debilitating and affects and compromises every major organ of the body.

There is great controversy in all health professions regarding placing of licensees in a "diversion program." The RCB, like the Center for Public Interest Law (CPIL), is opposed to placing licensees in a Board run diversion program in lieu of discipline. Instead, licensees with substance abuse problems are placed on probation and, through a probation order, directed into treatment programs of their own choice and in their community [in diversion you are forced into one program with only one method of rehabilitation].

The RCB runs its own probation program with 170 active probationers, 60% who are on for substance abuse. The program encompasses the entire State, and involves 5 designated staff and 5 vehicles. Previously, the program had been run by the Medical Board or Division of Investigation. Since the RCB took over the program in July 1998, the number of positive drug tests has increase 75%. The split-second decisions necessary in the respiratory profession, allow no room for hesitation because a licensee is using alcohol or controlled substances while on duty. The RCB adopted a policy of vigorous probation monitoring for the protection of consumers.

### Health and Safety Issues

Currently, the Deputy Attorney General Liaison to the RCB is researching whether the RCB can disclose positive drug tests, while on the job, to the employer in light of patient safety versus right to privacy prior to the filing of an Accusation and Petition to Revoke Probation.

RCP's must practice under the direction of a Medical Director (physician and surgeon) via a prescription. Large companies now often have the RCP in California but the Medical Director in their home office (i.e., New Jersey, New York, etc.). Patient safety is at issue.

Other health and safety issues:

- Hepatitis C, a very easily transmitted disease and Center for Disease Control precaution and patients right to know.
- The nationwide increase of antibiotic resistant tuberculosis as a result of a larger immigrant (legal and illegal) population and large numbers of Americans who do not obtain regular health screening and do not follow treatment regimens or cannot afford them.
- Asthma medications and the move from prescription drugs to over-the-counter.
- The onslaught of practice, negligence and patient molestation complaints as a result of the mandatory reporting legislation.
- Gathering of evidence to file an Accusation prior to the statute of limitations deadline.

### Complexity and Visibility

The California RCB will be the first state to implement higher education requirements effective 7/1/00 (this change will not occur nationally until 2004). This was necessary due to the current and emerging technological advances in the actual practice and procedures, medications utilized, and settings wherein practice occurs.

To be able to meet the new technology standards, the education criteria were raised to require specific core courses, a grade of "C" or better in each course, a minimum of 800 clinical hours, and that an Associate Degree be obtained.

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Each and every transcript (especially those from out-of-state) will have to be reviewed to ensure compliance with the new mandate.

The RCB had a "national" exam contract through December 31, 1999. It was the intent of the RCB, who since April 1999 attempted to negotiate in good faith with the national vendor for use of two national exams that would meet entry-level and competency exam requirements. The vendor, in public meetings, stated it would cooperate with the RCB and allow the RCB to purchase these exams. However, in scathing correspondence to the RCB, the vendor retracted these public statements. The Department of Consumer Affairs (DCA) Deputy Director, Lynn Morris, became involved in November 1999 when a contract had not been signed. In fact, to date, the RCB has no contract for exam services through June 30, 2000, much less an examination that will meet the minimum Associate Degree education requirement.

As a result of mandatory reporting and reports of negligence, incompetence, or patient death, the RCB utilizes, as tool, a competency examination. It is now used, because of increased reporting, more regularly requiring immediate update and additional versions to be developed.

The RCB has always had the authority to review and register CEU providers. To date it has not implemented that authority. Effective 7/1/00 the RCB will implement a comprehensive program to determine and register all providers. The RCB is also reviewing courses offered and has intentions on limiting and enforcing the CEU regulations that two thirds of the CEUs must be clinically relevant. The RCB sent out a comprehensive survey last June getting input from licensees on how to phase in the new requirements.

### **Veterinary Medical Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
<b>Authorized Positions</b>	<b>6.8</b>	<b>12.1</b>	<b>+77.9</b>	<b>12.0</b>
<b>Budget</b>	<b>\$993,000</b>	<b>\$1,537,000</b>	<b>+54.8</b>	<b>\$1,851,000</b>

Note: 1,220 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest – High

##### Internet Web Site

The Board established its web site in May of 1997. The site provides information about all program areas the Board oversees. Consumer information for filing complaints, public disclosure and a listing of recent disciplinary actions is available along with the applications forms for examinations and licensure. The Board recently added a license look-up feature. The web site receives approximately 1,132 hits monthly.

##### Outreach Efforts

Since 1994, the Board has made consumer outreach efforts to consumers, licensees, professional associations and educational institutions a priority. These efforts include:

- Establishing a Consumer Rights brochure
- Converting the Board's newsletter from an annual to a quarterly publication
- Adding information on "How to File a Complaint" to its written information with the form and to its web site.
- Developing "Expert Witness and Consultant Guidelines."



## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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- Developing a handout on "Knowing the Licensing Laws in California" and authorizing its Executive Officer to attend local association and consumer group meetings to provide this information to the public and to answer questions regarding other issues involving veterinary medicine and the laws in California

### Legislative Interest – High

Legislative interest in issues related to veterinary medicine has been high in the last five years. Topics of interest include animal rights, continuing education, reciprocity, and school accreditation.

The Board has several proposed legislative packets for 2000/2001 including:

- Modifying the Selection Process for Veterinary Consultants
- Amending the mandatory status of its Diversion Program
- Amending the fee authority to allow for collection of fees for each renewal period in which a licensee is delinquent.
- Creating an alternative method of qualifying for licensure via reciprocity

### Regulations

The Board has implemented ten rulemaking files in the last three fiscal years:

- Musculoskeletal Manipulation
- Euthanasia Training Guidelines
- Minimum Standards of Practice
- Continuing Education
- Temporary Licensure -- Interns & Residents
- Temporary Licensure -- Reciprocity (3 separate rulemaking files)
- Examination Fees
- North American Veterinary Licensing Examination

One of the major regulatory changes was to the minimum standards of practice. The California Veterinary Medical Board was the first board in the nation to implement minimum practice standards for veterinary hospitals back in 1979 and the standards had not been changed since that time. Over the last five years, the Board met with representatives from the professional associations, individual veterinarians, representatives from other states, and its legal counsel, to review and update those standards to reflect current practice techniques. The standards were changed from fixed premise standards to actual practice standards and were divided into different practice types:

1. Core standards – apply to all veterinary practices
2. Small animal – fixed practices (traditional veterinary hospital)
3. Small animal – mobile practice

The Board is currently working on specific standards for food animal and equine practices. This project has taken over five years to complete.

### Health and Safety Issues

Veterinary medicine is the cornerstone in the food animal industry for health and safety. Drug residues in the food animal chain are a problem that touches each and every consumer in California and the world. Each day Californians are protected by the veterinary profession that is responsible for the safety of food of animal origin and control of disease spread from animals to people. The professional provides health care to the state's population of livestock, poultry, and pets from birds, fish, rabbits, hamsters, and snakes to dogs, cats, goats, pigs, horses, and llamas.

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The services veterinarians provide to the agriculture, insurance, pharmaceutical, research, and horse racing, and pet care industries have a major impact on the state's economy. According to the 1996 American Veterinary Medical Association (AVMA) directory veterinary services constitute a \$1.2 billion industry in the state.

The quality of health care provided is on a par with that of human medicine, including 20 recognized specialties such as surgery, internal medicine, pathology, and ophthalmology. Drugs and procedures are shared between human and animal medicine and frequently techniques are pioneered in veterinary research.

The Board's facility inspection program is critical because the VMB has sole oversight responsibility for controlled substance storage and sanitation. *When 1/3 of an ounce of Ketamine, a frequently used prescription for veterinary anesthesia, brings \$900 on the street, the need for secure storage of dangerous drugs and proper record keeping is apparent and critical.*

The enactment of the North American Free Trade Agreement (NAFTA) makes the possible danger of importing or exporting contaminated food or sick animals startlingly visible. Only veterinarians who are licensed in California and accredited by the U.S. Department of Agriculture (USDA) can issue health certificates for interstate and international movement, can vaccinate and test in official disease eradication programs, and report the health status of herds or flocks where meat or other animal by-products are going to be exported.

Early recognition of symptoms, aggressive vaccination campaigns, and accompanying education by veterinarians have significantly reduced the public health threat of the most well-known diseases that is transmitted between animals and people: rabies. The low incidence of other diseases such as tuberculosis, brucellosis, and eastern and western encephalomyelitis is due to the competency of veterinarians who diagnose and who supervise preventive medicine programs.

#### Complexity and Visibility

##### Continuing Education

The largest program change has been the implementation of the Board's continuing education program. This program is modeled after the program administered by the Psychology Board, one of the most innovative and unique of any continuing education program in the Department of Consumer Affairs. The Board's program is also quality centered and ensures the quality and appropriateness of continuing education offerings with review and pre-approval of not only the providers, but each course offering. The Board accomplishes this course review by overseeing the accrediting agency, the American Association of Veterinary State Boards and its Registry of Approved Continuing Education. The program is new this year, but the Executive Officer worked closely with the Executive Director of the AAVSB to implement the program and will be working with Board members and staff to oversee audits of the accrediting agency. The Board has established its Continuing Education Committee and will be ratifying that committee at its meeting in July 2000.

##### Cost Recovery

As a part of resolving enforcement issues, the Board is very active in collecting cost recovery. During the last three years, the Board has collected \$57,361 out of \$89,798 that was ordered.

##### Citation and Fine Program.

The Board implemented its Citation and Fine Program in 1990. Since then, the Board has been very aggressive in applying its authority to cite and fine licensees and unlicensed persons for

## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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violations of the practice act. Prior to 1990, the Board had no authority to pursue unlicensed activity cases other than to refer the cases to local district attorneys.

If the subject of a citation and fine wishes to dispute the citation or the amount of the fine, the subject can request a hearing before the Board's Executive Officer. This is an opportunity for the subject of the citation to dispute the circumstances and the amount of the fine before the Board's Executive Officer. In the last three fiscal years, the Board has issued 107 citations and collected over \$45,000 in fines.

### Other – Program Changes

#### *Enforcement Enhancements*

A staffing reorganization in 1999 has resulted in numerous improvements in the Board's Enforcement Program, including a decrease in the backlog of complaints and cases and a dramatic improvement in case processing time.

#### *Staffing*

Civil service staff for the Board has increased 78% over the past ten years. Moreover, the Board contracts with two veterinarian consultants who review all complaints, four regional veterinarians who conduct over 300 hospital inspections annually, and over fifty veterinarians who assist with the State Board Exam development and the Complaint Review Committee.

### **SMALLEST BOARDS (CURRENT LEVEL P2) – ACUPUNCTURE, PHYSICAL THERAPY, OPTOMETRY, PODIATRIC MEDICINE, GEOLOGY, PHYSICIAN ASSISTANT, SPEECH-LANGUAGE PATHOLOGY, DENTAL AUXILIARIES, COURT REPORTERS**

In 1985, these boards were categorized as "smallest" and reallocated (from P4) to the P2 Exempt Level, equivalent to Staff Services Manager I, as "non-supervisory staff specialist" positions. Considering the growth in staff, the overlap in budget levels between the "small" boards and the relative complexity and sensitivity, the distinction between "smallest" (P2) and "small" appears to be unsupported. Analysis of the Executive Officers positions at this level show they are all performing comparable duties to the Executive Officers at Level O.

Comparable Boards - In 1985, a comparison was made to the positions of Executive Secretary, Board of Chiropractic Examiners (BCE) and Executive Director, Osteopathic Medical Board (OMB) as performing duties at a similar level of responsibility. Those two positions are currently allocated to Exempt Level O. The BCE has a FY 2000-01 staff of 12.0 and a \$1.85M budget; OMB has 4.1 staff and a \$0.91M budget, so the DCA boards compare very favorably.

### **Acupuncture Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	6	8	+33.3	10.5
Budget	\$561,000	1,489,603	+165.5	\$1.8M

Note: 2,269 Licenses or Registrations were renewed and 1,643 licensure examinations were scheduled in 1998-99.

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### Qualitative Factors

#### Public Interest – High

California continues to lead the nation in establishing the standards for the acupuncture profession in the United States. The rising popularity of acupuncture as a complement or alternative to mainstream medicine has been evidenced by major media coverage, including articles in major magazines, newspapers and journals. Within the last five years, acupuncture has become an accepted aspect of American health care and is increasingly covered by HMOs and insurance companies. In additions acupuncture has been added to many hospital programs. The number of exam applicants has doubled in the last three years, which translates to a larger number of exam candidates and licensees to regulate, oversee and enforce as primary health care professionals.

#### Legislative Interest – High

The profile for acupuncture legislatively is consistent with the public emergence and elevation of this profession as a complementary treatment modality. More legislative bills relating to acupuncture have been filed within the last four years than ever before. Over the past three years, the number of legislative hearings in which the Executive Officer has testified has been progressively increasing. Accordingly, legislative inquiries, support and endorsement for the acupuncture profession are rising. The profession is becoming increasingly sophisticated in interfacing with the legislative and regulatory processes, including the retention of numbers of lobbyists. All of these factors have increased the number and complexity of communications and contacts with the Executive Officer.

#### Program Sensitivity

Nationwide polling consistently shows health care is one of the top five issues in the minds of Americans. A licensed acupuncturist may be a primary health care professional, holding the highest responsibilities of providing for the health and safety of their patients. Any incident compromising that safety is critical. The Board establishes the educational standards for entry into the profession. Currently a Masters Degree is required for graduation and a proposed 4,000-hour Doctorate program is being introduced nationally for implementation within two years. The Board is responsible for approving acupuncture schools and monitoring approved schools, tutorial programs and continuing education providers. Currently, the Board has approved 24 schools, 14 of which are in California. Five new school applications were submitted to the Board in 1999, compared to two submissions per year the previous three years. In addition, the Board's legal responsibility is to ensure a quality examination that adequately tests the knowledge, skills and abilities of an entry-level acupuncturist and to provide the public with the confidence they will be receiving healthy and safe treatments.

#### Health and Safety Issues

The ethnic diversity of the profession often brings about language barriers and accepted practices varying between the various ethnicities. Eastern and Western medicine continue to integrate and it has been a challenge to the Board to educate the profession about acceptable ethic practice in the West, as well as advancing the esteem and acceptance of the profession while maintaining the historical integrity of the various Eastern disciplines. The accelerating "mainstreaming" of alternative medicines, particularly acupuncture, has added to workload responsibilities and challenges. Acupuncture is used extensively in pain management, drug and alcohol detoxification and treatment of HIV patients and cancer patients to mitigate the impact of chemotherapy. The majority of enforcement cases, which are on the rise, are cases relating to ethical issues, practice management issues and sexual misconduct. The Board has been challenged as to how to get the message to the public of what to expect from the acupuncturists, in addition to informing licensees regarding what constitutes proper practice



## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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protocol. In the current budget year, the Board has secured the funding for and has commenced drafting the first ever brochures for the consumer and the licensees.

### Complexity and Visibility

During Fiscal Year 1997-98 the Acupuncture Committee went through the sunset process and was elevated to the status of a Board in 1999. The Acupuncture licensing exam is administered in three languages: English, Chinese and Korean. The Board is in the process of finalizing a Master Service Agreement to commence computer-based testing with Experior, a computer testing company. The Board and DCA's Office of Examination Resources are also investigating the use of advanced technology to incorporate a clinical component into the exam process. Dimensional figures would allow for the testing of actual locations of acupuncture points and a scanning process would provide quality face/tongue pictures to test the candidate's diagnostic skills in a situation more closely simulating a clinical environment.

### **Physical Therapy Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	2.4	7.3	+204.2	8.8
Budget	\$416,000	\$1,856,000	+346.2	\$2.0M

Note: 9,080 Licenses or Registrations were renewed and 1,484 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest - High

Rating the public and legislative interest in the Physical Therapy Board of California is a challenge. It is not for the number of inquiries that this rating is given, but the sensitivity of the issues that result in the interest.

The public is primarily interested in the Board when they feel they have been injured by a licensee. The Board has delegated to the Executive Officer the authority to determine which complaints should be investigated and to file accusations against licensees. Consequently, one of the most sensitive issues with the public is when the investigative findings do not support a disciplinary action against the licensee. When disciplinary action is not filed it is common for the consumer to seek assistance from a legislator.

#### Legislative Interest – High

The Executive Officer represents the board before the legislature during the Sunset Review Process, when a statutory change are sought and whenever a legislator has a concern. One recent example is the special report on the necessity of continuing one of the licensing categories of the Board that was submitted in 1999.

#### Program Sensitivity – High

The Board's mission is consumer protection. To complete this mission the Board makes decisions to grant or deny licenses and whether or not to revoke or place disciplinary terms on a license. These decisions directly impact physical therapists and physical therapist assistants and the patients who are treated by them. The Board is also involved in the only higher level of sensitivity, the criminal justice system where a persons liberty is effected, since it seeks the filing of criminal charges when a violation is of that magnitude.

## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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### Health and Safety Issues

- Investigation of consumer complaints and resulting disciplinary action against licensees.
- The sunseting of the authority for physical therapists to be certified to perform electromyography.

### Complexity and Visibility

Insurance Fraud - The Executive Officer testified in two cases in 1999 regarding the statutes and regulations authorizing persons to perform physical therapy. The issue of persons seeking payment for services that were provided illegally is a significant issue in the area of workers compensation insurance.

### **Optometry Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	4.7	7.1	+51	7.1
Budget	\$482,000	\$1,140,000	+136.5	\$1.17M

Note: 3,116 Licenses or Registrations were renewed and 580 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest - High

According to the American Public Health Association, more than one-third of all residents of the United States have eye problems. Historically, the greatest demand on health care services comes from the aging generation. With the baby boomer generation entering middle and old age over the next 20 years, the demand for vision care services will increase dramatically. With optometrist providing more than two-thirds of the primary eye care services in the United States, the public risk of serious physical and/or financial harm at the hands of an incompetent or unethical practitioner is significant.

#### Legislative Interest – High

Over the past seven years, the optometric profession has been engaged in legislative efforts to expand its scope of practice. In 1996, legislation amended the scope of practice to allow optometrists meeting specific requirements to be eligible for certification authorizing them to diagnose and treat diseases of the human eye. Throughout the legislative process, input from the Board was sought by the Legislature and ultimately the Board was charged with implementing the provisions of the new law. New legislation has been introduced this session to further expand the optometric scope of practice. The Board continues to play a key role in this legislative effort.

In accordance with Chapter 908, 1994, the Board undertook a comprehensive self-review of its efficiency and effectiveness as the regulatory agency for the optometric profession. In 1997 the Board submitted a detailed report on the organization and functions of the Board to the Joint Legislative Sunset Review Committee. This Board is required to conduct this review and report to the Legislature again in 2001 and on a periodic basis thereafter.

### Health and Safety Issues

An incompetent or unethical optometrist can cause serious and permanent harm, both physically and financially, to the unsuspecting public. The unqualified practitioner who fails to detect serious pathological conditions manifesting in the eye can, through his or her omission, cause permanent vision loss and, in extreme cases, death. Many procedures performed by

## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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optometrists involve direct contact with the eye, a sensitive and critical organ of the body. Partial or permanent vision loss due to an optometrist's negligent acts or incompetent practice has severe and dramatic consequences, including serious diminution of the patient's quality of life, for which they can never be fully compensated. The average consumer is not able to access the qualifications of an optometrist or, for that matter, determine what qualifications are necessary for safe practice. Further, most consumers do not have the ability to fully judge the quality of the service received and whether it is adequate for maintaining good ocular health. The Board must ensure appropriate regulatory measures are in place to adequately protect the public health and safety and reduce the risk of serious harm.

### Complexity and Visibility

As with most professions within the health care industry, there are many overlapping areas both within the disciplines and the delivery of health care services. This requires the Board coordinate its licensing and enforcement efforts with other organizations, both public and private. For example, with the advent of laser eye surgery, a medical procedure performed by ophthalmologists who are licensed by the Medical Board of California (MBC) and co-managed by licensed optometrists, the Board continues to collaborate with the MBC to ensure these co-management arrangements are within the confines of the law and that patient care remains the primary concern.

The Board also participates in joint enforcement actions with third party payers of health care services, such as MediCal and MediCare on issues involving fraudulent billing practices. In many of these cases, the Board assumes the lead investigative role.

### **Board of Podiatric Medicine**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	3.9	5.2	+33.3	5.2
Budget	\$744,000	\$1,004,229	+34.9	\$1.04M

Note: 838 Licenses or Registrations were renewed and 109 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest - High

Julie D'Angelo Fellmeth, JD of the Center for Public Interest Law and Catherine Dower, JD of the UCSF Center for the Health Professions/Pew Health Professions Commission are two of the leading observers of licensing boards. They testified before the Legislature in November 1997 and before the Board of Podiatric Medicine (BPM) in February 2000 that:

- BPM is a "model board"
- BPM's continuing competency law is the first such program for doctors within the entire U.S.
- BPM is being watched by observers nationwide because of how it is dealing with continuing competence and other complex, controversial issues

#### Legislative Interest - High

BPM helped define many of the issues before the Legislature during the 1997/98 Sunset Review by championing continuing competence and majority public membership for state health regulatory boards. Even before this time, Legislative interest in BPM was high as reflected in then Assemblymember Jackie Speier attending one of its meetings and in Senator Robert

## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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Presley joining BPM and leading it for two years as President prior to joining the Governor's Cabinet as Secretary of Corrections.

### Program Sensitivity - High

BPM is engaged against the small but aggressive criminal element in podiatric medicine. After several years of effort, in which BPM worked with the local police and district attorney almost on a daily basis, William Moalem, DPM was convicted in 1999 for contracting for the professional execution-style murder of his partner for insurance money in 1976.

At the time of his arrest, Moalem was vice president of Dr. Garey Lee Weber's multi-million dollar surgical and insurance "mill operation" in southern California. BPM won a court order imposing permanent injunctions and over half a million dollars in cost recovery against Weber in 1990. Both Garey Lee and Bennie Bud Weber are now on probation with petitions pending to revoke them. The Webers are hostile, litigious, and widely regarded as questionable in their medical and billing procedures. One potentially key witness (another doctor working for Weber) and his wife were professionally murdered execution-style in Orange County in late 1999. Weber's legal representative has attempted unsuccessfully to influence the Board with both payoff offers and intimidation through harassment suits.

### Health and Safety Issues

Though a small board, BPM fulfills all the functions of larger agencies such as the Medical Board with a smaller immediate staff. It accomplishes this by employing hundreds of Medical Board and Attorney General personnel through shared services and contractual arrangements.

DPMs and MDs are the only two professions licensed under the State Medical Practice Act (Business and Professions Code). While DPMs' practice of medicine is restricted to the foot and ankle, they are the only independent practitioners of medicine other than MDs and DOs. They independently diagnose, treat, prescribe, and perform surgery.

Podiatric medical cases can and do result in loss of life, limb, and quality of life to an extent confronted by few other boards.

### Complexity and Visibility

The Department of Personnel Administration's Exempt Programs Specialist commented in her October 27, 1993 memorandum that "the Board of Psychology and Board of Podiatric Medicine are both under the overall authority of the Medical Board and are thus not considered completely independent boards."

BPM has its own board of seven members appointed by the Governor and the Legislature. It hires its own Executive Officer. The Medical Board plays no role in hiring or supervising BPM's staff. MBC's only control over BPM is the power to disapprove proposed regulations, an authority it is not known to have exercised within the last decade.

Nevertheless, the relationship with the Medical Board complicates BPM's operations, as it is yet another constituency with which the Executive Officer must interact, at both staff and board member levels. It is noteworthy that the current president of the Medical Board is a former public member and president of BPM.

Not only does the Medical Board present as another constituency, so do the California Medical Association (CMA) and California Orthopedic Association (COA). Both remain constantly interested in BPM operations and the effects of such on DPMs, orthopedists, other MDs, and the competition between them. Having to deal with these powerful associations, in addition to



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the CPMA and other entities of podiatric medicine, makes BPM a more complex Executive Officer assignment than exists with some other state licensing boards.

BPM's professional renewal fee, currently \$900 biennially, is the highest in the state. This intensifies the concern and controversy surrounding all Board programs and initiatives, as licensees have a higher vested interest.

Unlike other boards licensing doctors in California, BPM also:

- requires all podiatric medical schools in the U.S. to apply annually for approval
- requires all podiatric residencies in California to apply annually for approval
- licenses all postgraduate residents practicing podiatric medicine in the state

The citation and fine program and the approval of schools and residencies, like the newer approval process for podiatric medical certifying boards, are new initiatives since the BPM Executive Officer position was last upgraded in 1985.

### **Board of Registration for Geologists and Geophysicists**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change
Authorized Positions	3.9	10.3	+164
Budget	\$270,223	\$929,118	+244

Note: 2,139 Licenses or Registrations were renewed and 340 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Public Interest - High

The contributions that geologists make to ensuring that schools, hospitals, government and private sector service providers are not located where geological events may affect them has provided immeasurable benefit to our communities. Licensing and enforcement by the Board provides a level of assurance in the competency of geologic and geophysical professionals. Licensing ensures geologists and geophysicists are competent to practice in the state and the Board's enforcement activity ensures proactive monitoring of the professional activities of its licensees.

#### Legislative Interest – High

The Board and its Technical Advisory Committee held several public forums in 1999 to address the issue of the role of Registered Geologists in preparing real estate disclosure reports. The Legislative Counsel issues a June 1999 opinion regarding the completion of Natural Hazard Disclosure documents by Registered Geologists. The Legislature again raised the issue of Natural Hazard Disclosure documents during the Board's current review by the Joint Legislative Sunset Review Committee.

#### Health and Safety Issues

California geologists and geophysicists impact the health, safety and welfare of the public by actively reducing potential economic and personal loss resulting from catastrophic events of nature including earthquakes, flooding, volcanoes and tsunamis. Geologists and Geophysicists also contribute to the economy through exploration and development of the state's natural resources and mitigate man-made disasters such as contaminated drinking water, landslides and erosion of wildlife habitats that resulted from poor planning by forestry, oil and other

## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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industries. The role of the Board is to ensure people with proven competence carry out these critical functions.

In the worst recent California earthquake, in Northridge in 1994, an estimated \$25-30 billion in damage was sustained, 114,000 residential and commercial structures were damaged and 72 people died. The United States Geological Service (USGS) classified the 6.7 magnitude Northridge quake as "moderate". The Loma Prieta earthquake in Northern California, which caused \$5.9 billion in damage and killed 63 people was also ranked as "moderate".

Today, with a significant increase in population and a large percentage of the population living in complex structures, a major event could cause a catastrophic loss of life. The USGA states, "We are certain that more earthquakes will occur. The next moderate-to-strong damaging earthquake to affect our country may hit Los Angeles again, or it could happen in San Francisco...or in many other urban areas that sit close to potentially active faults." The Environmental Adaption Resource Group of Canada calculates that there is "a 67% chance that a major earthquake could occur before 2020 along one of the faults in the (San Francisco) Bay Area.

### Physician Assistant Committee

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	2.4	4.7	+95.8	5.3
Budget	\$ 494,000	\$ 812,199	+64.4	\$0.89M

Note: 5,402 Licenses or Registrations were renewed in 1998-99.

### Qualitative Factors

#### Program Sensitivity – High

Physician Assistants (PAs) provide extensive medical care and surgical services to patients on behalf of their supervising physicians, usually without direct supervision and often at locations remote from the physician. In the past year alone two physician assistants were convicted of rape of several of their patients while in a medical facility. Several other PAs were investigated by the PAC for alleged clinical incompetence or misuse of drugs. It is the duty of the Physician Assistant Committee (PAC) to ensure that only qualified and safe individuals are licensed to practice in California as a PA. The committee's disciplinary actions that are taken against such licensees receives wide attention by local newspapers and television stations. All related inquiries were addressed by the Committee's Executive Officer.

#### Health and Safety Issues

California Physician Assistants (PAs) recently received legal authority to issue written prescriptions for controlled and dangerous drugs and devices, if so authorized by their supervising physician, and to obtain federal DEA control numbers. The Physician Assistant Committee (PAC) worked with the bill's author and the sponsoring organization in crafting the language of this bill to ensure adequate protection of consumers. The committee works with federal and state law enforcement agencies to verify the license status of all applicants for DEA numbers to ensure that an individual who has been convicted for drug related offenses is not issued a DEA number. The PAC also actively investigates every complaint of alleged misuse of drugs, inappropriate prescribing, and excessive use of alcohol by its licensees.

The HIV and hepatitis epidemics continue to increase in numbers of new infections in California. The PAC works with PA training programs and through its own educational efforts to inform

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licensees on the risks of blood borne pathogens, on ways to prevent their spread, and on sources of information about current treatment modalities.

### Complexity and Visibility

International medical school graduates (IMGs) who can not obtain licensure as a physician and surgeon often apply for licensure as a physician assistant. The clinical knowledge and skills possessed by most IMGs who seek PA training has been found by many studies to be significantly below the minimally acceptable level required to practice as a PA in California. Yet, IMGs have sued the committee to obtain licensure even though the IMGs did not possess the minimum level of education required by the applicable California laws. IMGs are currently seeking to obtain a change in law that would create a different and lesser standard for their licensure. The PAC is opposed to lowering of the standards required for licensure. The PAC Executive Officer is expected to keep legislators and others informed about the committee's licensing requirements and procedures and is expected to testify on behalf of the PAC at related legislative hearings.

Current law requires the PAC to ensure an alcohol and drug diversion program is available to its licensees. Addiction is viewed by the Committee as an illness that can respond to treatment and can be cured. The PAC monitors performance of its licensees who are known to us to be in a drug or alcohol rehabilitation treatment program. When recommended by the Executive Officer the PAC takes action to temporarily remove the PA from practice or to revoke the license of an individual who is perceived to be a threat to the public because of the licensee's addiction to drugs or alcohol.

## **SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	3	4	+33.3	5.2
Budget	\$268,370	\$367,714	+37	\$0.6M

Note: 9,689 Licenses or Registrations were renewed in 1998-99.

### Qualitative Factors

#### Public Interest – High

When new legislation was enacted and regulations promulgated in 1999 to mandate continuing education ("continuing professional development") for all speech-language pathologists and audiologists, this resulted in considerable public interest exemplified by the numerous inquiries to the Board and to board members at meetings and public forums.

When litigation was enacted in 1998 to allow for the licensing of speech-language pathology assistants, a working group consisting of board members and representatives of various professional organizations assisted staff in developing the implementing regulations. The regulations, which were heard at a public hearing in April, generated considerable public interest and comment.

#### Legislative Interest – High

Over the past two years, since the Speech-Language Pathology and Audiology Board (SLPAB) and the Hearing Aid Dispensers Examining Committee (HADEC) went through the legislative sunset review process, legislation has been unsuccessfully introduced to merge both agencies into one board (as recommended by the Joint Legislative Sunset review Committee and opposed by the association representing hearing aid dispensers). Separate bills were

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successfully enacted in 1999 to restore the SLPAB as a board and to replace the HADEC with a Hearing Aid Dispensers Advisory Commission within DCA. Due to the high percentage of audiologists who are also licensed as hearing aid dispensers, the issue of merging the two agencies and eliminating dual licensure continues to be an area of legislative interest.

### Health and Safety Issues

The SLPAB has discussed adding certain language to the Business and Professions Code to expand the scope of practice of speech-language pathology, such as the use of an endoscope. This procedure is currently not addressed by the national certifying organization, the American Speech-Language-Hearing Association, to be within the scope of practice of speech-language pathology. Use of an endoscope by a speech-language pathologist who is not trained in the procedure could cause harm or damage to the patient's vocal folds.

### Other Issues

Although the SLPAB was restored to board status by the enactment of legislation in 1999 which became effective as of January 1, 2000, as of the present, no Executive Officer or board members have been appointed. The last meeting of the prior Board was in June 1999. Due to the lack of an Executive Officer and nine-member board, policy setting and decisions on regulatory and enforcement actions against licensees are pending.

### **Committee on Dental Auxiliaries**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	7.5	8.5	+52.4	9.0
Budget	\$890,000	\$1,445,288	+23.9	\$1.8M

Note: 20,752 Licenses or Registrations were renewed and 6,175 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Legislative Interest - High

The Committee on Dental Auxiliaries (COMDA) examines and licenses five different categories of dental auxiliaries, as a statutory committee within the California Dental Board. At the same time, COMDA is comprised of members separately appointed by the Governor, conducts its own meetings, and maintains separate offices, staffing, and budget from that of the Board.

Since the late 1970's, many legislative bills have been introduced by auxiliary groups to allow certain auxiliaries to practice independently, all of which were intensely opposed by both the California Dental Association and the California Dental Board.

Despite such opposition, AB560 was enacted in 1998, which established a separate Registered Dental Hygienist in Alternative Practice category of licensure. In 1999, another bill was introduced to establish COMDA as a regulatory board separate from the California Dental Board, which is currently on hold until completion of Sunset Review of COMDA and the Dental Board during 2000.

Following the 1996 Sunset Review process, the Joint Legislative Sunset Review Committee sponsored successful legislation which granted COMDA additional statutory powers with regard to examination and licensing, and gave COMDA the power to require that the California Dental Board place its reasons in writing for rejecting any recommendation of COMDA. The Joint



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Legislative Sunset Review Committee will again examine the issues of auxiliary scopes of practice and the independence of COMDA this Fall.

This type of legislative interest is particularly difficult to manage since COMDA is, statutorily, an adjunct of, rather than separate from, the California Dental Board, while auxiliary groups and the Legislature often expect COMDA to take positions on such issues independently.

### Health and Safety Issues

COMDA's oversight of the qualification and examination standards, as well as scopes of practice and supervision levels, affect the public's health and safety by assuring auxiliary competence when performing dental procedures. These include such duties as anesthesia, root planning, placing temporary fillings, taking x-rays, etc., while assuring the use of proper infection control procedures to prevent the transmission of diseases such as AIDS, tuberculosis, hepatitis, etc.

### Complexity and Visibility

In addition to the unusual statutory relationship between COMDA and the Dental Board, the management of COMDA is complex due to the many and complicated categories of qualification and licensure that it oversees. To assist it in completing its duties, COMDA utilizes 5 separate subcommittees of outside subject matter experts, each of which meet from 2 to 4 times per year.

- Unlicensed dental assistants who wish to take dental x-rays must first take a program approved by the Board. COMDA employs staff and consultants to conduct curriculum and on-site reviews of programs seeking approval, and reviews approved programs every five years. There are currently about 75 such individual programs, and COMDA maintains a database of over 48,000 individuals who hold x-ray certifications.
- Those who wish to perform more invasive dental procedures must first receive an RDA license from COMDA. Most applicants qualify for examination by successfully completing an approximate 8-month program approved by the Board, programs which are initially and continually reviewed by COMDA in the same manner as the x-ray programs referred to above. Each applicant must then take both a 3-hour written examination, constructed by COMDA members, staff, and 6 consultants, and a practical, hands-on examination, also constructed and administered by COMDA members, staff, and more than 20 examiner consultants. About 5,000 applicants are tested each year.
- Licensed RDA's who wish to perform the additional functions of coronal polishing and ultrasonic scaling must first complete programs approved by the Board. These programs are evaluated and monitored by COMDA members, staff, and consultants in the same manner as x-ray programs.
- Those who wish to perform more invasive procedures than RDA's may seek a Registered Dental Hygienist (RDH) license from COMDA. In addition to educational requirements, applicants must successfully pass a clinical examination performed on patients. This examination is overseen and administered by COMDA members, staff, and approximately 100 consultants and contracted exam personnel.
- Licensed RDA's and RDH's who wish to perform "Extended Functions" must apply for an EF license, after completing an additional approved educational program. They must successfully pass a clinical examination performed on patients, which is overseen and administered by COMDA members, staff, and 12 consultants.
- COMDA is currently constructing the written examination that will be required of the new Hygiene independent practice license applicant, using an additional 6 examiner and subject matter expert consultants.

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- COMDA began to do exhaustive occupational analyses and related test validation studies of its exams beginning in 1993, utilizing large number of subject matter experts and licensee surveys, prior to the recent interest in and mandate of such studies by the Legislature.
- Last, but certainly not least in terms of complexity, sensitivity, and the impact on Californians, COMDA proactively addresses, and reacts to, "scope of practice" issues related to all of the above license categories. COMDA continually reviews all of the regulations which define the duties that each category is allowed to perform to determine whether scopes of practice and supervision levels are those which provide the most access to dental care by Californians, consistent with their health and safety.

COMDA's support of or opposition to the concept of a separate board, or even additional regulatory duties, would not contribute to a meaningful discussion of the issue(s), since any position could be seen as self-serving.

### **Court Reporters Board**

Quantitative Data (additional comprehensive data is attached)

	1989-90	1998-99	% Change	2000-01
Authorized Positions	4.7	5.1	8.5	5.1
Budget	\$0.586	\$1.0	69.3	\$1.1

Note: 7,919 Licenses or Registrations were renewed and 1,377 licensure examinations were scheduled in 1998-99.

### Qualitative Factors

#### Legislative Interest – High

The Board experiences moderate to high levels of legislative interest, especially through the Sunset Review process. The Board also reviews proposed legislation in terms of consumer protection and makes their decision to support, oppose or remain neutral. The Board itself introduces a substantial number of legislative proposals each year, ranging in content from technological changes to code of conduct or examination administration amendments and to school requirements. In addition, the Board's legislative interest is triggered by other agencies, including DCA, and by regulatory changes.

#### Complexity and Visibility

Consumer protection for the Court Reporter's Board is defined in terms of securing welfare for the millions of consumers, including attorneys, judges and citizens, who depend on competent and timely verbatim reports of legal proceedings provided by reporters to uphold their documentation of due process guaranteed by law. These proceeding may involve the finances of individuals and organizations, both public and private, as well as any and all aspects of their lives and livelihoods. Many of the situations licensees face are not specifically addressed in law or regulation. Thus, licensees seek guidance from the Board in these unusual situations. In addition, consumers turn to the Board when they encounter problems with reporters or their work product.

As technology changes in this profession, the services provided by reporters are also expanded. Many of these services, as well as the rights of the consumers and the responsibilities of the licensee, are not addressed in law or in regulation. In these instances, the Board provides interpretation and guidance.

Problems created through mergers and globalization are particularly problematic for the Board, as it has no authority to regulate businesses offering court reporting services; its authority is

## EXECUTIVE OFFICER EXEMPT LEVEL STUDY

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limited to individual licensees. Thus, problems created by firms often cannot be addressed directly by our licensees, who often come to the Board to mediate complaints with employers.

### **CONCLUSION**

The Department of Consumer Affairs has reviewed both the qualitative and quantitative data in an attempt to develop a structure which would appropriately allocate the Executive Officer Exempt Levels. All Executive Officer positions are similar in the degree of authority and the types of functions they oversee. All have supervisory, managerial, legislative, regulatory, industry and stakeholder (licensee) responsibilities which far exceed those of a Staff Services Manager in a department, who may report to a Division Chief or Director. Each board is an independent entity, with the Executive Officer serving in the position of a director. The determining factors for the appropriate level have historically been linked to the number of staff and the budget of each board, rather than considering the similarities in authority and the far reaching responsibilities these positions hold. Obviously, all Executive Officers cannot be allocated to the exempt equivalent of CEAs, although CEA equivalent exempt levels may be a more appropriate comparison than the SSM equivalents, as all exceed the CEA Criteria 1A, "Division Chief with program of average responsibility and complexity". Therefore, the qualitative factors - relative sensitivity and complexity of the programs, the professional level of the licensee population, the special requirements that the Executive Officer have professional licensure, etc. - must be given additional consideration in determining the appropriate differences between the Executive Officer levels. The DCA proposes a new structure of categories and levels from Exempt Level O (SSM II) to Exempt Level F (CEA 4), with the majority of the upgrades proposed at the lowest level to recognize the authority and responsibility of these positions, even in the smallest boards. Of the twenty-five (24) total Executive Officer positions, eighteen (18) upgrades are proposed. The remaining five (6) positions are recommended to remain at their present levels.

### **RECOMMENDATION**

The Department of Consumer Affairs recommends the following revisions to the general allocation criteria for the Exempt Levels for the Executive Officers of the boards:

#### **SMALL DEPARTMENT – EXEMPT LEVEL F (CEA 4)**

Positions	Budget
350+	\$35M+

Contractors State License Board – No change  
Medical Board of California – No change

#### **LARGEST BOARDS – EXEMPT LEVEL H (CEA 3)**

Positions	Budget
80 – 349	\$9M+

Board of Registered Nursing (+)  
Board of Accountancy (+)

**LARGE BOARDS – EXEMPT LEVEL J (CEA 2)**

Positions	Budget
40 – 79	\$5 - 9M+

Board of Professional Engineers and Land Surveyors (+)  
Board of Pharmacy (+)  
California Dental Board (+)  
Board of Vocational Nursing and Psychiatric Technicians (+)

**MEDIUM BOARDS – EXEMPT LEVEL L (CEA 1)**

Positions	Budget
30 – 39	\$2.5 – 5M

Board of Behavioral Sciences (+)  
Board of Architectural Examiners and Landscape Architects Technical Committee – No change  
Structural Pest Control Board (+)

**SMALL/ MEDIUM BOARDS – EXEMPT LEVEL M (SSM III)**

Positions	Budget
13 – 29	\$1 – 2.5M

Respiratory Care Board (+)  
Athletic Commission – No change (Exceptional allocation)  
Board of Psychology – No change

**SMALL BOARDS – EXEMPT LEVEL O (SSM II)**

Positions	Budget
5-12	\$0.5 – 2M

Veterinary Medical Board – No change  
Acupuncture Board (+)  
Board of Registration for Geologists and Geophysicists (+)  
Dental Auxiliaries (+)  
Physical Therapy Board (+)  
Board of Optometry (+)  
Board of Podiatric Medicine (+)  
Physician Assistant Examining Committee (+)  
Speech-Language Pathology and Audiology Board (+)  
Court Reporters Board (+)

**ATTACHMENTS**

Attached are charts showing the quantitative data used to prepare this study.



# Exempt Salary Schedule

October 2016

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PUBLISHED BY  
State of California  
Department of Human Resources  
Sacramento, California

## Preface

The Exempt Salary Schedule provides salary information on elected state officers whose salaries are established by the California Citizens Compensation Commission, on "statutory" exempt state officers in the Executive Branch whose salaries are fixed by law, and on "non-statutory" exempt positions whose salaries are recommended by the appointing power and approved by the Department of Human Resources under the authority of Government Code §19825. (See the section entitled "Salary Setting in the Executive Branch.")

Many of the salaries published here are subject to change as the duties, responsibilities, and organizational relationships of many of the positions listed may change. Personnel Offices are notified via the Exempt Pay Letter whenever the salaries of exempt positions assigned to their department are changed and approved by the Department of Human Resources. State personnel staff may review the latest information through the State Controller's California State Pay (CSP) screen in the automated payroll system or through the Human Resources Network (HR Net) on the CalHR web site.

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## **Salary-setting in the Executive Branch (Non-civil service)**

The Government of the State of California has several salary-setting mechanisms that establish the salaries of elected and appointed officials who are not in the Civil Service.

### ***Elected Officials***

The California Citizens Compensation Commission meets annually in the spring to review and establish salaries and benefits for elected officials in the Executive and Legislative branches. The Commission consists of seven members appointed by the Governor, three representing the public and two each the business community and labor organizations. Salaries become effective the first day of the new legislative session — the first Monday of December. The Department of Human Resources provides staff support to the Commission.

### ***Appointed State Officers***

The salaries of most top level state officers (Agency Secretaries and Department Directors) who are appointed by the Governor are set in Chapter 6, Part 1, Division 3, of Title 2 of the Government Code. Each section in this chapter lists a salary and the positions that are to receive that salary. (The State Senate must confirm any appointee to a position listed in this chapter.)

Chapter 6 also includes provisions that most of the salaries listed will increase in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees. The Department of Human Resources reports the amount of the increase to the State Controller (who administers the payroll system) to implement the increase.

### ***Department of Human Resources (CalHR) Exempts***

The Constitution of the State of California provides that members of boards and commissions, appointees of the Governor and one appointee of each Governor's appointee shall be exempt from civil service. All those that do not fall under the categories of appointed state officer or elected state official (above) come under the salary approval authority of the Department of Human Resources (CalHR). For these employees, CalHR approves the salary range for each position and determines any annual increase. These positions normally receive the same increase provided comparable civil service employees.

Please see “Exempt Authority” in the [Explanatory Notes](#) below for an explanation of the various exempt appointments.

### ***Exempt v. Excluded Employees***

The term “exempt” often is confused with “excluded”, however they are different. An excluded employee is excluded from collective bargaining (the Dills Act). An exempt employee is exempt from the civil service law and rules. Most exempt employees are excluded from collective

bargaining because they are management level positions but some are not. The terms are not interchangeable.

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## Work Week Group Definitions

### ***Work Week Group 2:***

(Effective 10/1/85)

Overtime for employees in classes not eligible for exemption under Section 7K of the Fair Labor Standards Act (FLSA) is defined as all hours worked in excess of 40 hours in a period of 168 hours or seven consecutive 24-hour periods.

### **Hours Worked**

For the purpose of identifying hours worked under the provisions of the FLSA, only the time that is controlled or required by the State and pursued for the benefit of the State need be counted. Thus paid leave such as vacation, sick leave, holidays, compensating time off, etc., need not be included when determining if overtime hours have been worked under the FLSA. However, under applicable State regulations, paid leave is considered time worked and when an employee works more than 40 hours in a week that includes paid leave, an overtime payment obligation is incurred.

### **Work Periods**

A work period for WWG 2 employees is defined as a fixed and regularly occurring period of 168 hours - seven consecutive 24-hour periods. The appointing power determines the work week which may begin on any day at any hour. Once the beginning time of an employee's work week is established and noted in the records, it remains fixed regardless of the schedule of hours worked. The beginning of a work week may be changed if the change is intended to be permanent and it is not designed to evade the overtime provision of the FLSA.

In order to qualify for the Section 7K exemption, the employer must note in records applicable to each employee affected the 7K exemption is claimed and indicate the length of the work period, the starting day of the work period and the starting time of the day.

### **Overtime Authorization**

An employee shall not work overtime unless ordered to do so by his supervisor. A supervisor shall not allow an employee to perform overtime work without prior authorization and shall take affirmative steps to prevent unauthorized overtime from being worked.

### **Overtime Credit**

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; however, if an employee regularly works overtime in increments of less than 7 1/2 minutes, periodic adjustments shall be made so that, over a period of time, the employee will be compensated for all hours actually worked.

### **Overtime Compensations**

The method of compensation (cash or compensating time off) for FLSA overtime worked shall be at the discretion of the appointing power in accordance with the following:

- Compensating time off on a one and one-half time basis may be authorized in lieu of cash compensation if granted within the pay period.
- Cash compensation may be authorized and the rate of cash compensation paid for overtime shall be one and one-half times the hourly equivalent of the employee's salary as of the time the overtime was worked. Fair Labor Standards Act overtime remaining at the end of the pay period shall be compensated for in cash.

### **Determination of Coverage under FLSA**

The provisions of Work Week Group 2 are made applicable to all classes that are determined by the Director of the Department of Human Resources to include positions subject to the Fair Labor Standards Act.

### ***Work Week Group "E"***

Work Week Group "E" includes classes that are exempted from coverage under the FLSA because of the "white-collar" (administrative, executive, professional) exemptions. To be eligible for this exemption a position must meet both the "salary basis" and the "duties" test.

Exempt (WWG E) employees are paid on a "salaried" basis and the regular rate of pay is full compensation for all hours worked to perform assigned duties. However, these employees shall receive up to 8 hours holiday credit when authorized to work on a holiday. Work Week Group E employees shall not receive any form of additional compensation, whether formal or informal, unless otherwise provided by the provisions of this work week group.

Consistent with the "salaried" nature of such a position, an exempt employee:

- Shall not be charged any paid leave for absences in less than whole day increments;
- Shall not be docked for absences of less than a work period.
- Shall not be subject to a disciplinary action suspension of less than full work week increments unless there is a violation of a major safety rule; and
- Shall not be required to document hours worked for payroll purposes.

### ***Work Week Group "SE" (Physicians, Attorneys, Teachers)***

Work Week Group "SE" applies to classes and positions with an 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. However, these employees shall receive up to eight hours of holiday credit when ordered to work on a holiday. Hours of work in excess of the average work week are not compensable, and shall not be deemed overtime. 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 for the entire pay period.

Consistent with the “salaried” nature of such a position, an exempt employee:

- Shall not be charged any paid leave for absences in less than whole day increments;
- Shall not be docked for absences of less than a work period.
- Shall not be subject to a disciplinary action suspension of less than full work week increments unless there is a violation of a major safety rule; and
- Shall not be required to document hours worked for payroll purposes.
- For rank and file employees, refer to the appropriate collective bargaining agreement for specific provisions that may otherwise be addressed and not contained in the above work week group definition.

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## The Exempt Position Request

The Exempt Position Request (EPR) was designed to provide the Governor's Office and CalHR with the information needed to process the paperwork associated with an exempt appointment, the establishment or abolishment of an exempt classification, and salary changes to those classifications. Part 1 is filled out by the requesting department and includes:

1. a. Appointee Information:

- Proposed Appointee
- Proposed Effective Date, Salary, Salary Range & Level

If appointee is a current State employee, fill in the following:

- Class Code, Monthly Salary & Current Class & Employing Department

1. b. Exempt Pay Scale Information:

- Current Schem Code, Class Code & Title
- Fill in "Current": If no changes to Class Code
- Fill in "Proposed": If changes are being made to Class Code

A duty statement and organization chart must be attached as part of the package. If an existing exempt classification is being used, it often must be revised to reflect new duties and responsibilities. This often includes salary and other changes that must be made in the Exempt Pay Scale. If a new classification is being created for a new entitlement, only the proposed information should be filled out and the appropriate "new exempt class" box should be checked.

- The EPR should be signed and sent forward to the department's Agency for approval (if the department reports to an Agency) and then to the Governor's Appointments Unit.
- A copy of the package must also be sent to the CalHR Exempt Program ([EPR@calhr.ca.gov](mailto:EPR@calhr.ca.gov)) at this time.
- Departments and Agencies reporting directly to the Governor's Office should forward the EPR to the Governor's Appointments Unit. Independent agencies such as Constitutional Officer's departments, or Boards and Commissions should forward the EPR directly to CalHR.
- Upon review and approval by CalHR, a pay letter will be forwarded to SCO for processing.

A copy of the Exempt Position Request form is attached. It is also available on the Human Resources Network (HR Net) as a service to State Personnel Offices located on CalHR's website ([www.calhr.ca.gov](http://www.calhr.ca.gov)). (The HR Net is available to personnel offices by subscription only.)

## *Exempt Salary Increases*

Refer to PML 2014-028 for information regarding the process for requesting Exempt salary increases.

If any further information is needed, the CalHR Exempt Program can be reached at (916) 324-9381.

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**Sample Exempt Position Request****Exempt Position Request**

CalHR Form EPR.docx (9/10/15)

Instructions: Complete and send through the agency (if appropriate) to the Appointments Unit of the Governor's Office who will forward it to CalHR. An advance copy should be sent to CalHR.

<b>I.a. Appointee Information</b>							
Proposed Appointee				Effective Date	Salary	Salary Range	Level
<b>If the appointee is currently a state employee:</b>							
Class Code	Monthly Salary	Current Class & Employing Department					
<b>I.b. Exempt Pay Scale Information</b>							
<b>Current Information and Proposed Changes, if any:</b> (Current information is available on Controller's CSP Screen or the Human Resources Network (HR NET))							
	Schem Code	Class Code	Title				
Current:							
Proposed:							
	Monthly Salary Rg.	Exempt Level	Authority/Entitlement	WWG	MCR	CBID	Footnotes
Current:							
Proposed:							
<input type="checkbox"/> New exempt class based on new legislation (attach a copy of the legislation). <input type="checkbox"/> New exempt class based on the conversion of a civil service managerial position under Gov. Code 12010.6.							
If new conversion, Civil Service Class to be Converted					Position Number		
<b>Definitions of Commonly Used Appointing Authorities: (Ref. CA State Constitution, Art. VII, Sec. 4)</b>							
C – Constitution Officer or Appointee (Not Gov. or Lt. Gov.)				F – Governor's (or Lt. Gov.'s) Appointee			
D – Board or Commission Member				G – Appointee of a Governor's Appointee			
E – Appointee of a Board or Commission				M – Special Authorizations			
<b>CBID:</b> E97 – Confidential; E98 – Supervisory; E99 – Managerial; E79 – Managerial Specialist (Non-supervisory)							
<b>I.c. Requesting Department</b>							
Requester's Title				Department			
Requester's Signature				Telephone Number		Date	
<b>II. Agency Approval</b>							
Name and Title of Approving Official				Agency Name			
Signature of Approving Official				Telephone Number		Date	
<b>III. Governor's Office Approval (Send to Appointments Unit, Attn. Lisa McVay)</b>							
Comments					(For CalHR Use Only)		
Name and Title of Approving Official							
Lisa McVay, Appointments Administrator					(916) 322-7458		
Signature of Approving Official					Date		

## The Conversion Process

This process is provided for by Government Code section 12010.6 and is available to line agency departments only, i.e., departments whose directors are directly appointed by the Governor.

The department identifies a vacant managerial position or a vacant position that can legitimately be reclassified to a managerial position. Once the position is identified, the regular appointment process is followed. The EPR must indicate that a new exempt class is being proposed based on the conversion of a vacant civil service managerial position and the position number of the civil service class must be included, in Part 1.b. The EPR should also include a copy of the duty statement, organization chart, a justification explaining the need for the conversion, and the recommended salary level.

The Governor's Office will not approve a conversion from civil service to an Exempt until the candidate is approved for appointment. Once the appointee is approved, the Governor's Office will send notification to CalHR to convert the civil service position.

CalHR will establish the Exempt position and issue an Exempt Pay Letter. The Pay Letter will be sent to SCO and to the department's Personnel Officer so the department can key the transaction.

If a department wishes to return an exempt position to civil service, they must obtain the approval of the Governor's Office. The Governor's Office and CalHR will determine if the exempt class should be abolished or inactivated on a temporary basis. In no case can the exempt class be used after the position has returned to civil service unless a new conversion is approved or, if the return was temporary, until the Governor's Office is notified and CalHR reactivates the exempt class.

If any further information is needed, the CalHR Exempt Program can be reached at (916) 324-9381.

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## Salary Changes for Exempt Classes

By law, the Department of Human Resources must approve the salary of each exempt position unless the law specifically exempts it. CalHR consults with the Governor's Office Appointments Unit in reviewing specific requests to change exempt position salaries. Approval of changes in salary levels for exempt positions must be obtained **prior** to discussion of salary with potential appointees.

The modified classification review (MCR) process is used to indicate whether or not a position may be refilled at the existing salary level without CalHR approval.

CalHR has discontinued the use of the MCR process for exempt classes. All exempt appointments must be approved by the Governor's Office (except appointees of other elected officials) and are therefore the equivalent to NO MCR. The MCR notation is NONE. The only exceptions are classifications used in the Governor's Office, which are MCR I. All appointments require that the Exempt Position Request (EPR) be filled out.

### ***MCR I***

These positions do not require prior review and approval by DPA. Departments may key the PAR transaction directly into the State Controller's Office. Item 435 of the PAR must be completed. These are positions whose salaries are not subject to CalHR approval because they are either statutorily exempt from CalHR approval or are established in statute (statutory exemptions).

### ***MCR II***

MCR II positions may be refilled if there is no change in duties since last approved by CalHR. If there is a change in duties or organizational structure, a new duty statement and organization chart must be submitted before a new appointment is made. Note that exempt classifications marked as MCR II are in the process of being changed to either MCR I or MCR NONE.

### ***NONE (No MCR)***

Appointments to these positions must be reviewed by the Governor's Office. Departments must send a cover memo of explanation, an Exempt Position Request (EPR), a duty statement, and organization chart through the Appointments Unit to the Exempt Program of CalHR.

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## Exempt Salary Chart

October 2016

Exempt Category	Level Definitions	Salaries in Statute		CalHR Established Exempt Salaries				Civil Service Excluded			
		Monthly Salary	Annual Salary	Monthly Min.	Monthly Max.	Annual Min.	Annual Max.	Level Definition	Min.	Monthly Max.	
I. Management Positions:											
A.	Cabinet	13,178.98	158,148			16,175.41		194,105			
	All Others at Level A			12,251	-	13,648	147,010	-	163,770		
B.	Tier II Department Director	12,360.97	148,331	12,829.50	-	13,874.99	153,954	-	166,500		
	All Others at Level B			11,492	-	12,804	137,901	-	153,647		
C.	Chair - Major Boards	11,815.72	141,789	10,986	-	12,237	131,832	-	146,849		
	Member - Major Boards	11,451.91	137,423	10,645	-	11,861	127,741	-	142,338	Legal & Medical 15,129	
D.	Major Chief Dep. (CEA V Equiv.)			10,505	-	11,700	126,060	-	140,397	CEA C 10,277 - 11,669	
E.	Tier I Department Director	10,906.57	130,879	12,218.47	-	13,214.29	146,622	-	158,572		
	All Others at Level E			10,139	-	11,294	121,672	-	135,527		
F.	CEA IV Equivalent			9,923	-	11,056	119,076	-	132,672	CEA B 9,255 - 11,024	
G.	Ex. Officers, Major Boards			9,667	-	10,769	115,999	-	129,224		
	Chair - Medium Boards	10,361.41	124,336	9,633	-	10,728	115,591	-	128,742		
H.	Maj. Dept. Deputy Director			9,461	-	10,540	113,527	-	126,480		
	Small DD & Mbr. Med. Bds.	9,997.97	119,975	9,294	-	10,350	111,524	-	124,206		
I.	Asst. Agency Secretary I			9,011	-	10,043	108,138	-	120,510		
J.	Asst. Director (Line Program)			8,598	-	9,577	103,181	-	114,923	CEA A 6,647 - 9,555	
K.	Asst. Agency Secretary II			8,201	-	9,136	98,410	-	109,633		
L.	CEA I Equivalent			7,819	-	8,710	93,825	-	104,516		
M.	SSM III Equivalent			7,454	-	8,303	89,449	-	99,634	SSM III 7,301 - 8,289	
N.	SSM II/III Equivalent			7,112	-	7,923	85,346	-	95,073		
O.	SSM II Equivalent			6,782	-	7,554	81,378	-	90,648	SSM II (M) 6,647 - 7,551	
II. Non-management Positions									SSM II (S)	6,005	- 7,462
P1.				6,628	-	7,164	79,537	-	85,964		
P2.	SSM I (Supervisory) Equiv.			6,280	-	6,828	75,359	-	81,934	SSM I 5,470 - 6,796	
P2A	SSM I (Non-supervisory)			6,024	-	6,467	72,294	-	77,608		
P3.				5,749	-	6,205	68,994	-	74,457		
P4.	Assoc./AA II Level			4,764	-	5,921	57,165	-	71,058	Assoc./AA 4,738 - 5,931	
P5.	SSA - Rg. C/AA I			3,959	-	4,907	47,512	-	58,883	SSA-Rg. C 3,939 - 4,932	
P6.	SSA - Rg. B			3,306	-	4,078	39,676	-	48,933	SSA-Rg. B 3,285 - 4,112	
P7.	SSA - Rg. A			3,037	-	3,716	36,450	-	44,595	SSA-Rg. A 3,033 - 3,801	
P8.	Mgt. Svcs. Tech.			2,586	-	3,129	31,036	-	37,550	MST-Rg. A 2,687 - 3,366	
P9.	(Grad) Student Assistant			2,239	-	2,664	26,871	-	31,963	GSA-Rg. A 1,937 - 2,534	
Q1.	Executive Secretary II			3,552	-	4,445	42,630	-	53,346	Ex. Sec. II 3,541 - 4,432	
Q2.	Executive Secretary I			3,183	-	4,165	38,192	-	49,984	Ex. Sec. I 3,252 - 4,073	
Q3.	Secretary			2,833	-	3,617	33,990	-	43,408	Secretary 2,893 - 3,621	

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***Public Health & Public Safety Positions***

SCHEM	CLASS CODE	CLASSIFICATION	INCUMBENT SALARY
EI00	1642	DIRECTOR/DEPARTMENT OF DEVELOPMENTAL SERVICES	\$16,014.06-\$16,014.06
EM00	1639	DIRECTOR/DEPARTMENT OF HEALTH CARE SERVICES	\$13,201.04-\$16,014.06
EP00	1641	DIRECTOR/DEPARTMENT OF STATE HOSPITALS	\$16,013.65-\$16,013.65
ES00	5945	DIRECTOR/DEPARTMENT OF SOCIAL SERVICES	\$18,272.23-\$18,820.40
GJ00	4850	DIRECTOR/DEPARTMENT OF FORESTRY	\$13,201.04-16,920.40
CJ00	8373	COMMISSIONER/DEPARTMENT OF CALIFORNIA HIGHWAY PATROL	\$20,917.24

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## Pay and Allowances – Military Department

### 1. Adjutant General

Effective 1 January 2016

Base Pay for Adjutant General Is Same Pay and Allowances  
as For Lieutenant General (O-9) in the U.S. Army

Class Code: 8409

Schem. Code: SP00

Entitlement: F/MV162 & 164.1

<b>Titles</b>	<b>Totals</b>
Basic Pay	\$15,125.10
Personal Allowance	41.67
Basic Allowance for Housing	?
Basic Allowance for Subsistence	256.63
<b>Total</b>	<b>\$ 256.63</b>

Note: Basic pay for an O-7 to O-10 is limited by Level II of the Executive Schedule which is \$15,125.10. This chart only shows Basic Military Pay, the personal allowance and the basic allowance for subsistence. Housing and other allowances may be provided and may be found online at the [Defense Finance and Accounting Service](#) (DFAS) website. (Go to *Military Members – Pay & Allowances – Military Pay Charts* and select the latest year.

### 2. Other Active duty Personnel

Other active duty personnel are paid based on their military rank plus they receive housing, subsistence and other allowances as appropriate. Basic pay is listed in the Exempt Pay Scale. See the DFAS website above for additional allowances.

Military pay is reported to the State Controller by the Military Department based on the latest information from the DFAS. CalHR reviews the information provided.

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## Alternate Salary Ranges

### ***Alternate Range Criteria 001***

#### ***Assistant to Board Member/Board of Equalization/Class Code 4272***

- Range A. This range applies to all incumbents not meeting the criteria for Range B.
- Range B. This range applies to those incumbents who are members of the California State Bar or who possess a Doctorate, and serve as a high-level advisor to the Board Member.

### ***Alternate Range Criteria 002***

#### ***Office Assistant (Typing)/Various Departments***

- Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.
- Range B. This range shall apply to incumbents who have satisfactorily completed one year of experience equivalent to that of an Office Assistant (Typing), Range A. Education may be substituted for the experience if approved by the Department of Human Resources Exempt Program.

### ***Alternate Range Criteria 003***

#### ***Junior Staff Analyst/Office of Planning and Research/Class Code 2128***

- Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.
- Range B. This range shall apply to persons who have satisfactorily completed the equivalent of six months of experience as a Junior Staff Analyst; and may apply to persons who have six months of experience outside of State service performing analytical duties similar to those of a Junior Staff Analyst, Range A.

### ***Alternate Range Criteria 004***

#### ***Technical Specialist I/Governor's Office, OPR/Class Code 0331***

- Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B or C.
- Range B. This range shall apply to persons who have satisfactorily completed the equivalent of six months experience as a Technical Specialist I; and may apply to persons who have six months of experience outside of State service performing duties similar to those of a Technical Specialist I.
- Range C. This range shall apply to persons who have satisfactorily completed the equivalent of twelve months experience as a Technical Specialist I (Range B) or eighteen months experience as Technical Specialist; and may apply to persons who have eighteen months of experience outside of State service performing duties similar to those of a Technical Specialist I.

### ***Alternate Range Criteria 005***

Classes in the Governor's Office.

Application of Alternate Range Criteria is delegated to the Governor's Office.

### ***Alternate Range Criteria 006***

Established August 1, 1990

(Replaces Range 104 of the Civil Service Pay Scales)

Abolished June 30, 1996

### ***Alternate Range Criteria 007***

Established April 1, 1991

#### ***Various Classes***

- Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.
- Range B. This range shall apply to incumbents who have satisfactorily completed one year of experience performing duties typical of the class. Education may be substituted for the experience if approved by the Department of Human Resources.

### ***Alternate Range Criteria 008***

Established May 31, 1991.

Revised January 1, 2000.

#### ***Teaching Classes in the Special Schools of the Department of Education***

- Range A. This range shall apply to incumbents of teaching classes employed by the State Special Schools of the California Department of Education who work a regular school year as defined in their contract.
- Range B. This range shall apply to incumbents of teaching classes employed by the California Schools for the Deaf and the California School for the Blind who are appointed to work an extended school year.

### ***Alternate Range Criteria 009***

Established January 1, 2000

#### ***Supervising Teacher III***

- Range A. This is the monthly rate for incumbents in the classes of Supervising Teacher III, School for the Blind and Supervising Teacher III, School for the Deaf whose contract covers a 204-day school year.
- Range B. This is the monthly rate for incumbents in the classes of Supervising Teacher III, School for the Blind and Supervising Teacher III, School for the Deaf whose contract cover a full-time, 260-day year.

### ***Alternate Range Criteria 010***

Established July 31, 1992 (Rev. June 7, 1995)

Abolished June 30, 1996

### ***Alternate Range Criteria 011***

Established October 5, 1992

Real Estate Officer, Department of General Services  
(See Civil Service Alt. Rg. 287)

### ***Alternate Range Criteria 012***

Established January 30, 1998

Abolished May 1, 2004

(Positions in the Trade and Commerce Agency used in Foreign Trade Offices)

### ***Alternate Range Criteria 013***

Effective January 1, 1998

(Number changed from 012 effective March 2, 2000)

#### ***Executive Director, Fair Political Practices Commission, Class Code 5028***

Range A. This range applies to all incumbents not meeting the Criteria for Range B.

Range B. This range applies if the incumbent is a member of the California State Bar.

### ***Alternate Range Criteria 014***

Effective July 1, 2004

#### ***Advisor to Board Member, Integrated Waste Management Board, Class Code 7511***

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.

Range B. Upon recommendation by the Board Member, this range may apply to incumbents who have satisfactorily completed the equivalent of 12 months experience as Advisor to Board Member, IWMB, Range A. Education or experience outside of state service may be substituted if approved by the Department of Human Resources.

Range C. Upon recommendation by the Board Member, this range may apply to incumbents who have satisfactorily completed the equivalent of 12 months experience as Advisor to Board Member, IWMB, Range B. Education or experience outside of state service may be substituted if approved by the Department of Human Resources.

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## Lump Sum Payments to Statutory Officers

### *Background*

Certain Statutory Officers (those Governor's appointees and elected officials whose salaries are set in statute) do not earn or use sick leave, vacation, or annual leave. An individual with prior state service, exempt or civil service, who is appointed to a position earning a statutory salary, may elect to receive a lump sum payment for accrued vacation or annual leave just prior to being appointed to or during the appointment to the statutory position. Payment is made at the salary rate of the last position where the leave was last earned. If the appointee chooses not to receive a lump sum payment at that time, the amount of leave is "banked" and is available if the individual returns to a position where leave is accrued and used.

When a statutory officer leaves state service, a lump sum payment is made if there is an existing leave balance. However, the rate of pay must be at the salary rate of the position where leave was last earned, adjusted for general salary increases that would have been received (as though the individual had remained in the former position). If the former position was civil service, the individual is reinstated to the former position and immediately separated, allowing a lump sum payment at the current rate of pay of the former position. **However, since the duties, and therefore the salaries, of an exempt position can change dramatically over time, the department must get the approval of the Department of Human Resources if reinstatement is to an exempt position.** The last department in which leave was earned is responsible for the payment although there is no prohibition on the current department making the payment if it chooses to do so.

### *Procedures for Lump Sum Payment in an exempt position*

Send CalHR a memo with the name, social security number, last date in the position in which vacation or annual leave was earned, class code, title of the position and the salary on the date he/she left. Show your calculation of what the present day salary would be with general salary increases.

CalHR will verify (or correct) the salary information and return the approval to the department. If the approved salary is the current salary rate for the CalHR exempt position to which the individual is reinstated, the department can key enter the reinstatement and the separation for the lump sum payment. If the approved salary is NOT the current salary rate, the department must send the reinstatement and separation PAR documentation with a copy of CalHR's approval to the State Controller's Office for processing. Refer to the Personnel Action Manual Section 5.75 for further details.

In some cases, the statutory officer who banked leave credits may later request payment before leaving state service. This is permissible, but again, the lump sum payment must be made based on the salary of the position in which leave was last earned. CalHR approval of the salary rate for the lump sum payment must be obtained by following the above procedures. Once the approved salary rate is received from CalHR, the department can process the reinstatement and separation PAR documents as indicated above.

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## Exempt Pay Differentials

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**Exempt Pay Differential*****CalPERS Administrative Incentive Award*****Title of class:** Chief Executive Officer**Class Code:** 4278**CB/ID:** E99**Effective date:** July 1, 1998 (Payable in each following Fiscal Year)

Revised: July 1, 2004

**Rate:** 0-40% of base salary***Criteria:***

Payable once a year upon certification to the State Controller's Office<sup>11</sup> by the President of the Board of Administration of the California Public Employees Retirement System that the procedures in the "Compensation Policies and Procedures for Exempt Positions", as initially adopted November 1997, or as may be subsequently amended by the Board of Administration, have been followed, and the amount specified for each individual has been approved by this Board.

***If applicable, should pay differential be:***

Pro-rated: .....No

Flat rate: .....Yes

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible? .....No

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other:

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<sup>1</sup> A copy will be forwarded to the Department of Human Resources.



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**Exempt Pay Differential*****Site Superintendent R & R Differential***

**Title of class:** Site Superintendent, California School for the Deaf  
**Class Code:** 8742  
**CB/ID:** M03

**Effective date:** July 1, 1998  
**Revised:** July 1, 2000  
**Rate:** \$250, \$500, \$750, \$1000, \$1250, \$1500 per pay period

***Criteria:***

Employees appointed to exempt positions performing the duties of a Site Superintendent at the California School for the Deaf will be eligible for this rate differential upon certification by the department that the following criteria are met:

***If applicable, should pay differential be:***

Pro-rated: .....No  
Subject to qualifying pay period: .....Yes  
Are all time bases and tenures are eligible? .....No  
Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....No  
EIDL .....No  
NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No  
Other:

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## Exempt Pay Differential

### *Staff at the Special Schools*

**Name of Differential:** Recruitment and Retention – Department of Education State Special Schools and Diagnostic Centers

**List of Class Codes, Department Codes, Class Titles, and CB/IDs:**

9149	NE05	SUBSTITUTE TEACHER, SCHOOL FOR THE BLIND	R03
9151	NE05	TEACHER, SCHOOL FOR THE BLIND	R03
9153	NE05	TEACHER SPECIALIST, SCHOOL FOR THE BLIND	R03
9154	NE05	SUPERVISING TEACHER I, SCHOOL FOR THE BLIND	S03
9170	NE05	SUPERVISING TEACHER II, SCHOOL FOR THE BLIND	S03
9173	NE05	SUPERVISING TEACHER III, SCHOOL FOR THE BLIND	S03
9174	NE05	ASSISTANT SITE SUPERINTENDENT, SCHOOL FOR THE BLIND	M03
9176	NE05	SITE SUPERINTENDENT, SCHOOL FOR THE BLIND	M03
9731	NE05	SUPERVISING TEACHER I, SCHOOL FOR THE BLIND, FISCAL YEAR	S03
9732	NE05	SUPERVISING TEACHER II, SCHOOL FOR THE BLIND, FISCAL YEAR	S03
9145	NE05	SUPERVISING TEACHER III, SCHOOL FOR THE BLIND, FISCAL YEAR	S03
9178	NE10	SUBSTITUTE TEACHER, SCHOOL FOR THE DEAF	R03
9180	NE10	TEACHER, SCHOOL FOR THE DEAF	R03
9191	NE10	TEACHER SPECIALIST, SCHOOL FOR THE DEAF	R03
9192	NE10	SUPERVISING TEACHER I, SCHOOL FOR THE DEAF	S03
9193	NE10	SUPERVISING TEACHER II, SCHOOL FOR THE DEAF	S03
9195	NE10	SUPERVISING TEACHER III, SCHOOL FOR THE DEAF	S03
9196	NE10	ASSISTANT SITE SUPERINTENDENT, SCHOOL FOR THE DEAF	M03
9199	NE10	SITE SUPERINTENDENT, SCHOOL FOR THE DEAF	M03
9733	NE10	SUPERVISING TEACHER I, SCHOOL FOR THE DEAF, FISCAL YEAR	S03
9734	NE10	SUPERVISING TEACHER II, SCHOOL FOR THE DEAF, FISCAL YEAR	S03
9146	NE10	SUPERVISING TEACHER III, SCHOOL FOR THE DEAF, FISCAL YEAR	S03
9200	NE15	TEACHER SPECIALIST, DIAGNOSTIC CENTER	R03
9202	NE15	SUPERVISING TEACHER, DIAGNOSTIC CENTER	S03
9203	NE15	DIAGNOSTIC CENTER DIRECTOR	M03

**Effective date:** January 1, 2002 (Replaces prior Pay Differential effective August 1, 1999 and revised August 1, 2000.)

**Locations:** California School for the Blind – Fremont  
California School for the Deaf – Fremont  
Diagnostic Center – North (Fremont)

**Rate:** \$700/month or \$32.31/day

**Earnings ID:** 8k67

**Locations:** All other special schools of the Department of Education

**Rate:** \$400/month or \$18.46/day

**Earnings ID:** 8k24

**Criteria:**

1. All employees in the above classes at the Department of Education Special Schools or Diagnostic Centers shall receive the appropriate differential for their primary appointment only. Part-time employees shall receive a pro rata share of the differential based on their time base. Intermittent employees shall receive the daily rate.

2. Full-time and part-time employees receiving additional appointments to teach summer school sessions shall not be eligible to receive a second differential.

***If applicable, should pay differential be:***

Pro-rated: .....No  
Subject to qualifying pay period: .....No  
Are all time bases and tenures are eligible? .....Yes  
Subject to PERS deduction: .....Yes

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....No  
EIDL .....Yes  
NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No  
Other:

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## Exempt Pay Differential

**Title:**

### *Basic Allowance for Housing (BAH)*

**Effective:** March 1, 1998

**Military Department**

**CBID, Class (rank) and Class Code:**

Officers			Warrant Officers			Enlisted		
CBID	Class	Class Code	CBID	Class	Class Code	CBID	Class	Class Code
E99	O10	9156	E97	W5	8365	E97	E9	7746
E99	O9	9157	E97	W4	8366	E97	E8	7747
E99	O8	9158	E97	W3	8367	E97	E7	7748
E99	O7	9159	E97	W2	8368	E97	E6	7749
E99	O6	9160	E97	W1	8369	E97	E5	7750
E99	O5	9161				E97	E4	7751
E99	O5A	9162				E97	E3	7752
E98	O4	9163				E97	E2	7753
E98	O4A	9164				E97	E1	7754
E97	O3	9166						
E97	O2	9167						
E97	O1	9168						

**Rate:**

In accordance with the Federal Schedule for BAH

**Criteria:**

Employees in the above classes are eligible for BAH.

**Subject to PERS Deduction:**

Yes

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## Exempt Pay Differential

**Title:**

### *Basic Allowance for Subsistence (BAS)*

**Effective:** March 1, 1998

**Military Department**

**CB/ID and Classes:**

Officers			Warrant Officers			Enlisted		
CBID	Class	Class Code	CBID	Class	Class Code	CBID	Class	Class Code
E99	O10	9156	E97	W5	8365	E97	E9	7746
E99	O9	9157	E97	W4	8366	E97	E8	7747
E99	O8	9158	E97	W3	8367	E97	E7	7748
E99	O7	9159	E97	W2	8368	E97	E6	7749
E99	O6	9160	E97	W1	8369	E97	E5	7750
E99	O5	9161				E97	E4	7751
E99	O5A	9162				E97	E3	7752
E98	O4	9163				E97	E2	7753
E98	O4A	9164				E97	E1	7754
E97	O3	9166						
E97	O2	9167						
E97	O1	9168						

**Rate:**

In accordance with the Federal Schedule for BAS (See the [Defense Finance and Accounting Service](#) website).

**Criteria:**

Employees in the above classes are eligible for BAS.

**Subject to PERS Deduction:**

Yes

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## Exempt Pay Differential

**Title:**

***ConUS COLA***

**Effective: July 1, 2001**

**Military Department**

**CBID and Class (rank):**

Officers			Warrant Officers			Enlisted		
CBID	Class	Class Code	CBID	Class	Class Code	CBID	Class	Class Code
E99	O10	9156	E97	W5	8365	E97	E9	7746
E99	O9	9157	E97	W4	8366	E97	E8	7747
E99	O8	9158	E97	W3	8367	E97	E7	7748
E99	O7	9159	E97	W2	8368	E97	E6	7749
E99	O6	9160	E97	W1	8369	E97	E5	7750
E99	O5	9161				E97	E4	7751
E99	O5A	9162				E97	E3	7752
E98	O4	9163				E97	E2	7753
E98	O4A	9164				E97	E1	7754
E97	O3	9166						
E97	O2	9167						
E97	O1	9168						

**Rate:**

In accordance with the Federal Schedule for ConUS COLA

**Criteria:**

Employees in the above classes are eligible for the ConUS COLA.

**Subject to PERS Deduction:**

Yes

**Subject to Withholding:**

Yes

**Processing:**

The department should process F671 transactions using Payment Type A Suffix D and enter the gross amount.

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## Exempt Pay Differential

### *Physical Fitness Incentive Pay*

**Effective:** July 1, 2002

**Revised:** June 1, 2016

**Class Title:** Exempt Peace Officers who are in the Peace Officer/Firefighter retirement category (except Department Directors).

**CB/ID:** E99

**Departments:**

Office of the Inspector General

**Rate:**

- |                         |  |
|-------------------------|--|
| 1. \$130 per pay period | Earnings ID: 8PF1 (Full-time, Part-time) |
|                         | Earnings ID: 8PF2 (Intermittent)         |
| 2. \$65 per pay period  | Earnings ID: 8PF3 (Full-time, Part-time) |
|                         | Earnings ID: 8PF4 (Intermittent)         |

**Criteria:**

- Effective 07/01/02, eligible employees as defined above must have 60 or more qualifying pay periods of State service and have an annual physician's certification of having passed the physical fitness exam.
- Effective 07/01/02, eligible employees as defined above with less than 60 qualifying pay periods of State service must have an annual physician's certification of having passed the annual physical fitness exam.

***If Applicable, Should Pay Differential Be:***

Pro-rated

-Full time/part time.....Yes

-Intermittent .....No

Subject to qualifying pay period .....No

All time bases and tenure eligible .....Yes

Subject to PERS deduction .....No

Inclusion in Rate to Calculate the Following Benefit Pay:

Overtime .....No/Yes (FLSA)

IDL .....Yes

EIDL .....Yes

NDI .....Yes

Lump sum:

Vacation .....No

Sick Leave .....No

Extra hours .....No



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**Exempt Pay Differential*****Voluntary Personal Leave Program*****Effective:** July 1, 2004**Revised:** August 17, 2004 (Effective July 1, 2004)**Class Title:** All CalHR exempt excluded classes (Class Type F) with a CBID of E79, E97, E98 or E99 except those that do not receive paid leave per Government Code Section 19857.**All Departments****Rate:** Minus 4.62% (1 day) Earnings ID – 8VL1  
Minus 9.23% (2 days) Earnings ID – 8VL2***Criteria:***

All employees participating in the Voluntary Personal Leave Program shall have their salary reduced by the above rates and shall accrue a personal leave day or two (or a portion if working less than full-time) the first of the following pay period.

***If Applicable, Should Pay Differential Be:***

Pro-rated .....  
-Permanent Full-time Only .....Yes  
-Part-time/Intermittent .....No  
Subject to qualifying pay period .....No  
All time bases and tenure eligible .....No  
Subject to PERS deduction .....NA

**Inclusion in Rate to Calculate the Following Benefit Pay**

Overtime .....No  
IDL .....No  
EIDL .....No  
NDI .....No

**Lump sum:**

Vacation .....No  
Sick Leave .....No  
Extra Hours.....No

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## Exempt Pay Differential

### *DAA Retention Pay*

**Effective:** July 1, 2004

**Revised:** July 1, 2005, October 1, 2007, January 1, 2014

**Department:** Food and Agriculture

**Class Title:** Secretary-Manager VII, 22nd District – Del Mar Fair  
 Secretary-Manager VII, 32nd District – Orange County  
 Secretary-Manager V, 50<sup>th</sup> Division – Lancaster Fair

**Rate:** Up to 20%

**Earnings ID:** SL

**Class Title:** Secretary-Manager V, 1a District – Cow Palace

**Rate:** Up to 15%

**Earnings ID:** SL

### *Criteria:*

Effective July 1, 2004, the Boards of the 22nd District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager VII when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

Effective July 1, 2005, the Boards of the 32nd District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager VII when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

Effective October 1, 2007, the Boards of the 50<sup>th</sup> Division District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager V when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

Effective January 1, 2014, the Boards of the 1a District Agricultural Associations may grant by resolution, a retention differential to its own respective Secretary-Manager V when it determines that the incumbent has achieved expected performance objectives and that such a differential is necessary for retention purposes.

### *If Applicable, Should Pay Differential Be:*

Pro-rated

-Full time/part time.....Yes

-Intermittent .....N/A

Subject to qualifying pay period .....No

All time bases and tenure eligible .....Yes

Subject to PERS deduction .....Yes

## Inclusion in Rate to Calculate the Following Benefit Pay

Overtime .....N/A

IDL .....Yes

EIDL .....Yes

NDI .....Yes

## Lump sum

Vacation .....Yes

Sick Leave .....Yes

Extra Hours.....Yes

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## Exempt Pay Differential

### ***Tutoring & Mentoring Stipend, Unit 03***

**Effective:** 01/11/2006

**Revised:** 01/18/2007

*?This stipend expires June 1, 2007. ?*

### **Departments: Education; School for the Deaf, Fremont and Riverside**

#### **Class Titles , Class Codes and CB/ID:**

Teachers, School for the Deaf	9180	R03
Teacher Specialist, School for the Deaf	9191	R03
Supervising Teacher I, School for the Deaf	9192	S03
Supervising Teacher II, School for the Deaf	9193	S03
Supervising Teacher III, School for the Deaf	9195	S03

**Earnings ID:** G2

**Rate:** \$1,300 for 15 weeks, or no less than \$87.00 per week.

#### ***Criteria***

- Incumbents in the classes above who volunteer to tutor, mentor, and instruct students in jeopardy of successfully completing the February 2007 or May 2007 California High School Exit Exam shall receive this stipend. This stipend will be full and complete compensation for the after-normal-work hours work for up to 60 hours (no more than 4 hours per week can be mandated) of such instruction in preparation for the examinations. The stipend shall be paid upon completion of the tutoring, mentoring, and instructing of these students.
- Teachers/Teacher Specialists who are selected and who subsequently perform for less than the entire duration of the assignment shall receive the stipend on a pro rata basis.
- The specific schedule shall be established by the school administrator and may be altered by agreement between the Teacher/Teacher Specialist and the immediate supervisor.

#### ***If Applicable, Should Pay Differential Be:***

Pro-rated .....See above

Subject to qualifying pay period .....No

All time bases and tenure eligible .....Yes

Subject to PERS deduction .....No

#### **Inclusion in Rate to Calculate the Following Benefit Pay:**

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump sum:

Vacation .....No

Sick Leave .....No

Extra Hours.....No

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**Exempt Pay Differential****Department of Corrections and Rehabilitation*****CDCR Compaction and Retention*****Title of class:** Exempt Appointees in the Department of Corrections and Rehabilitation**Class Code:** Various**CB/ID:** E99**Effective Date:** January 31, 2007

Rates and Earning IDs:

0.5 % of Monthly Salary	8005
1.0 % of Monthly Salary	8010
2.0 % of Monthly Salary	8020
3.0 % of Monthly Salary	8030
4.0 % of Monthly Salary	8040
5.0 % of Monthly Salary	8050
6.0 % of Monthly Salary	8060
7.0 % of Monthly Salary	8070
8.0 % of Monthly Salary	8080
9.0 % of Monthly Salary	8090
10.0 % of Monthly Salary	8100
11.0 % of Monthly Salary	8110
12.0 % of Monthly Salary	8120
13.0 % of Monthly Salary	8130
14.0 % of Monthly Salary	8140
15.0 % of Monthly Salary	8150

Pro-rated: .....Yes

Flat rate: .....No

Subject to qualifying pay period: .....No

Subject to PERS deduction: .....No

Please indicate if all time bases and tenures are eligible: Yes

Inclusion in rate to calculate the following benefit pay:

Overtime .....N/A

IDL .....Yes

EIDL .....Yes, if applicable

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other:

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**Exempt Pay Differential*****CalPERS Recruitment Differential*****Title of class** Chief Executive Officer**Class Code** 4278**CB/ID** E99**Effective Date:** August 18, 2004**Earnings ID:** GC**Rate:** Up to 60% of the first year's annual base salary***Criteria:***

This is a recruitment differential for purposes of attracting and retaining high level executives in the above-named classification. It is a one-time, up-front payment made upon appointment to the classification. It is available only to those hired from outside State service. The amount of the differential in each case will be specific to the individual executive's personal circumstances.

The Board of Administration, upon recommendation of the Performance and Compensation Committee, will approve the differential based on the individual candidate's personal circumstances, not to exceed 60 percent of the new hire's first year's base salary.

Repayment of part or all of the differential will be required in the event the Chief Executive Officer does not continue employment with CalPERS for two years, based upon the following prorated schedule:

0-less than 12 months	100 percent payback
12-24 months	50 percent payback

Any exception to the repayment schedule requires the approval of the Board of Administration, upon the recommendation of the Performance and Compensation Committee.

***If applicable, should pay differential be:***

Pro-rated: .....No

Flat rate: .....Ye

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible?.....No

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other:

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## Exempt Pay Differential

### *State Compensation Insurance Fund Recruitment Differential*

**Title of class:** President of the State Compensation Insurance Fund  
**Class Code:** 9295  
**CB/ID** E99  
**Effective Date:** August 1, 2007  
**Earnings ID:** 9K  
**Rate:** Up to 60% of the First Year's Annual Base Salary

#### ***Criteria:***

This differential is intended to be a onetime up-front payment made upon appointment, pursuant to the provisions of Insurance Code section 11785 which authorizes the State Compensation Insurance Fund (SCIF) Board to fix the compensation for the President. The differential would be available only to a President hired from outside State Service. The amount of the differential would be specific to the executive's personal circumstances, and would be designed as an incentive to accept a job offer at a salary and incentive award schedule. In no case would this pay differential exceed 60% of the new hire's first year's annual base salary. Each differential would require the approval of the Board. Repayment of part or the entire differential would be required in the event the executive does not continue employment with SCIF for two years, based upon the following prorated schedule:

- 100 percent if employed less than 6 months
- 75 percent if employed 6 months but less than 12 months
- 50 percent if employed 12 months but less than 18 months
- 25 percent if employed 18 months but less than 2 years

Any exceptions to the repayment schedule require the approval of the SCIF Board and are to be determined on a case by case basis.

#### ***If applicable, should pay differential be:***

Pro-rated: .....No  
 Flat rate: .....Yes  
 Subject to qualifying pay period: .....No  
 Are all time bases and tenures are eligible? .....No  
 Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
 IDL .....No  
 EIDL .....No  
 NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
 Sick Leave .....No  
 Extra Hours.....No  
 Other:

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## Exempt Pay Differential

### *Performance Recognition Pay*

### *California State Teachers' Retirement System (CalSTRS)*

**Class Title:** Chief Executive Officer, CalSTRS

**Class Code:** 4256

**CB/ID:** E99

**Rate:** 80% of Annual Base Salary

**Earnings ID:** 98

**Established:** July 1, 2007

***Criteria:***

Employees who have been designated in Education Code Section 22212.5 and who have been evaluated in accordance with the Teachers' Retirement Board Compensation Policies and Procedures for Chief Executive Officer. The employee shall receive the performance recognition pay once each fiscal year, based on performance during the preceding fiscal year.

***If applicable, should pay differential be:***

Pro-Rated: .....

Full-time/part-time: .....Yes

Intermittent: .....N/A

Flat Rate: .....No

Subject to qualifying pay period: .....No

All time bases and tenures eligible: .....Yes

Subject to PERS deduction:.....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....N/A

IDL .....Yes

EIDL .....N/A

NDI .....No

Lump sum:

Vacation .....No

Sick leave.....No

Extra Hours.....No

## Exempt Pay Differential

### *State Compensation Insurance Fund Recruitment and Retention*

#### **Title of class**

Exempt Appointees in the following classes:

President, State Compensation Insurance Fund (SCIF)	9295	E99
Chief Financial Officer, SCIF	9727	E99
Chief Operating Officer, SCIF	9725	E99
Chief Information Officer, SCIF	9728	E99
Chief Risk Officer, SCIF	9726	E99
General Counsel, SCIF	9730	E99
Chief Investment Officer, SCIF	9775	E99
Chief Claims Operations Officer, SCIF	6383	E99
Chief of Internal Affairs, SCIF	6399	E99
Chief Medical Officer, SCIF	6388	E99
Chief Actuarial Officer, SCIF	6497	E99

**Effective Date:** September 29, 2008

**Revised date:** February 23, 2009

August 2, 2010

December 12, 2013

#### **Rate and Earnings ID:**

0.4% of Monthly Salary	8N04
0.5 % of Monthly Salary	8N05
1.0% of Monthly Salary	8N1
2.0% of Monthly Salary	8N2
3.0% of Monthly Salary	8N3
4.0% of Monthly Salary	8N4
5.0% of Monthly Salary	8N5
6.0% of Monthly Salary	8N6
7.0% of Monthly Salary	8N7
8.0% of Monthly Salary	8N8
9.0% of Monthly Salary	8N9
10.0% of Monthly Salary	8N10
11.0% of Monthly Salary	8N11
12.0% of Monthly Salary	8N12
13.0% of Monthly Salary	8N13
14.0% of Monthly Salary	8N14
15.0% of Monthly Salary	8N15

**Criteria:**

At the discretion of the State Compensation Fund (SCIF) Board of Directors', exempt appointees may be granted a combination of the percentage rates listed above pursuant to the following Criteria

- This Pay Differential shall be used by SCIF as a recruitment and retention tool to attract and retain executive talent.
- This Pay Differential shall be available only to Exempt Appointees to the above named positions.
- The amount of the Pay Differential will be specific to each individual Exempt Appointee's personal circumstances and shall be designed and approved by the State Fund Board of Directors.
- This Pay Differential shall not exceed 25% of the Exempt Appointee's monthly base salary rate.
- Each differential shall require approval of the State Fund Board of Directors.
- At the discretion of the State Fund Board of Directors, this Pay Differential shall continue until the Exempt Appointee transfers to a position not eligible for the Pay Differential.

***If applicable, should pay differential be:***

Pro-rated: .....Yes

Flat rate: .....No

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible?.....Yes

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No

Extra Hours.....No

Other: .....N/A

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## Exempt Pay Differential

### *State Compensation Insurance Fund Bonus Program*

#### **Class Title, Class Code and CB/ID**

Exempt Appointees in the following classes:

President, State Compensation Insurance Fund	9295	E99
Chief Financial Officer, State Compensation Insurance Fund	9727	E99
Chief Information Officer, State Compensation Insurance Fund	9728	E99
Chief Investment Officer, State Compensation Insurance Fund	9775	E99
Chief Operating Officer, State Compensation Insurance Fund	9725	E99
Chief Risk Officer, State Compensation Insurance Fund	9726	E99
General Counsel, State Compensation Insurance Fund	9730	E99
Chief Claims Operations Officer, SCIF	6383	E99
Chief of Internal Affairs, SCIF	6399	E99
Chief Medical Officer, SCIF	6388	E99
Chief Actuarial Officer, SCIF	6497	E99

**Effective date:** January 1, 2009, (Payable in each following Fiscal Year)

**Revised date:** December 12, 2013

**Rate:** 0 – 40 % of base salary

**Earnings IDs:** 9M

#### ***Criteria:***

At the discretion of the State Compensation Insurance Fund Board of Directors', exempt appointees may be granted a Bonus in the amount specified by the Board up to the maximum above pursuant to the following Criteria

1. This differential will be available only to exempt appointees to the above named positions.
2. The amount of the bonus will be specific to each individual executive's personal circumstances and designed as a bonus for performance against pre-established goals.
3. Each bonus will require approval of the State Fund Board of Directors.

#### ***If applicable, should pay differential be:***

Pro-rated: .....No

Flat rate: .....No

Subject to qualifying pay period: .....No

Are all time bases and tenures are eligible: .....Yes

Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No

IDL .....No

EIDL .....No

NDI .....No

Lump Sum:

Vacation/Annual Leave .....No

Sick Leave .....No  
Extra Hours.....No  
Other: .....N/A

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**Exempt Pay Differential*****High Speed Rail Recruitment Differential (Program Manager)***

**Class Title:** Chief Program Manager, High Speed Rail Authority  
**Class Code** 6155  
**CB/ID** E99  
**Effective date:** December 3, 2012  
**Earnings ID:** 9K2  
**Rate:** Up to 5.5% of the First Year's Annual Base Salary

***Criteria:***

This is a recruitment differential for the purposes of attracting and retaining high level executive's in the above-named classification. It is a one-time, up-front payment made upon appointment to the classification. It is available only to those hired from outside State service. The amount of the differential in each case will be specific to the individual executive's personal circumstances.

The Authority will approve the differential based on the individual candidate's personal circumstances.

Repayment of part or all of the differential will be required in the event the Chief Program Manager does not continue employment with the High Speed Rail Authority for two years, based upon the following prorated schedule.

0-less than 12 months	100 percent payback
12-24 months	50 percent payback

If applicable, should pay differential be:

Pro-rated: .....Yes  
Flat rate: .....No  
Subject to qualifying pay period: .....No  
Are all time bases and tenures are eligible: .....No  
Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....No  
EIDL .....No  
NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No  
Other: .....No

Departments can key a 671 transaction via the Payroll Input Process (PIP) system using Earnings ID 9K2, if applicable.

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**Exempt Pay Differential*****High Speed Rail Recruitment Differential (Executive Director)***

**Title of class** Executive Director, High Speed Rail Authority  
**Class Code:** 9568  
**CB/ID:** E99  
**Effective date:** June 18, 2012  
**Earnings ID:** 9K3  
**Rate:** \$25,000 at the end of the first and second year of service.

***Criteria:***

This is a recruitment differential for purposes of attracting and retaining high level executives in the above-named classification. It is a one-time payment equal to \$25,000 made at the end of the first year of service if certain performance metrics are achieved to the satisfaction of the Authority by the deadlines proposed.

An additional one-time payment equal to \$25,000 will be made at the end of the second year of service if performance metrics, later to be determined by the Authority, are achieved to the satisfaction of the Authority. Both payments are subject to the 5% salary reduction currently imposed by the State Administration and Legislature and is inclusive of any future reductions proposed by the State Administration or Legislature

***If applicable, should pay differential be:***

Pro-rated: .....No  
Flat rate: .....Yes  
Subject to qualifying pay period: .....No  
Are all time bases and tenures are eligible? .....No  
Subject to PERS deduction: .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....No  
EIDL .....No  
NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No  
Other

Departments can key a 671 transaction via the Payroll Input Process (PIP) system using Earnings ID 9K3, if applicable.

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## Exempt Pay Differential

### *Covered California*

### *Administrative Incentive Award*

**Title of class:** Executive Director  
**Class Code:** 9856  
**CB/ID:** E99  
**Earnings ID:** 9I1  
**Effective date:** June 1, 2014 (Payable in each following Fiscal Year)  
**July 1, 2016 (Inactive)**

**Rate:** 0-40% of base salary

#### ***Criteria:***

Payable once a year upon certification to the State Controller's Office by the Covered California five-member board, and the amount specified for each individual has been approved by this board.

\*Per Government Code 100503, the Board has salary setting authority over this Exempt position.

#### ***If applicable, should pay differential be:***

Pro-rated .....No  
 Flat Rate .....Yes  
 Subject to qualifying pay period .....No  
 All time bases and tenures eligible .....No  
 Subject to PERS deduction .....No

Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
 IDL .....No  
 EIDL .....No  
 NDI .....No

Lump Sum:

Vacation/Annual Leave .....No  
 Sick Leave .....No  
 Extra Hours.....No

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## Exempt Pay Differential

### *Covered California Recruitment*

Title of class	Class Code	CB/ID	Earnings ID
Director, Individual and Small Business Sales	6045	E99	
Chief Technology Officer	6059	E99	
Chief Financial Officer	6063	E99	
Information Technology, Project Director	6075	E99	
Chief Deputy Executive Director, Operations	6157	E99	
Director of Marketing	6500	E99	9K4
Director, Plan Management	6572	E99	
Executive Director	9856	E99	
Chief Deputy Executive Director	9898	E99	
General Counsel	9937	E99	
Communications and Public Relations, Director	9938	E99	

**Effective date:** May 1, 2015

**Rate:** Up to 60% of First Year's Annual Base Salary

**Criteria:**

This is a recruitment differential for purposes of attracting and retaining high level executives in the above named classifications.

It is a one-time, up-front payment made upon appointment to an eligible classification. It is available only to those hired from outside State Service. The amount of the differential in each case would be specific to the individual executive's personal circumstances.

- For all classifications, the Board will approve the differential based on the individual's personal circumstances, not to exceed 60 percent of the new hire's first year's base salary.
- For all classifications, repayment of part or all of the differential would be required in the event the executive does not continue employment with HBEX/CC for two years, based upon the following prorated schedule:
  - 0 to less than 12 months                      100 percent payback
  - 12 to 24 months                                  50 percent payback

\*Per Government Code 100503, the Board has salary setting authority over this Exempt position.

***If applicable, should pay differential be:***

Pro-Rated .....No  
Flat Rate .....Yes  
Subject to qualifying pay period .....No  
All time bases and tenures eligible .....No  
Subject to PERS deduction .....No

## Inclusion in rate to calculate the following benefit pay:

Overtime .....No  
IDL .....No  
EIDL .....No  
NDI .....No

## Lump Sum:

Vacation/Annual Leave .....No  
Sick Leave .....No  
Extra Hours.....No

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## **Explanatory Notes**

In the following pay scale section of the salary schedule, classes are listed in a schematic arrangement to show departmental/agency groupings. Each exempt position has been assigned a schematic code consisting of two letters and two digits that immediately precede the class code. The schematic code is used to organize classes by agency and department in the pay scales.

Each exempt position has also been assigned a four digit class code number that immediately precedes the class title. This number is used for payroll and transaction purposes.

### ***Title***

Each exempt position is assigned a title. More than one department may have a class with the same title, but each class will have a different class and schematic code.

### ***Entitlement***

The California Legal Code Section that authorizes the exempt position. Please be sure to notify Department of Human Resources if an entitlement changes, as this affects the employee's appointment papers and may delay processing by State Controller's Office.

### ***Compensation***

The rate of pay assigned to that position. Unless otherwise specified, all rates of pay are quoted in dollars per month and are for fulltime employment.

### ***Exempt Levels***

The standard exempt levels with monthly and annual salary rates are listed in the [Exempt Salary Chart](#).

### ***Work Week Group***

"WWG" is the abbreviation for workweek group. The definitions of the workweek groups to which positions are assigned appear in the Workweek Group Definition Section of the Pay Scale.

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### ***Collective Bargaining Identifier***

“CBID” is the abbreviation for Collective Bargaining Identifier. All classes with a CBID beginning with "E" are excluded from collective bargaining. They receive benefits equivalent to the following categories:

- E99 Management
- E98 Supervisory
- E97 Confidential
- E79 Non-supervisory management
- E Not eligible for benefits

### ***Salary Steps***

Exempt classes with salary ranges no longer have predefined steps. New employees normally will be hired at the minimum salary of the class and will be eligible for a 5% increase on their anniversary date. The State Controller's Office will automatically compute the increase at 5% above the current salary. State agencies may wish to refer to the Universal Salary Schedule found in the Civil Service Pay Scales. Requests to hire above the minimum salary rate must be approved in advance by the Governor's Office using the Exempt Position Request (EPR) and forwarded to the Department of Human Resources.

### ***Exempt authority***

Authority for all appointments is found in the Constitution, Article VII, Section 4. The following are the authority explanations (lettering coincides with that of the Constitution):

- (a) Legislative officers and employees.
- (b) Judicial Branch officers and employees.
- (c) Elected officials plus a deputy and an employee selected by each elected officer.
- (d) Members of boards and commissions.
- (e) A deputy or employee selected by each board or commission.
- (f) State officers appointed by the Governor or the Lieutenant Governor.
- (g) A deputy or employee selected by each officer under Section 4(f).
- (h) University of California and California State College officers and employees.
- (i) Teaching staff of schools under Department of Education — or Superintendent of Public Instruction Jurisdiction.
- (j) Member, inmate, and patient help in State homes, charitable or correctional institutions, and State facilities for mentally ill or retarded persons.
- (k) Members of the militia while engaged in military service.
- (l) District agricultural association officers and employees, employed less than six months in a calendar year.

(m) In addition, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Council may appoint or employ two deputies or employees.

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**Footnote Key**

- S1 Statutory salary (annual salary set by statute).
- S2 Statutory salary with specified limitations.
- S4 Not eligible for general salary increases.
- S5 Elected Constitutional State Officer for whom salary and benefits are established by the California Citizens Compensation Commission.
- S6 Salary based (in law) on another salary set in statute as follows:
1. SP00/8409 - Adjutant General, Military Department—limited by §5308 of Title V, U.S. Code to Level V of the Executive Schedule. Same pay and allowances as Lieutenant General in U.S. Army. (See Chart II).
  2. SP00/8844Apr – The Assistant Adjutant General, Military Department-limited by §5308 of Title V, U.S. Code to Level V of the Executive Schedule. Same pay and allowances as Brigadier General in U.S. Army. (See Chart II).
  3. VJ01/5070 - Member, California Citizens Compensation Commission is tied to Member, Fair Political Practices Commission.
- S8 Statutory positions that earn and use annual leave per GC §19849.16 and CAC 599.752.1.
- E1 Classes excluded from minimum wage coverage under the Fair Labor Standards Act (FLSA).
- E2 Salary rate parallels civil service class.
- E3 Salary rate is determined as provided herein:  
6082 - Secretary/Chief Counsel, Unemployment Insurance Appeals Board is tied to Chief Administrative Law Judge, Unemployment Insurance Appeals Board, CEA.
- E4 Salary has a statutorily set maximum per Government Code §12001:  
Not to exceed amount specified in Government Code §11550:  
5310 Executive Secretary to the Governor  
Not to exceed amount specified in Government Code §11552:  
5315 Sr. Assistant to the Governor  
5314 Assistant to the Governor  
5101 Staff Assistant to the Governor  
9604 Senior Advisor
- E5 Exempt Class receiving a pay differential or bonus.
- E6 For Summer School rates, apply provisions of Chart II.
- E7 Salary authorized to be established by the appointing power.  
LT00/9295 President, State Compensation Insurance Fund, Gov. Code §19825.

	NH00/2909	Director, Postsecondary Education Commission, Education Code § 66905.
	SL00/5744	Legislative Counsel
E8	Exempt appointment under provisions of Government Code §12010.6.	
E9	Positions loaned from the authorized agency to another with the approval of the Governor and under the authority of Government Code §12010.5.	
A1	Positions (in addition to Statutory positions) that do not earn or use vacation, annual leave or sick leave per Government Code § 19857.	
G1	A position no longer funded in its respective department's budget but the entitlement remains in law.	

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## Exempts Tied to Statutory Salary Levels

### Government Code Section:

#### *The State Auditor*

(TA00/9096)

8543.7. (a) The annual salary for the State Auditor shall be equal to that of agency secretaries of the executive branch of government pursuant to [*Government Code*] Section 11550.

(b) The State Auditor shall be repaid all actual expenses incurred or paid by him or her in the discharge of his or her duties.

### Business and Professions Code Section:

#### *Director and Members of the California Gambling Control Commission*

(SB30/9082, 9085)

19814A. (a) The director and the members of the commission shall receive the salary provided for by Section 11553.5 of the Government Code.

(b) This section shall become operative on the occurrence of one of the events specified in Section 66 of the act that added this section to the Business and Professions Code.

### By Agreement between CalHR and a specific agency:

#### *Legal Advisor, PERB*

(VT00/1685)

Legal Advisor, PERB, is tied with the civil service class of PER Counsel, OH58/6184.

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<sup>1</sup> This commission exists in the statutes but is not funded in the state budget.

<sup>2</sup> Ibid.

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AB20	ELECTRONIC & APPLIANCE REPAIR, HOME FURNISHINGS & THERMAL INSULATION, BUREAU OF	<b>CA00</b>	<b>TRANSPORTATION AGENCY</b>
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AB22B	DIVERSION EVALUATION COMMITTEE	CD00	TRANSPORTATION COMMISSION
AB22D	PHYSICAL THERAPY BOARD	CE00	HIGH SPEED RAIL AUTHORITY
AB22E	PHYSICIANS' PEER COUNSELING PANEL	CJ00	HIGHWAY PATROL, CALIFORNIA
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AB24	OPTOMETRY, STATE BOARD OF	<b>DA00</b>	<b>GOVERNMENT OPERATIONS AGENCY</b>
AB25	PHARMACY, CALIFORNIA STATE BOARD OF	DB00	GENERAL SERVICES
AB27	REGISTERED NURSING, BOARD OF	DC00	HUMAN RESOURCES, DEPARTMENT OF
AB28	PROFESSIONAL ENGINEERS & LAND SURVEYORS, AND GEOLOGISTS, BOARD OF	DD00	TECHNOLOGY, DEPARTMENT OF
AB30	COURT REPORTERS BOARD OF CA	DE00	ADMINISTRATIVE LAW, OFFICE OF
AB32	VETERINARY MEDICAL BOARD	DF00	PUBLIC EMPLOYEES RETIREMENT SYSTEM
AB33	VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS, BOARD OF	DG00	TEACHERS RETIREMENT SYSTEM, STATE
AB34	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY & HEARING AID DISPENSERS BOARD	DH00	FRANCHISE TAX BOARD
AB35	POLYGRAPH EXAMINERS BOARD	DI00	STATE PERSONNEL BOARD
AB36	BARBERING AND COSMETOLOGY, BUREAU OF	DJ00	VICTIM COMPENSATION & GOVERNMENT CLAIMS BOARD
AB37	PSYCHOLOGY, BOARD OF	<b>EA00</b>	<b>HEALTH AND HUMAN SERVICES AGENCY</b>
		EA02	OFFICE OF SYSTEM INTEGRATION
		EA04	MANAGED RISK MEDICAL INSURANCE BOARD
		EC00	AGING
		EC05	AGING, COMMISSION ON
		ED00	CHILD SUPPORT SERVICES

<i>Dept. Code</i>	<i>Agency or Department Name</i>	<i>Dept. Code</i>	<i>Agency or Department Name</i>
EE00	ALCOHOL AND DRUG PROGRAMS	FD40	OSHA APPEALS BOARD
EF00	COMMUNITY SERVICES AND DEVELOPMENT	FD45	OSHA STANDARDS BOARD
EG00	DEVELOPMENTAL DISABILITIES, COUNCIL ON	FE00	WORKFORCE INVESTMENT BOARD, CA
EG00A	DEVELOPMENTAL DISABILITIES, AREA BOARDS ON	FF00	PUBLIC EMPLOYMENT RELATIONS BOARD
EH00	DISABILITY ACCESS, CALIFORNIA COMMISSION ON	<b>GA00</b>	<b>NATURAL RESOURCES AGENCY</b>
EI00	DEVELOPMENTAL SERVICES	GA01	CONSERVATION CORPS, CALIFORNIA
EJ00	EMERGENCY MEDICAL SERVICES AUTHORITY	GA05	OCEAN PROTECTION COUNCIL
EK00	MANAGED HEALTH CARE, DEPARTMENT OF	GB00	AFRICAN AMERICAN MUSEUM
EM00	HEALTH CARE SERVICES	GD00	COASTAL COMMISSION, CALIFORNIA
EM01	MEDICAL THERAPEUTICS & DRUG ADV. COUNCIL	GE00	COASTAL CONSERVANCY
EM02	CANCER ADVISORY COUNCIL	GF00	COLORADO RIVER BOARD
EN00	PUBLIC HEALTH	GG00	CONSERVATION
EP00	STATE HOSPITALS	GH00	ENERGY COMMISSION
EP02	MENTAL HEALTH OVERSIGHT AND ACCOUNTABILITY COMM.	GI00	FISH AND GAME
EQ00	REHABILITATION	GJ00	FORESTRY AND FIRE PROTECTION & FIRE MARSHAL, STATE
EQ01	VOCATIONAL REHABILITATION APPEALS BOARD	GK00	PARKS AND RECREATION
EQ02	LICENSED BLIND VENDORS, COMMITTEE OF	GK01	SAN JOAQUIN RIVER CONSERVANCY
EQ03	STATE REHABILITATION COUNCIL	GL00	SAN FRANCISCO BAY CONSV. & DEVEL. COMMISSION
ER00	INDEPENDENT LIVING COUNCIL, STATEWIDE	GM00	LANDS COMMISSION, STATE
ES00	SOCIAL SERVICES	GO00	WATER RESOURCES
EV00	HEALTH PLANNING & DEVELOPMENT, OFFICE OF STATEWIDE	GO01	CENTRAL VALLEY FLOOD PROTECTION BOARD
EV01	HEALTH ADVISORY COUNCIL	GP00	SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY
EV02	HEALTH MANPOWER COMMISSION	GQ00	WATER COUNCIL, CALIFORNIA-WESTERN STATES
EV03	HEALTH POLICY & DATA ADVISORY COMMISSION	GR00	TAHOE CONSERVANCY, CALIFORNIA
EV04	HEALTH PROFESSIONS EDUCATION FOUNDATION	GS00	DELTA PROTECTION COMMISSION
<b>FA00</b>	<b>LABOR &amp; WORKFORCE DEVELOPMENT AGENCY</b>	GT00	COACHELLA VALLEY MOUNTAINS CONSERVANCY
FB00	AGRICULTURAL LABOR RELATIONS BOARD	GU00	BALDWIN HILLS CONSERVANCY
FC00	EMPLOYMENT DEVELOPMENT	GV00	SAN GABRIEL & LOWER LA RIVERS & MNTS CONSERVANCY
FC01	UNEMPLOYMENT INSURANCE APPEALS BOARD	GW00	DELTA STEWARDSHIP COUNCIL
FC02	EMPLOYMENT TRAINING PANEL	GX00	SAN DIEGO RIVER CONSERVANCY
FD00	INDUSTRIAL RELATIONS	GY00	SIERRA NEVADA CONSERVANCY BOARD
FD05	APPRENTICESHIP STANDARDS, DIV. OF	GZ10	CALIFORNIA SCIENCE CENTER
FD10	APPRENTICESHIP COUNCIL	<b>HA00</b>	<b>ENVIRONMENTAL PROTECTION AGENCY</b>
FD15	WORKERS' COMPENSATION, DIVISION OF	HB00	AIR RESOURCES BOARD
FD20	OCCUPATIONAL SAFETY & HEALTH, DIV. OF	HB01	SCIENTIFIC ADV. COMMITTEE ON ACID DEPOSITION
FD25	INDUSTRIAL WELFARE COMMISSION	HB02	SCIENTIFIC REVIEW PANEL ON TOXIC AIR CONTAM
FD30	LABOR STANDARDS ENFORCEMENT, DIVISION OF	HC00	ENVIRONMENTAL HEALTH HAZARD ASSESSMENT, OFFICE
FD35	LABOR STATISTICS & RESEARCH, DIV. OF	HD00	INTEGRATED WASTE MANAGEMENT BD
		HE00	PESTICIDE REGULATION
		HF00	TOXIC SUBSTANCES CONTROL
		HG00	WATER RESOURCES CONTROL BOARD
		HH00	RESOURCES, RECYCLING, AND RECOVERY

<i>Dept. Code</i>	<i>Agency or Department Name</i>	<i>Dept. Code</i>	<i>Agency or Department Name</i>
<b>ID00</b>	<b>CORRECTIONS AND REHABILITATION</b>	SB30	GAMBLING CONTROL COMMISSION, CALIFORNIA
ID05	PRISON INDUSTRY AUTHORITY	SD00	LAW REVISION COMMISSION, CALIFORNIA
ID10	JOINT VENTURE POLICY ADVISORY BOARD	SL00	LEGISLATIVE COUNSEL BUREAU
ID30	CORRECTIONAL INDUSTRIES COMMISSION	SL05	UNIFORM STATE LAWS, COMMISSION ON
IG00	STATE AND COMMUNITY CORRECTIONS, BOARD OF	SM00	LIEUTENANT GOVERNOR
IP00	PAROLE HEARINGS, BOARD OF	SM05	ECONOMIC DEVELOPMENT, COMMISSION FOR
IQ00	JUVENILE HEARINGS, BOARD OF	SN00	LOTTERY COMMISSION, CALIFORNIA STATE
	<b>Non-Agency Departments</b>	SP00	MILITARY DEPARTMENT
JC00	ARTS COUNCIL, CALIFORNIA	SQ00	NARCOTICS & DRUG ABUSE, ADV. COUNCIL ON
JP00	CHIROPRACTIC EXAMINERS, BD	SR00	INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE
KL00	HEALTH BENEFIT EXCHANGE, CALIFORNIA	SS00	NATIVE AMERICAN HERITAGE COMMISSION
LA00	COMMUNITY COLLEGES, CALIFORNIA	TA00	AUDITS, BUREAU OF STATE
LC00	CRIME CONTROL & VIOLENCE, CALIF. COMMISSION	TD00	INSPECTOR GENERAL, OFFICE OF THE
LE00	EXPOSITION AND STATE FAIR, CALIFORNIA	VB00	CALIFORNIA/MEXICO AFFAIRS, OFFICE OF
LG00	FISCAL INFORMATION SYSTEM, CALIFORNIA	VC00	OSTEOPATHIC MEDICAL BOARD
LP00	LITTLE HOOVER COMMISSION	VC01	NATUROPATHIC MEDICINE COMMITTEE
LQ00	STATE MANDATES, COMMISSION ON	VR00	PUBLIC BROADCASTING COMMISSION, CA <sup>1</sup>
LT00	COMPENSATION INSURANCE FUND, STATE	VS00	PUBLIC DEFENDER, STATE
LU00	CONSTITUTION REVISION COMMISSION	VV00	PUBLIC UTILITIES COMMISSION
LV00	CONTROLLER, STATE	XA00	SANTA MONICA MOUNTAINS CONSERVANCY
NA00	DISTRICT AGRICULTURAL ASSOCIATIONS	XD00	SECRETARY OF STATE, OFFICE OF THE
ND50	CHILDREN AND FAMILIES COMMISSION	XJ00	STATUS OF WOMEN, COMMISSION ON
NE00	EDUCATION, DEPARTMENT OF	XK00	STUDENT AID COMMISSION
NE05	EDUCATION, SCHOOL FOR THE BLIND	XM00	TEACHER CREDENTIALING, COMMISSION ON
NE10	EDUCATION, SCHOOL FOR THE DEAF	XN00	CONSUMER POWER & CONSERVATION FINANCING AUTHORITY
NE15	EDUCATION, DIAGNOSTIC CENTERS	XO00	TREASURER, STATE
NE20	SUMMER SCHOOL FOR THE ARTS	XO05	URBAN WATERFRONT RESTORATION FINANCING AUTH.
NE30	QUALITY EDUCATION COMMISSION	XO10	POOLED MONEY INVESTMENT BOARD
NF00	LIBRARY, CALIFORNIA STATE	XO15	SCHOOL FINANCE AUTHORITY, CALIFORNIA
NH00	POSTSECONDARY EDUCATION COMMISSION, CALIFORNIA	XO20	TAX CREDIT ALLOCATION COMMISSION
NL00	EQUALIZATION, BOARD OF	XO25	POLLUTION CONTROL FINANCING AUTHORITY, CALIF.
NN00	FAIR POLITICAL PRACTICES COMMISSION	XO30	HEALTH FACILITIES FINANCING AUTHORITY
NP00	FINANCE	XO35	EDUCATION FACILITIES AUTHORITY, CALIFORNIA
NX00	FOOD AND AGRICULTURE	XO40	ALTERNATIVE ENERGY & ADVANCED TRANSPORTATION FINANCING AUTHORITY, CA
PA00	GOVERNOR'S OFFICE	XO45	LOCAL INVESTMENT ADVISORY BOARD
PA05	MEDICAL ASSISTANCE COMMISSION, CALIFORNIA	XO55	SCHOLARSHARE INVESTMENT BOARD
PA40	PLANNING AND RESEARCH, OFFICE OF	XO60	DEBT ADVISORY COMMISSION,
PA50	GOVERNOR'S OFFICE OF BUSINESS & ECONOMIC DEVELOPMENT		
PA51	FILM COMMISSION, CALIFORNIA		
PA53	INFRASTRUCTURE BANK		
PA55	OFFICE OF EMERGENCY SERVICES		
PC00	CHILD DEVELOPMENT POLICY ADV COMM		
RD00	INSURANCE		
RD10	EARTHQUAKE AUTHORITY, CALIFORNIA		
SB00	JUSTICE		
SB10	PEACE OFFICERS STANDARDS & TRAINING, COMM. ON		

<sup>1</sup> This commission exists in the statutes but is not funded in the state budget.



<i>Dept. Code</i>	<i>Agency or Department Name</i>	<i>Dept. Code</i>	<i>Agency or Department Name</i>
	CALIFORNIA	XS00	VOCATIONAL EDUC. & TECH. TRG., ADV. COUNCIL
XO70	INDUSTRIAL DEVELOPMENT FINANCING ADV. COMMIS.	XT00	VOTING MACHINES & VOTE TABULATION DEVICES, CO
XO80	DEBT LIMIT ALLOCATION COMMITTEE, CALIFORNIA		
XO90	ACHIEVING A BETTER LIFE EXPERIENCE ACT BOARD		

# CEA LEVEL GUIDELINES

1) ☐ **Revising a current CEA level.** Current level: \_\_\_\_\_ Dept. size: \_\_\_\_\_ Current Org. level: \_\_\_\_\_. Complete the chart below indicating the size of the department, organizational level, and role of CEA. If the requested level does not agree with the typical guidelines below, complete sections A, B, C, and D.

2) ☐ **Establishing the level for a new CEA.** Complete the chart below indicating the size of the department, organizational level and role of CEA. Complete sections A, B, C, D, and E.

Size of Department (# of PYs)	Level A	Level B	Level C	Position Paid Above Level – CalHR Approval Required	Excluded*
<input type="checkbox"/> Small (up to 800)	<input type="checkbox"/> 2 <sup>nd</sup> org level or <input type="checkbox"/> 3 <sup>rd</sup> org level  <input type="checkbox"/> SPEC <input type="checkbox"/> SA <input type="checkbox"/> PRJ <input type="checkbox"/> PMR <input type="checkbox"/> DBC <input type="checkbox"/> DDR <input type="checkbox"/> ASSIST	<input type="checkbox"/> 2 <sup>nd</sup> org level  <input type="checkbox"/> DDR <input type="checkbox"/> CDD	<input type="checkbox"/> 1 <sup>st</sup> org level  <input type="checkbox"/> DIR <input type="checkbox"/> CDD	<input type="checkbox"/> Attorney <input type="checkbox"/> Engineer <input type="checkbox"/> Physician <input type="checkbox"/> _____ _____%	1 <sup>st</sup> org level (AAS, DIR)
<input type="checkbox"/> Medium (801 – 8,000)	<input type="checkbox"/> 3 <sup>rd</sup> org level or <input type="checkbox"/> 4 <sup>th</sup> org level  <input type="checkbox"/> SPEC <input type="checkbox"/> SA <input type="checkbox"/> PRJ <input type="checkbox"/> PMR <input type="checkbox"/> ASSIST <input type="checkbox"/> DBC	<input type="checkbox"/> 2 <sup>nd</sup> org level or <input type="checkbox"/> 3 <sup>rd</sup> org level  <input type="checkbox"/> DDR	<input type="checkbox"/> 1 <sup>st</sup> org level  <input type="checkbox"/> CDD	<input type="checkbox"/> Attorney <input type="checkbox"/> Engineer <input type="checkbox"/> Physician <input type="checkbox"/> _____ _____%	1 <sup>st</sup> org level (AAS, DIR)
<input type="checkbox"/> Large (8,000 – 17,000)	<input type="checkbox"/> 4 <sup>th</sup> org level  <input type="checkbox"/> SPEC <input type="checkbox"/> SA <input type="checkbox"/> PRJ <input type="checkbox"/> PMR <input type="checkbox"/> ASSIST	<input type="checkbox"/> 3 <sup>rd</sup> org level  <input type="checkbox"/> DBC	<input type="checkbox"/> 2 <sup>nd</sup> org level  <input type="checkbox"/> DDR	<input type="checkbox"/> Attorney <input type="checkbox"/> Engineer <input type="checkbox"/> Physician <input type="checkbox"/> _____ _____%	1 <sup>st</sup> org level (AAS, DIR, CDD)
<input type="checkbox"/> Mega (17,001+)	<input type="checkbox"/> 5 <sup>th</sup> org level  <input type="checkbox"/> SPEC <input type="checkbox"/> SA <input type="checkbox"/> PRJ <input type="checkbox"/> PMR <input type="checkbox"/> ASSIST	<input type="checkbox"/> 4 <sup>th</sup> org level  <input type="checkbox"/> DBC	<input type="checkbox"/> 3 <sup>rd</sup> org level  <input type="checkbox"/> DDR	<input type="checkbox"/> Attorney <input type="checkbox"/> Engineer <input type="checkbox"/> Physician <input type="checkbox"/> _____ _____%	1 <sup>st</sup> & 2 <sup>nd</sup> org level (AAS, DIR, CDD)

\*Excluded – In rare cases when a CEA is used in lieu of an Exempt Appointee.

<b>Current Level:</b> _____ (For existing CEAs only)	<b>New Level:</b> _____
<b>Position No. :</b> _____	<b>Prepared by:</b> _____
<b>Signature of Personnel Officer:</b> _____	<b>Date:</b> _____

**A) Justification for determining level:**

**B) Describe the CEA's relationship to the department's mission:**

**C) Describe the CEA's interaction with the Executive Management team:**

**D) Describe the department's organization levels (attach organizational chart):**

**E) – (if necessary, attach additional sheets and any other information for justifying CEA level.)**

Level	Factor
<input type="checkbox"/> Low  <input type="checkbox"/> Standard  <input type="checkbox"/> High	<b>Scope/Responsibility:</b> (statewide impact, department's reporting relationship, interface with other governmental jurisdictions, impact on the general public, dollar value or budget size) <i>Describe:</i>
<input type="checkbox"/> Low  <input type="checkbox"/> Standard  <input type="checkbox"/> High	<b>Sensitivity:</b> (media interest, legislative interest, public interest/perception, court/regulatory interest, Governor's Office interest, special interest groups, other governmental jurisdictional interest, confidential/sensitive information) <i>Describe:</i>
<input type="checkbox"/> Low  <input type="checkbox"/> Standard  <input type="checkbox"/> High	<b>Complexity:</b> (multiple funding sources, reporting requirements, technical program, new/unique program, legally mandated program) <i>Describe:</i>
<input type="checkbox"/> Low  <input type="checkbox"/> Standard  <input type="checkbox"/> High	<b>Consequence of Error:</b> (discredit to the department, loss of dollars, impact to the public, public health & safety, violation of law or court or other regulatory requirements) <i>Describe:</i>
<input type="checkbox"/> Low  <input type="checkbox"/> Standard  <input type="checkbox"/> High	<b>Professional Level Staff:</b> (Position has majority of subordinate staff designated at the professional level or a large number of subordinate staff.) <i>Describe the classifications and staffing numbers:</i>

Level	Factor
<input type="checkbox"/> Low  <input type="checkbox"/> Standard  <input type="checkbox"/> High	<p><b>Describe the CEA's interaction with the Executive Management Team and their policy making role:</b> (statewide impact, department-wide impact, department's reporting relationship, act on behalf of the directorate, testify at Legislature, presentation to Cabinet, interface with other governmental jurisdictions) <i>Describe:</i></p>
<input type="checkbox"/> Low  <input type="checkbox"/> Standard  <input type="checkbox"/> High	<p><b>Describe the role/relationship the CEA has with the Department's Strategic Plan:</b> (level of involvement with the department's core business functions, relationship and level of involvement with the department's goals, degree the CEA is involved in determining how these goals are reached, i.e., strategies, objectives, responsibilities, timelines, resources needed, etc.) <i>Describe:</i></p>

## DEFINITIONS OF ROLES

**AAS = Assistant Agency Secretary:** Responsible for a single or multiple program crossing departmental lines.

**DIR = Director/Executive Director:** By definition or constitutional authority, the Director is the Chief Executive Officer of a department. This is the highest organizational level with responsibility for all aspects of an organization or in a mega department over significant arms of the organization.

**CDD = Chief Deputy Director:** Reporting to the Director, the position is at the first organizational level and like the Director is also at the highest organizational level. Positions are responsible for the administrative functions of a department and serves as the Director in his/her absence.

**DDR = Deputy/Division Director:** Typically responsible for one or more programmatic divisions. Positions are typically at the second organizational level. Most departments consider these positions to be at a high organizational level.

**ASSIST = Assistant Deputy Director/Assistant Division Chief/Assistant Branch Chief:** Performs as an assistant to the Deputy Director, Division Chief or Branch Chief of a large program with subordinate managers. The primary function of the position is to assist with policy-making decisions, as well as, serve in the absence of the Director or Chief and/or to assist with ensuring proper oversight and administration of the program. Positions are considered mid-organizational level and are typically at the 3<sup>rd</sup> organizational level.

**DBC = Division/Branch Chief:** Responsibility consists of all aspects of a specific program. Positions are considered mid-organizational level and are typically at the 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> organizational level. The size of the department, number of divisions in the department, and staff size are all factors considered in determining the appropriate level for this position.

**PMR = Program Manager:** Usually responsible for a specific program area within a division or branch. Has full management and supervisory responsibility. Administers the program through one or more subordinate supervisors. Allocations are considered to be at the lowest organizational level and typically are at the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> organizational level depending on department size.

**PRJ = Project Manager:** Positions assigned responsibility over a multi-million dollar project which strongly influences the development of policy pertaining to the mission of the department. Positions may be considered at the lowest or mid-organizational level and typically are at the 3<sup>rd</sup> organizational level but may be at the 2<sup>nd</sup> level for extremely large, complex and/or sensitive projects. Positions serve as the head of the project with responsibility for the overall completion of the project. The project must have a direct impact on accomplishing the mission of the department, health, safety, welfare, and/or other vital interests of the public and/or other primary customers. The project has strong media and legislative interest and is of such complexity that few persons in state service possess the capacity to accomplish the project successfully. The failure of the project could result in loss of life, loss of millions of dollars, negative media coverage, loss of faith by the public, litigation or civil or criminal investigations.

**SPEC = High Level Staff Specialist:** Positions should only be established at Level A.\* A high level staff specialist with program responsibility impacting the entire department which reports to the Directorate.

**SA = Special Advisor:** Positions should only be established at Level A.\* Positions are responsible for rendering broad management advice that significantly impacts a wide spectrum of departmental policies. Consider the extent to which the concentration of policy responsibility may weaken the policy-influencing role of line positions in the same program or department. Positions typically serve as special advisers to Boards or Commissions.

***\*Establishing positions at a higher level requires CalHR approval.***



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - EDMUND G. BROWN JR., GOVERNOR

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



August 17, 2017

Ricardo DelaCruz, Personnel Officer  
Department of Consumer Affairs  
1625 N. Market Blvd. Suite N-321  
Sacramento, CA 95834

Re: Request for Consideration of Increase of Exempt Level of Executive Officer

Dear Mr. DelaCruz

The Physical Therapy Board of California (PTBC) would like to request that the Department of Consumer Affairs (DCA) contact the California Department of Human Resources (CaiHR) and requests an exempt *level* increase for the Board's Executive Officer position. At the August 24, 2016 Board Meeting, the Board *voted* unanimously in support of this action. However, the Board has been unsuccessful.

This level increase is based on an increase in position authority, budget authority, complexity and overall program responsibility.

The last exempt salary level increase for the EO position was in 2000. Since that time the Board has experienced tremendous growth as well as change in the Physical Therapy profession. Specifically, the Board's staffing levels have increased by 143%, which includes two additional managers; a 164% increase in its total budget allocation authority; a 315% increase in its enforcement budget allocation authority, and a 75% increase in the total licensing population.

In comparing the size and structure of the PTBC with other DCA boards, the Board believes that these changes support the request for an exempt level salary increase to level "L" for the EO position effective August 1, 2017 (Pursuant to B&P 2607.5 (a)). The current level of compensation for the EO position is level "O".

The Board appreciates DCA's support and assistance in submitting our request to the appropriate authority. Should you need any additional information, or if you have further questions or concerns regarding this request, please contact me directly.

Respectfully,

Katarina V. Eleby, M.A.  
Board President



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

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## **Briefing Paper**

**Date:** August 28, 2018

**Agenda Item 8(B)**

**Prepared for:** PTBC Members

**Prepared by:** Carl Nelson

**Subject:** Budget Report

### **Purpose:**

To provide an update on the PTBC's Budget activities for (Apr-Jun), CY 2017-18.

**Attachments:** [1. Expenditure Report](#)

### **Background:**

The PTBC Budget Report is a quarterly review of the expenditures and revenues, including budget activities and analysis for the current fiscal year. The report reflects data collected from the CalStars report and is generated by staff quarterly: Jul-Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr-Jun (Q4).

July 1, 2017, the DCA migrated to a new accounting system, Fi\$cal. Due to this changeover, all Budget reporting mechanisms such as the CalStars monthly expenditure and revenue report, which is relied on by PTBC budget staff in compiling reports, have been suspended until further notice.

This year (CY2017-18), the PTBC is authorized \$4,983,000 (Governor's Budget), which includes personnel services, operating expenses and equipment, and authorized 21.4 positions to support program requirements.

### **Program Updates:**

The DCA Budget and Accounting staff continue to work on reconciling revenue and expenditure accounts in the new Fi\$cal system. The PTBC receives updates on year-to-date expenditures; however, no revenue reports have been reconciled (DCA Memo Attached). The PTBC will continue to monitor the status and will report updates accordingly.

Also, the Board received approval to transfer an additional \$200,000 into its Architectural Revolving Fund (ARF), increasing funds to \$400,000 for future moving costs.

### **Analysis:**

The PTBC spent \$2,264,400 in Personnel Services and \$2,626,245 in Operating Expenses and Equipment (OE&E) for a total of \$4,819,498 (less reimbursements). Overall, the PTBC spent 1% more over FY2016-17 year-to-date (Q4).

DCA Budget Office has not reported an update on revenue this fiscal year. However, BreEze cashing reports reflect the PTBC collected \$6,167,000 in revenues for application and licensing fees alone.

**Action Requested:** None.



Expenditure Statistics Report						
Budget Line Items	FY 2016 17		CY 2017 18			
	Q4	YTD	Authorized	YTD	Percent	Balance
	Apr-Jun	(As of 6/30/17)	Budget	(As of 5/31/18)	Budget Spent	Remaining
<b>PERSONNEL SERVICES</b>						
Civil Services Permanent	244,529	1,058,932	1,198,000	1,182,528	99%	15,472
Temp help	28,667	131,027	0	116,593	-	(116,593)
Statutory Exempt	24,528	87,304	77,000	92,916	121%	(15,916)
Board Members	7,800	45,900	25,000	47,400	190%	(22,400)
Overtime	1,196	43,021	0	0	-	0
Staff Benefits	165,236	704,605	739,000	824,963	112%	(85,963)
<b>TOTAL PERS SVS</b>	<b>471,956</b>	<b>2,070,789</b>	<b>2,039,000</b>	<b>2,264,400</b>	<b>111%</b>	<b>(225,400)</b>
<b>OPERATING EXPENSES &amp; EQUIPMENT</b>						
<b>General Services Totals</b>	<b>85,022</b>	<b>508,203</b>	<b>462,500</b>	<b>482,871</b>	<b>104%</b>	<b>(20,371)</b>
Fingerprints	14,330	43,160	99,000	36,638	37%	62,362
General Expense	5,546	24,799	17,000	16,046	94%	954
Minor Equipment	2,956	6,603	16,000	1,956	12%	14,044
Major Equipment	0	0	0	0	-	0
Printing	7,807	22,753	20,000	32,014	160%	(12,014)
Communications	3,150	9,023	13,000	8,429	65%	4,571
Postage	5,171	10,031	24,000	63	0%	23,937
Insurance		20	0	6,310	-	(6,310)
Travel in State	4,383	26,357	18,000	15,929	88%	2,071
Training	0	1,463	1,000	0	0%	1,000
Facilities Operations	28,112	312,592	118,000	310,540	263%	(192,540)
C&P Services Interdepartmental	0	0	500	379	76%	121
C&P Services External	13,567	51,402	136,000	54,567	40%	81,433
<b>Departmental Services Totals</b>	<b>241,357</b>	<b>886,707</b>	<b>950,500</b>	<b>953,459</b>	<b>100%</b>	<b>(2,959)</b>
OIS Pro Rata	137,750	581,183	598,000	598,000	100%	0
Indirect Distributed Cost	59,500	262,978	302,000	302,000	100%	0
Interagency Services	0	0	500	0	0%	500
DOI Pro Rata	1,250	6,439	7,000	7,000	100%	0
Communications Pro Rata	3,500	33,707	18,000	18,000	100%	0
PPRD Pro Rata	0	1,308	19,000	19,000	100%	0
Consolidated Data Center	48	380	2,000	9,459	473%	(7,459)
Data Processing	3,300	712	4,000	0	0%	4,000
Central Admin Services Pro Rata	36,009	0	0	0	-	0
<b>Exams Totals</b>	<b>762</b>	<b>5,358</b>	<b>8,000</b>	<b>1,140</b>	<b>0</b>	<b>6,860</b>
Exam Administrative External	762	5,358	8,000	1,140	14%	6,860
<b>Enforcement Totals</b>	<b>276,536</b>	<b>1,433,413</b>	<b>1,622,000</b>	<b>1,188,775</b>	<b>73%</b>	<b>433,225</b>
Attorney General	91,381	350,331	655,000	332,901	51%	322,099
Office of Admin Hearings	8,905	45,493	110,000	65,035	59%	44,965
Evidence/Witness	21,110	58,267	100,000	27,934	28%	72,066
Court Reporters	1,640	4,060	0	5,905	-	(5,905)
DOI Investigation	153,500	975,262	757,000	757,000	100%	0
<b>TOTAL OE &amp; E</b>	<b>603,677</b>	<b>2,833,681</b>	<b>3,043,000</b>	<b>2,626,245</b>	<b>86%</b>	<b>416,755</b>
<b>TOTALS, PERS SVS/OE&amp;E</b>	<b>1,075,632</b>	<b>4,904,470</b>	<b>5,082,000</b>	<b>4,890,645</b>	<b>96%</b>	<b>191,355</b>
Scheduled Reimbursements	15,472	-31,661	-99,000	-71,147	-	0
Un-Scheduled Reimbursements	40,275	-108,566	0	0	-	0
<b>TOTAL REIMBURSEMENTS</b>	<b>55,747</b>	<b>-140,227</b>	<b>-99,000</b>	<b>-71,147</b>		
<b>TOTALS, PERS SVS/OE&amp;E (-REIM)</b>	<b>1,131,379</b>	<b>4,764,243</b>	<b>4,983,000</b>	<b>4,819,498</b>	<b>97%</b>	<b>191,355</b>

\*The PTBC is authorized to allocate \$99k of its revenues collected from scheduled/unscheduled reimbursements towards CY expenditures. Revenues over 99k are transferred/deposited directly to fund (year-end).

## MEMORANDUM

<b>DATE</b>	<b>August 28, 2018</b>
<b>TO</b>	ALL Board Executive Officers/Bureau Chiefs
<b>FROM</b>	Janice Shintaku-Enkoji, Chief Fiscal Officer Budget Office
<b>SUBJECT</b>	<b>DCA FI\$Cal Implementation Status Update</b>

FI\$Cal is the new statewide system for budgets, accounting and procurement that the State of California has implemented for all state departments. Participation in the system is mandated by the state legislature and the Governor.

DCA integrated into FI\$Cal in July 2017. While the transition has and continues to be challenging, the system is working and capturing all expenditure and revenue transactions for DCA programs. During system implementation, DCA – among other state entities -- have encountered interface and other technical system issues that have hampered our ability to conduct timely month end closing and produce reconciled monthly expenditure and revenue reports. In response to these issues, the DCA Executive Office has met with the FI\$Cal Director and its executive team to relay our system concerns and address the technical system issues. As a result, DCA and FI\$Cal technical staff have been in contact on a weekly basis to work through and address programming, reporting and other technical concerns.

DCA continues to operate in FI\$Cal and is working towards closing its first full fiscal year in the system, however processing and workload issues associated with the system have yet to be fully resolved. Significant hurdles must be overcome for DCA to close and reconcile expenditure and revenue figures for year-end. As a result, DCA will be unable to close the fiscal year and produce official financial year-end statements until later this fiscal year (currently estimated for March 2019). Please note that this is a situation that is not unique to DCA but rather a statewide issue impacting many of the Departments that are transitioning to the FI\$Cal system. See the State Auditor's recent [FI\\$Cal status letter](#) for additional context.

To provide programs with estimated year-end expenditure and revenue figures, DCA will be producing preliminary fiscal month 12 (June) financial statements from FI\$Cal that will be disseminated to programs in late August. These reports will be utilized for year-end estimates until the official financial statements can be prepared.

DCA understands your concerns and share many of the same frustrations in not being able to provide timely reports that detail all expenditures and revenues for programs in a consolidated and understandable format.

DCA is fully dedicated to a successful transition into the FI\$Cal system. We appreciate your patience and understanding as we continue to address these technical and workload challenges.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



### **Briefing Paper**

**Date:** September 13, 2018

**Agenda Item 8 (C)**

**Prepared for:** PTBC Members

**Prepared by:** April Beauchamps

**Subject:** Outreach Report

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### **Purpose:**

To provide PTBC's Outreach activities and statistics for Apr – Jun (Q4), CY 2017/18.

**Attachments:** [1. Website Statistics](#)  
[2. Facebook Statistics](#)

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### **Background:**

The PTBC Outreach Report is a quarterly review of the Website and Facebook activities and analysis of those activities for the current fiscal year in comparison to the previous fiscal year. The website statistics is collected from Google Analytics, and Facebook statistics is collected directly from the "insight reports" from Facebook; and, generated by PTBC staff on a quarterly basis: Jul - Sep (Q1), Oct-Dec (Q2), Jan-Mar (Q3) and Apr- Jun (Q4).

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### **Program Updates:**

The PTBC previously reported its outreach efforts remained minimal due to staffing shortfalls within its Administrative Services Program. This quarter, the PTBC began the recruitment process to backfill the outreach position. The PTBC will continue its outreach efforts with the current resources available.

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### **Analysis:**

#### Website

The PTBC had 219,146 web-hits through its home page tabs, resulting in an 11% decrease over last fiscal year (Q4). The "Laws" section had the most significant decrease compared to prior fiscal year (Q4) of a 36% decrease.

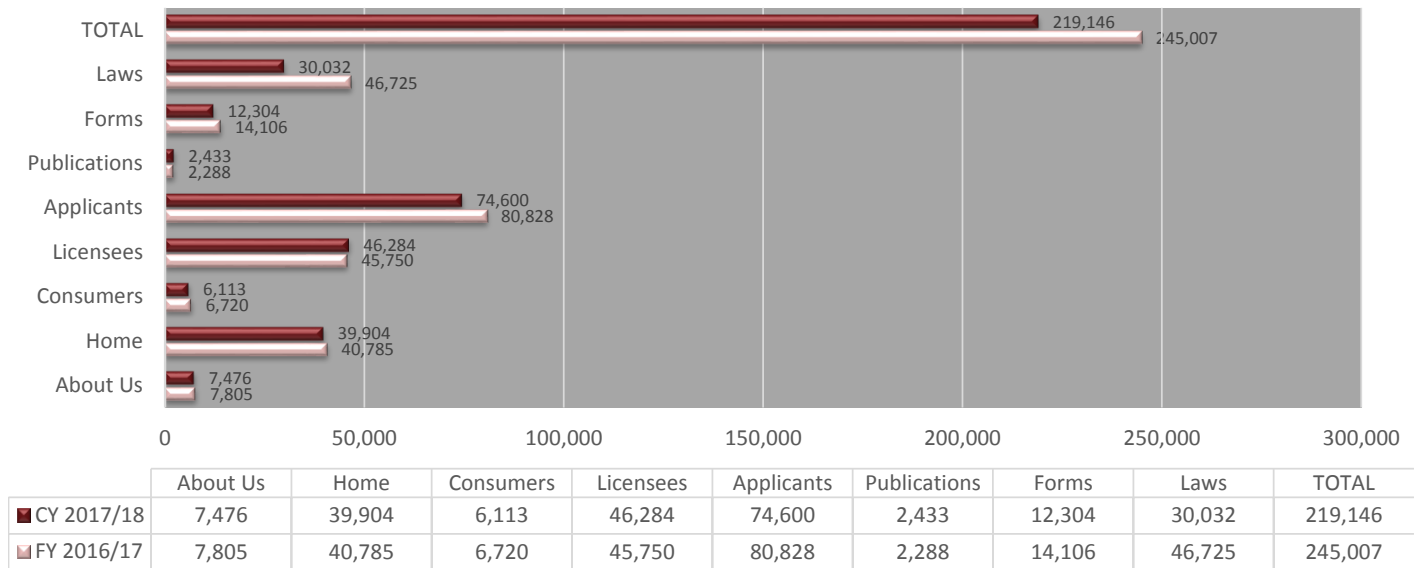
#### Facebook

The PTBC had 37,461 people access (traffic) our page and we received 84 "likes". In comparison to last fiscal year (Q4), the traffic increased 147%. The most significant increases in activities over last fiscal year (Q4) was our "Consumers" showing an overall 845% increase and our "Engaged Users" showing an overall 655% increase. There was no decrease in activities.

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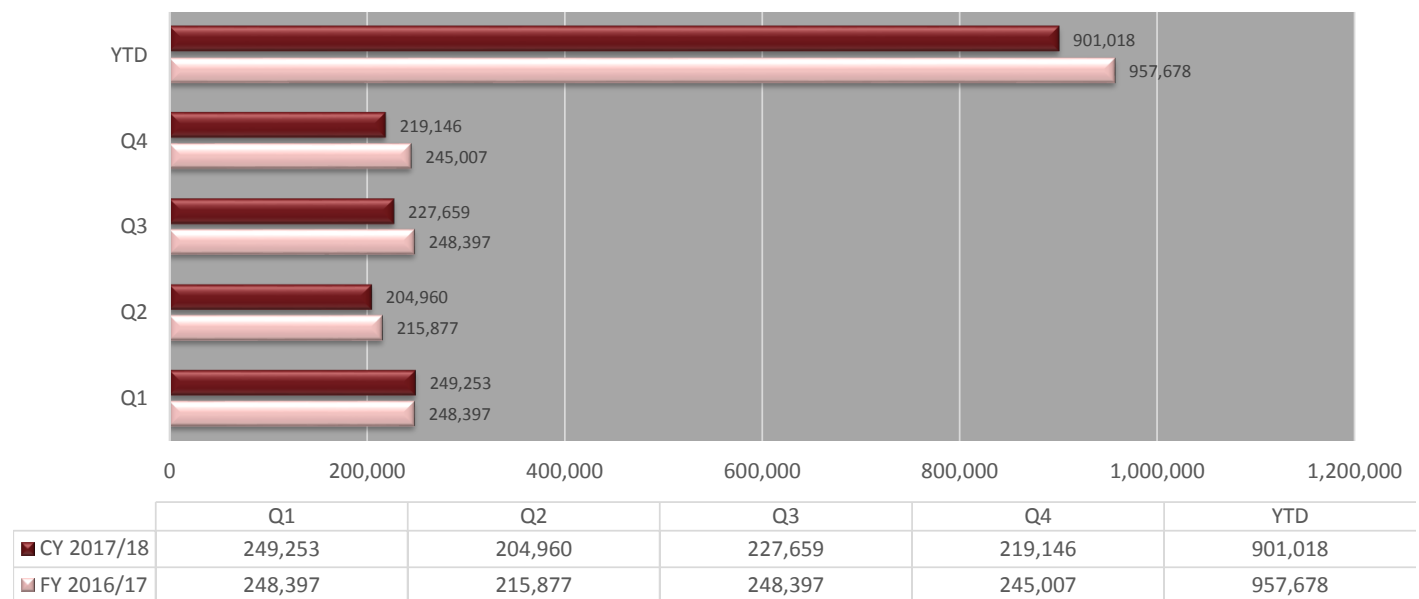
**Action:** No action requested.

### Website Activity (Quarterly)

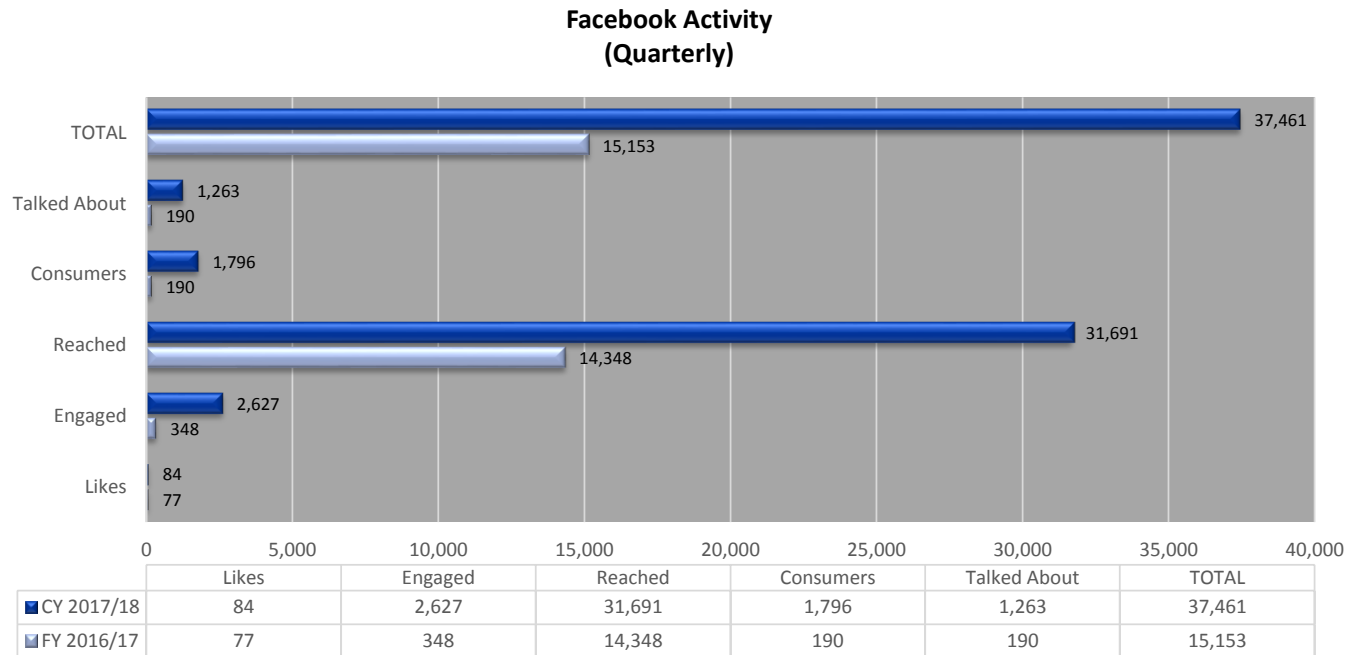


The graph reveals an 11% decrease in website hits during Q4, over previous fiscal year (16/17).

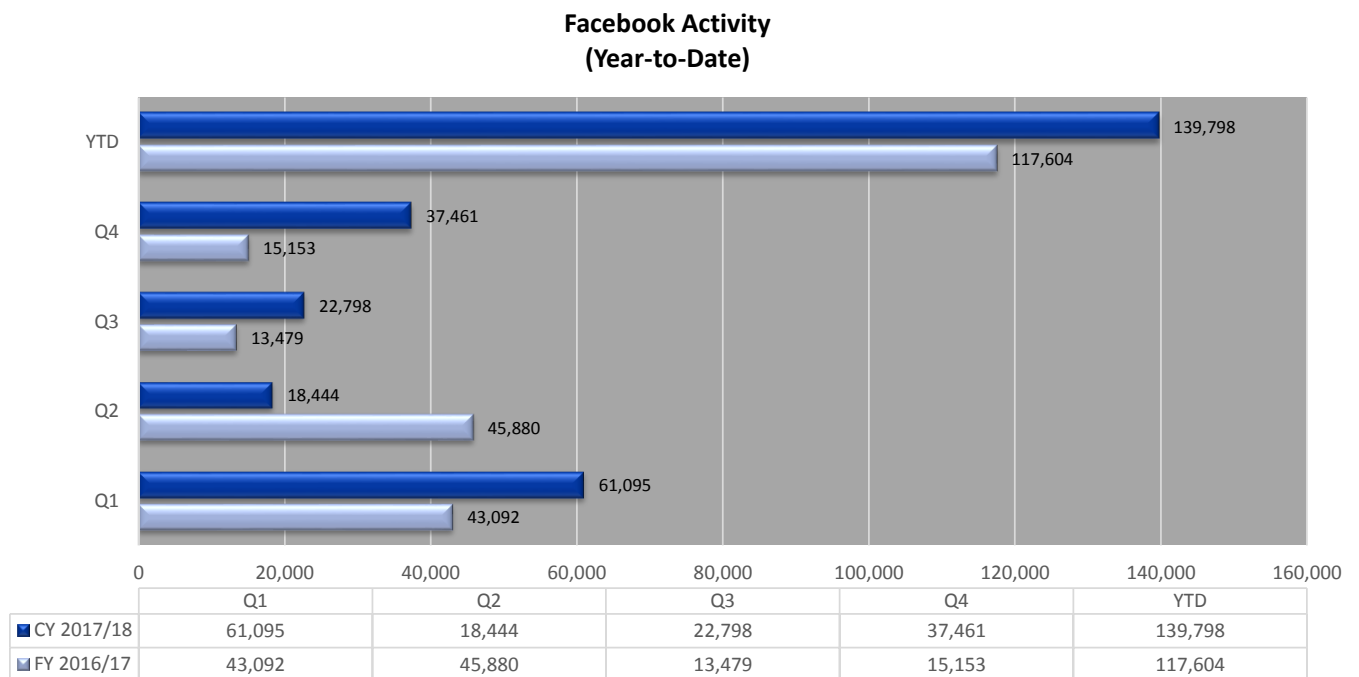
### Website Activity (Year-to-date)



The graph reveals an overall 6% decrease in website hits over fiscal year (16/17) year-to-date.



The graph reveals a 121% increase in "Consumers" during Q4 over previous fiscal year (16/17).



The graph reveals Q4 showing an overall increase of 147% over fiscal year (16/17) year-to-date.



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### **Briefing Paper**

Date: August 16, 2018  
Prepared for: PTBC Members  
Prepared by: Brooke Arneson  
Subject: Legislation Report

### **Agenda Item 16**

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#### **Purpose:**

To provide an update on the 2017/18 Legislative session.

**Attachments:** [1. 2018 Legislative Calendar](#)  
[2. Definition of the Board's Legislative Positions](#)  
[3. 2017/18 Legislative Summary](#)

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#### **Background and Update:**

The 2018 Legislative calendar is included in the meeting materials for your reference, along with a copy of the Board's Legislative positions taken from the PTBC's Board Member Administrative Manual.

As noted on the calendar, the legislature reconvened from Summer Recess on August 6th. August 24<sup>th</sup> is the last day to amend bills on the floor and August 31<sup>st</sup> is the last day for each house to pass bills. September 30<sup>th</sup> is the last day for the Governor to sign or veto bills passed by the Legislature before September 1<sup>st</sup> and in the Governor's possession after September 1<sup>st</sup>. All statutes will take effect January 1, 2019.

In addition, a 2017/18 Legislative summary is included which notes all bills from the current Legislative session that could potentially impact Physical Therapy practice, regulation or the operation of the Physical Therapy Board.

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#### **Action Requested:**

No action is needed. This Legislative report is for informational purposes only.

2018 TENTATIVE LEGISLATIVE CALENDAR  
COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK  
Revised 9-20-17

JANUARY							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Wk. 3	14	15	16	17	18	19	20
Wk. 4	21	22	23	24	25	26	27
Wk. 1	28	29	30	31			

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
Wk. 4	18	19	20	21	22	23	24
Wk. 1	25	26	27	28			

MARCH							
	S	M	T	W	TH	F	S
Wk. 1					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
Wk. 4	18	19	20	21	22	23	24
Spring Recess	25	26	27	28	29	30	31

APRIL							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30					

MAY							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
No Hrgs.	27	28	29	30	31		

DEADLINES

- Jan. 1Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 15Martin Luther King, Jr. Day.
- Jan. 19Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 16Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 19Presidents' Day.

- Mar. 22**Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 30Cesar Chavez Day observed.

- Apr. 2Legislature reconvenes from Spring Recess (J.R. 51 (b)(1)).

- Apr. 27Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

- May 11Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 18Last day for **policy committees** to meet prior to June 4 (J.R. 61(b)(7)).
- May 25Last day for **fiscal committees** to hear and report to the **Floor** bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 4 (J.R. 61 (b)(9)).
- May 28Memorial Day.
- May 29 – June 1**Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).

\*Holiday schedule subject to final approval by Rules Committee.



2018 TENTATIVE LEGISLATIVE CALENDAR
COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 9-20-17

Table with 8 columns (Day of week) and 6 rows (Weeks) for the month of June.

- June 1 Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- June 4 Committee meetings may resume (J.R. 61(b)(12)).
- June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).
- June 28 Last day for a legislative measure to qualify for the Nov. 6 General Election ballot. (Elec. Code Sec. 9040)
- June 29 Last day for policy committees to hear and report fiscal bills to fiscal committees (J.R. 61(b)(13)).

Table with 8 columns (Day of week) and 7 rows (Weeks) for the month of July.

- July 4 Independence Day.
- July 6 Last day for policy committees to meet and report bills (J.R. 61(b)(14)). Summer Recess begins on adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

Table with 8 columns (Day of week) and 7 rows (Weeks) for the month of August.

- Aug. 6 Legislature reconvenes from Summer Recess (J.R. 51(b)(2)).
- Aug. 17 Last day for fiscal committees to meet and report bills (J.R. 61(b)(15)).
- Aug. 20 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).
- Aug. 24 Last day to amend on Floor (J.R. 61(b)(17)).
- Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)). Final Recess begins on adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

- 2018
Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).
- Oct. 1 Bills enacted on or before this date take effect January 1, 2019 (Art. IV, Sec. 8(c)).
- Nov. 6 General Election.
- Nov. 30 Adjournment sine die at midnight (Art. IV, Sec. 3(a)).
- Dec. 3 2019-20 Regular Session convenes for Organizational Session at 12 noon (Art. IV, Sec. 3(a)).
- 2019
Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

**Legislation - Definition of the  
Positions Taken by the Physical  
Therapy Board Regarding  
Proposed Legislation**

*(Board Policy)*

The Board will adopt the following positions regarding pending or proposed legislation.

**Oppose:** The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony and other action necessary to communicate the oppose position taken by the Board.

**Oppose, unless amended:** The Board will take an opposed position and actively lobby the legislature to amend the proposed legislation.

**Neutral:** The Board neither supports nor opposes the addition/amendment/repeal of the statutory provision(s) set forth by the bill.

**Watch:** The watch position adopted by the Board will indicate interest regarding the proposed legislation. The Board staff and members will closely monitor the progress of the proposed legislation and amendments.

**Support, if amended:** The Board will take a supportive position and actively lobby the legislature to amend the proposed legislation.

**Support:** The Board will actively support proposed legislation and demonstrate support through letter, testimony and any other action necessary to communicate the support position taken by the Board.

Bill	Author	Summary	Board's Position	Status	
<a href="#"><b>AB 2078</b></a> (Introduced 2/7/18)  <a href="#">Bill Analysis</a>  <a href="#">Bill Text</a>	Daly	<p><b>Sex Offenses: Professional Services</b></p> <p>Under existing law, a person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery punishable by imprisonment in a county jail for not more than one year or in the state prison for 2, 3, or 4 years, and a fine not to exceed \$10,000. Under existing law, the crimes of rape, sodomy, oral copulation, and sexual penetration, when the victim was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration or oral copulation served a professional purpose, are punishable by imprisonment in the state prison for 3, 6, or 8 years. This bill would expand the crime of sexual battery to apply to a person who performs professional services that entail having access to another person's body and who touches an intimate part of that person's body while performing those services, and the touching was against the person's will and for the purpose of sexual arousal, sexual gratification, or sexual abuse. The bill would expand the definitions of each of the crimes of rape, sodomy, oral copulation, and sexual penetration to include any of those crimes performed against a victim's will by a professional whose services</p>	No Position	5/30/18  6/7/18  6/20/18  6/21/18  8/6/18  8/16/18	Senate. Pending Referral  Referred to Comm.  From Committee: Amen, do pass as amended – re-refer.  Read 2 <sup>nd</sup> Time and amended. Re-referred to Comm on APPR.  In Committee: Referred to APPR. Suspense file.  In Committee: Held under submission.

		entail having access to the victim's body, if the conduct is performed by the professional while performing those services. By expanding the scope of these crimes, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.			
<a href="#"><b>AB 2138</b></a> (Amended 5/25/18)  <a href="#">Bill Analysis</a>  <a href="#">Bill Text</a>  <a href="#">Letter of Opposition</a>	Chiu and Low	<b>Licensing Boards: Denial of Application: Criminal Conviction</b> This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding 5 years, except for violent felonies, and would require the crime to be directly and adversely related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has made a showing of rehabilitation, if the person has been granted clemency	Opposed	5/31/18  6/4/18  6/13/18  6/19/18  6/20/18  6/26/18	Senate. Pending Referral.  In Senate. Read 1 <sup>st</sup> Time. To Comm. On RLS for assignment.  Referred to Coms. On B.P. &E.D. and PUB.S.  From Committee: Do pass and re-refer to Comm. On PUB.S. (6-3 vote) Re-referred to Comm on PUB.S.  From Committee Chair, w/ Author's amendments: Amend, and re-refer to Comm. Read 2 <sup>nd</sup> Time, amended, re-referred to Comm on PUB.S.  From Committee: Do pass and re-refer to Comm on APPR. (4-2 Vote) Re-referred to

		or a pardon, or if an arrest resulted in a disposition other than a conviction. The bill would provide that these provisions relating to denial, revocation, or suspension of a license would supersede contradictory provisions in specified existing law. The bill would require the board to develop criteria for determining whether a crime is directly and adversely related to the qualifications, functions, or duties of the business or profession. The bill would require a board to find that a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information. This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed. This bill would instead prohibit a board from taking disciplinary action against a licensee or denying a license for professional misconduct if the licensee has successfully completed certain diversion programs or alcohol and drug problem assessment programs or deferred entry of judgment. This bill would additionally authorize a board to grant the license and immediately issue a public reproval. The bill would limit probationary terms or restrictions placed on a license by a board to 2 years or less and would authorize additional conditions to be imposed only if the board determines that		8/6/18	Comm. On APPR.  In Committee: Referred to APPR. Suspense file.
				8/17/18	From Committee: Do pass (5-2 Vote)
				8/17/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/24/18	Read 3 <sup>rd</sup> Time and amended. Ordered to 2 <sup>nd</sup> reading.
				8/27/18	Read 2 <sup>nd</sup> Time and ordered to 3 <sup>rd</sup> reading.
				8/28/18	Read 3 <sup>rd</sup> and passed. Ordered to Assembly.
				8/28/18	In Assembly: Concurrence in Senate amendments pending. Consider on/after 8/30/18 pursuant to Assembly Rule 77.
				8/29/18	Assembly Rule 77 suspended.

		there is clear and convincing evidence that additional conditions are necessary to address a risk shown by clear and convincing evidence. The bill would require a board to develop criteria to aid it in considering the imposition of probationary conditions and to determine what conditions may be imposed. The bill would authorize a licensee or registrant whose license or registration has been placed on probation to petition the board for a change to that probation one year from the effective date of the board's decision, would require the board to issue a decision on the petition within 90 days, and would deem the petition granted if the board does not file a decision denying the petition within 90 days.			
<a href="#">AB 2221</a> (Amended 4/5/18)  <a href="#">Bill Analysis</a>  <a href="#">Bill Text</a>	Bloom	<b>Occupational Therapy Practice Act</b> Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of the practice of occupational therapy by the California Board of Occupational Therapy. Existing law defines the "practice of occupational therapy" and specifies that occupational therapy services encompass occupation therapy, assessment, treatment, education, and consultation with individuals referred for those services after diagnosis of a disease or disorder. Existing law prohibits a person from practicing occupational therapy without being licensed under the act and makes a violation of that prohibition a crime. This bill would instead define "occupational therapy" for purposes of the act, and would make conforming changes. The bill would also eliminate the reference to a referral after diagnosis in the description of	No Position	5/30/18  6/7/18  6/11/18  6/28/18  7/2/18  8/6/18  8/7/18	Senate. Pending Referral  Referred to Comm. On B., P. & E.D.  From Committee Chair, w/ Author's amendments: Amend, re-refer to Comm. Read 2 <sup>nd</sup> Time, amended, and re-referred to Comm. On B., P. & E.D.  From Committee: Amend, do pass as amended and re-refer to Comm on APPR. (9-0 Vote) in favor.  Read 2 <sup>nd</sup> Time and amended. Re-referred to Comm on APPR.  From Committee: Be ordered to 2 <sup>nd</sup> reading pursuant to Senate Rule 28.8.  Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup>

		<p>occupational therapy services. By expanding the scope of a crime, the bill would impose a state-mandated local program. Existing law defines the term “occupational therapist” and specifies that only the occupational therapist is responsible for the occupational therapy assessment of a client and the development of an occupational therapy plan of treatment.</p> <p>This bill would eliminate that limitation and instead specify that the occupational therapist directs the evaluation process and develops the intervention plan. Existing law requires the occupational therapy board to ensure proper supervision of occupational therapy assistants and aides and allows an occupational therapist to supervise no more than 2 occupational therapy assistants at any one time. Existing law provides for aides to be supervised by occupational therapists or occupational therapy assistants and defines the term “aide” for purposes of the act to mean an individual who provides supportive services to an occupational therapist.</p> <p>This bill would increase the number of occupational therapy assistants an occupational therapist may supervise to 3. This bill would also revise the definition of “aide” to conform to the authority for an aide to also be supervised by an occupational therapy assistant. The bill would specify that the occupational therapist is responsible for the overall use and actions of the aide.</p> <p>Existing law authorizes an occupational therapist to provide advanced practices if the therapist, among other things,</p>		<p>8/14/18</p> <p>8/15/18</p> <p>8/20/18</p> <p>8/21/18</p> <p>8/24/18</p> <p>8/27/18</p> <p>8/29/18</p> <p>8/29/18</p>	<p>reading.</p> <p>Read 3<sup>rd</sup> Time and amended. Order to 2<sup>nd</sup> reading.</p> <p>Read 2<sup>nd</sup> Time. Ordered to 3<sup>rd</sup> reading.</p> <p>Read 3<sup>rd</sup> Time and amended. Ordered to 2<sup>nd</sup> reading.</p> <p>Read 2<sup>nd</sup> Time. Ordered to 3<sup>rd</sup> reading.</p> <p>Read 3<sup>rd</sup> Time and amended. Ordered to 2<sup>nd</sup> reading.</p> <p>Read 2<sup>nd</sup> Time. Ordered to 3<sup>rd</sup> reading.</p> <p>Read 3<sup>rd</sup> Time and Passed. Ordered to Assembly.</p> <p>In Assembly: Concurrence in Senate amendments pending.</p>
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		<p>has demonstrated to the board that he or she has met educational training and competency requirements. This bill would require the therapist to attest to the board under penalty of perjury, rather than demonstrate to the satisfaction of the board, that he or she has met educational training and competency requirements. The bill would authorize periodic compliance audits of attestations submitted to the board. By expanding the crime of perjury, the bill would impose a state-mandated local program.</p> <p>Existing law requires an occupational therapist providing hand therapy services or using physical agent modalities to demonstrate to the satisfaction of the board that he or she has completed post professional education and training in specified areas.</p> <p>This bill would eliminate the post professional limitation.</p> <p>Existing law requires an applicant for an occupational therapist license to, among other things, complete a specified educational program and pass a specified examination. Existing law requires the board to approve the examinations for licensure and also authorizes the board to adopt rules relating to professional conduct to carry out the purposes of the act. Existing law requires the curriculum for an educational program for occupational therapists to contain the content required or approved by specified organizations, and specifies a list of subjects that must be included in the program. This bill would delete that list of subjects. The bill would also delete the requirement that authorize, rather than</p>			
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		<p>require, the board to approve licensure examinations and would authorize the board to adopt rules necessary to effectuate the purpose of the act. Existing law authorizes the board to establish and require the satisfactory completion of continuing competency requirements as a condition of renewal of a license. The bill would instead require the board to do so, and would authorize only a portion of continuing competence requirements to be fulfilled through competency assessment activities performed in the context of a broader professional development plan. The bill would also provide a definition for the term “continuing competence.” Existing law prohibits a person from using specified professional abbreviations and terms intended to represent that the person is authorized to practice occupational therapy or assist in the practice of occupational therapy unless the person is licensed to practice as an occupational therapist or occupational therapy assistant. This bill would revise the list of abbreviations and terms that may not be used without a license. The bill would also delete provisions authorizing terms and abbreviations that may be used by a licensee who has earned a doctoral degree in occupational therapy or in a related area of practice or study. The bill would replace references to “patient” with “client” throughout the act and would enact other related provisions. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory</p>			
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		provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.			
<a href="#">AB 2386</a> (Amended 5/1/18)  <a href="#">Bill Text</a>	Rubio	<b>Teacher Credentialing: Services Credential with a Specialization in Occupational Therapy or Physical Therapy Services</b> (1) Existing law requires the Commission on Teacher Credentialing to, among other things, establish professional standards, assessments, and examinations for entry and advancement in the education profession and to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law sets forth the minimum requirements for a services credential with a specialization in health and excludes services as an occupational therapist or physical therapist from the health services the holder of a services credential with a specialization in health is authorized to perform. This bill would require the commission to develop a services credential with a specialization in occupational therapy or physical therapy services and would establish the minimum requirements for the credential, as provided. The bill would require the commission to determine the effective date of the credential and would authorize, on that date, any person with at least 5 years of experience providing occupational therapy or physical therapy	No Position.	5/25/18	Held Under Submission. Assembly Appropriations Committee.

		<p>services in a public school setting to apply for the credential if that person satisfies specified conditions.</p> <p>(2) Existing law specifies the minimum requirements for the preliminary services credential with a specialization in administrative services, which include, among other requirements, possession of one of various types of credentials. This bill would provide that possession of the services credential with a specialization in occupational therapy or physical therapy services satisfies that requirement.</p>			
<p><b><a href="#">AB 2423</a></b> (Amended 4/9/18)</p> <p><b><a href="#">Bill Analysis</a></b></p> <p><b><a href="#">Bill Text</a></b></p> <p><b><a href="#">Letter of Support</a></b></p>	Holden	<p><b>Physical Therapists: Direct Access to Services: Plan of Care Approval.</b></p> <p>The Physical Therapy Practice Act creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. The act makes it a crime to violate any of its provisions.</p> <p>The act authorizes a patient to access physical therapy treatment directly from a licensed physical therapist if the treatment is within the scope of practice of physical therapists and prescribed conditions are met, including a treatment limit prohibiting the physical therapist from continuing treatment beyond 45 calendar days or 12 visits, whichever occurs first, without receiving specified doctor approval of the physical therapist's plan of care. The act exempts from that plan of care approval condition for continuing treatment the provision of certain wellness physical therapy services to a patient. This bill would also exempt from that condition the provision of physical therapy services as part of an individualized education plan pursuant to specified state statutes and the federal Individuals with Disabilities Education Act to an</p>	Support	<p>5/31/18</p> <p>6/4/18</p> <p>6/13/18</p> <p>6/27/18</p> <p>6/28/18</p> <p>8/6/18</p> <p>8/7/18</p> <p>8/24/18</p> <p>8/27/18</p>	<p>Senate. Pending Referral.</p> <p>In Senate: Read 1<sup>st</sup> Time. To Comm on RLS for assignment.</p> <p>Referred to Comm on B., P. &amp;E.D.</p> <p>From Committee: Amend, do pass as amended and re-refer to Comm on APPR. (9-0 Vote)</p> <p>Read 2<sup>nd</sup> Time and amended. Re-referred to Comm on APPR.</p> <p>From Committee: Be ordered to 2<sup>nd</sup> reading pursuant to Senate Rule 28.8</p> <p>Read 2<sup>nd</sup> Time. Ordered to 3<sup>rd</sup> reading.</p> <p>Read 3<sup>rd</sup> Time and amended. Ordered to 2<sup>nd</sup> reading.</p> <p>Read 2<sup>nd</sup> Time. Ordered to 3<sup>rd</sup> reading.</p>

		individual who does not have a medical diagnosis.		8/29/18  8/29/18	Read 3 <sup>rd</sup> Time and passed. Ordered to Assembly.  In Assembly: Concurrence in Senate amendments pending.
<a href="#"><b>AB 3013</b></a> (Amended 4/17/18) <a href="#">Bill Text</a>	Chu Coauthor: Limón	<b>Veterinary Medicine: Animal Physical Rehabilitation</b> This bill would authorize a licensed physical therapist with an advanced certificate in animal physical rehabilitation to provide animal physical rehabilitation to an animal if certain conditions are met, including that the animal physical rehabilitation is performed on a veterinary premise registered with the Veterinary Medical Board, an animal rehabilitation facility registered with the Veterinary Medical Board, or a range setting. The bill would define an animal rehabilitation facility and would require an animal rehabilitation facility to register with the Veterinary Medical Board and pay specified registration fees. The bill would require the Veterinary Medical Board to create an application and determine the application process for the certificate. The bill would require the Veterinary Medical Board and the Physical Therapy Board of California, in cooperation, to determine the qualifications necessary for a physical therapist to receive the advanced certificate issued by the Veterinary Medical Board and would authorize the Veterinary Medical Board to charge a fee for issuance and renewal of the advanced certificate. The bill would provide that a physical therapist with an advanced certificate in animal physical rehabilitation is solely liable for any rehabilitation provided under the	No Position	5/25/18	Held Under Submission. Assembly Appropriations Committee.

		certificate. The bill would also redefine physical therapy to include the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of an animal if practicing under the above-described advanced certificate.			
<a href="#"><b>AB 3110</b></a> (Introduced 5/25/18)  <a href="#"><b>Bill Analysis</b></a>	Mullin Coauthors: Berman and Calderon	<b>Athletic Trainers</b> This bill would enact the Athletic Training Practice Act, which would establish the Athletic Trainer Board, until January 1, 2025, within the Department of Consumer Affairs to exercise licensing, regulatory, and disciplinary functions under the act. On or after January 1, 2021, the bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being registered with the board, except as specified. The bill would define the practice of athletic training, and would specify requirements for registration as an athletic trainer, including graduating from a professional degree program in athletic training, and would require a registrant to render athletic training services only pursuant to orders from and under the supervision of a physician and surgeon or osteopathic physician and surgeon. The bill would provide that a registration to practice as an athletic trainer would be valid for 2 years and subject to renewal, would authorize the board to deny or revoke a registration for specified reasons, and would establish procedures for the referral of complaints. The bill would specify acts that constitute unprofessional conduct and would make it a misdemeanor for any person to violate the act. The bill would establish the Athletic Trainers' Fund for the deposit of application and renewal fees, as specified, and would make those	No Position	5/31/18  6/4/18  6/13/18  6/20/28  6/26/18  8/6/18  8/6/18  8/13/18  8/16/18	Senate. Pending Referral.  In Senate: Read 1 <sup>st</sup> Time. To Comm on RLS. For assignment.  Referred to Comm on B., P. &E.D.  From Committee Chair, w/ Author's amendments: Amend, re-refer to Comm. Read 2 <sup>nd</sup> Time, amended, and re-referred to Comm on B., P. &E.D.  From Committee: Do pass and re-refer to Comm on APPR (6-2 Vote). Re-referred to Comm on APPR.  From Committee Chair, w/ Author's amendments: Amend, and re-refer to comm. Read 2 <sup>nd</sup> Time, amended, and re-referred to Comm on APPR.  In Committee: Hearing postponed by Comm.  In Committee: Referred APPR. Suspense file.  In Committee: Held under submission.

		<p>fees available to the board for the purpose of implementing these provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association or any other private person or entity or to obtain loans from existing state funds, as specified, for purposes of obtaining funds for the startup costs of implementing the act. By creating a new crime, and expanding the crime of perjury, this bill would impose a state-mandated local program.</p> <p>Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.</p> <p>The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.</p> <p>This bill would provide that no reimbursement is required by this act for a specified reason.</p>			
<p><b><a href="#">SB 1298</a></b> (Amended 4/4/18)</p> <p><b><a href="#">Bill Text</a></b></p>	Skinner	<p><b>The Increasing Access to Employment Act</b></p> <p>This bill would, among other provisions, prohibit the Department of Justice (DOJ) from reporting specified records within a person's state summary criminal history information to specified requesters for employment, licensing, or certifying purposes and would require DOJ to provide the subject of the information with a copy of the summary information and at least five days to challenge its accuracy before releasing it to the</p>	No Position	5/25/18	Held Under Submission. Senate Appropriations Committee.

		requester			
<a href="#">SB 1448</a> (Amended 5/25/18)  <a href="#">Bill Analysis</a>  <a href="#">Bill Text</a>	Hill	<b>Healing Arts Licensees: Probation Status: Disclosure</b> This bill would This bill, on and after July 1, 2019, would require the California Board of Podiatric Medicine, the Naturopathic Medicine Committee, the State Board of Chiropractic Examiners, and the Acupuncture Board to require a licensee to provide a separate disclosure, as specified, to a patient or a patient's guardian or health care surrogate before the patient's first visit if the licensee is on probation pursuant to a probationary order made on and after July 1, 2019. The bill, on and after July 1, 2019, would require the Medical Board of California and the Osteopathic Medical Board of California to require a licensee to provide a separate disclosure, as specified, to a patient or a patient's guardian or health care surrogate before the patient's first visit if the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, under specified circumstances. The bill would also require the California Board of Podiatric Medicine, the Naturopathic Medicine Committee, the State Board of Chiropractic Examiners, the Acupuncture Board, the Medical Board of California, and the Osteopathic Medical Board of California to provide specified information relating to licensees on probation on the regulatory entity's online license information Internet Web site.	No Position	5/31/18	Assembly. Pending Referral.
				6/11/18	Referred co Comm. On B&P.
				6/11/18	From Committee w/Author's amendments. Read 2 <sup>nd</sup> Time and amended. Re-referred to Comm on B&P.
				6/19/18	
				8/8/18	Set for 1 <sup>st</sup> Hearing. Placed on suspense file.
				8/16/18	From Committee: Do pass.
				8/20/18	Read 2 <sup>nd</sup> Time. Ordered to 3 <sup>rd</sup> reading.
				8/23/18	Read 3 <sup>rd</sup> Time and amended.
				8/23/18	Ordered to 3 <sup>rd</sup> reading.



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov)



### **Briefing Paper**

**Date:** August 16, 2018

**Agenda Item 17**

**Prepared for:** PTBC Members

**Prepared by:** Brooke Arneson

**Subject:** Rulemaking Report

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**Purpose:** To update the Board on the status of proposed rulemaking in progress and to provide an update on the rulemaking process.

**Attachments:** [1. 2017/18 Rulemaking Tracking Form](#)  
[2. Updated DCA Rulemaking Process](#)

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### **Background:**

At the November 2017 meeting, the Board adopted the 2018 Rulemaking Calendar as required by Government Code (GC) § 11017.6. The rulemaking calendar prepared pursuant to this section sets forth the Board's rulemaking plan for the year and is published by the Office of Administrative Law (OAL) in the California Regulatory Notice Register (Notice Register); the Notice Register is available on OAL's website: [http://www.oal.ca.gov/Notice\\_Register.htm](http://www.oal.ca.gov/Notice_Register.htm)

From the 2018 Rulemaking Calendar, staff developed a rulemaking tracking form on which all rulemaking progress is noted and reported to the Board at its quarterly meetings.

Effective September 7, 2016 all regulatory packages must be submitted to the Department of Consumer Affairs for Business, Consumer Services, and Housing Agency (Agency) review, prior to publicly noticing with the Office of Administrative Law (OAL). A copy of the current DCA Rulemaking process is included.

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### **Action Requested:**

No action is requested on presentation of the rulemaking report.



## 2018 Rulemaking Tracking Form

### Satisfactory Documentary Evidence of Equivalent Degree for Licensure as a Physical Therapist or Physical Therapist Assistant/Coursework Tool



11/28/2016

5/25/17

11/15/2017

**OAL No.:**

**Notes:**

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017. This regulation was also placed on the 2017 Rulemaking Calendar. Proposed regulatory language was presented at the May 2017 Board Meeting. PTBC staff and DCA legal are working on preparing the initial rulemaking package for completing the new review process implemented by DCA.

### Examination Passing Standard/Setting Examination Score



11/28/2016

5/25/17

5/25/17

11/15/2017

**OAL No.:**

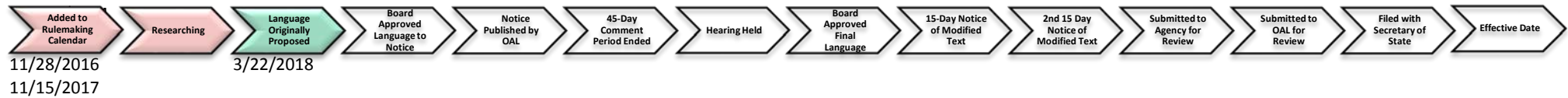
**Notes:**

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017. This regulation was also placed on the 2017 Rulemaking Calendar. Proposed regulatory language was presented at the May 2017 Board Meeting. The Board approved the proposed language and directed PTBC staff to initiate the formal rulemaking process. PTBC are in the process of incorporating DCA Legal's edits and will be presenting the edited language to the Board for it's approval, at a later meeting.

*Teal: Current Status Burgundy: Completed*

## 2018 Rulemaking Tracking Form

### Disciplinary Guidelines

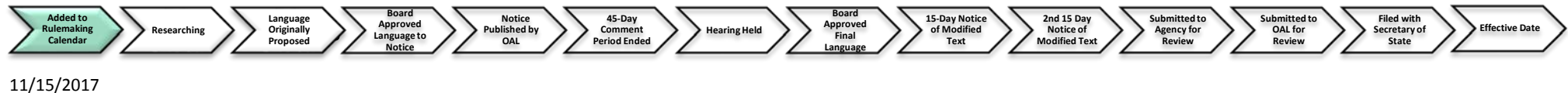


**OAL No.:**

**Notes:**

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017. This regulation was also placed on the 2017 Rulemaking Calendar. The Board approved the proposed language at the March 2017 meeting and directed PTBC staff to initiate the formal rulemaking process. Final language was approved at the March 2018 Board meeting. PTBC staff are finalizing the Notice and ISOR to send to DCA Legal for review.

### Continuing Competency



**OAL No.:**

**Notes:**

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

*Teal: Current Status Burgundy: Completed*

## 2018 Rulemaking Tracking Form

### License Renewal Exemptions: Retired License Status



11/15/2017

OAL No.:

Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

### Clinical Service Requirements for Foreign Educated Applicants



11/15/2017

OAL No.:

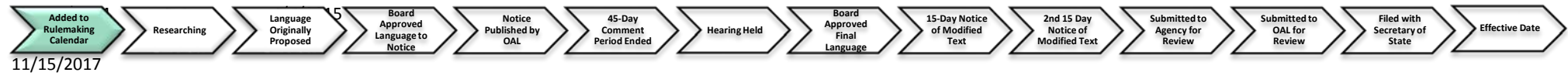
Notes:

Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017. PTBC staff will be working with DCA legal on providing the Board with language for Board consideration at a future meeting.

*Teal: Current Status Burgundy: Completed*

## 2018 Rulemaking Tracking Form

### Unprofessional Conduct



**OAL No.:**

**Notes:** Placed on the 2018 Rulemaking Calendar that was adopted at the Board meeting on November 15, 2017.

*Teal: Current Status Burgundy: Completed*

### Processing Times

- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The OAL issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Department of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

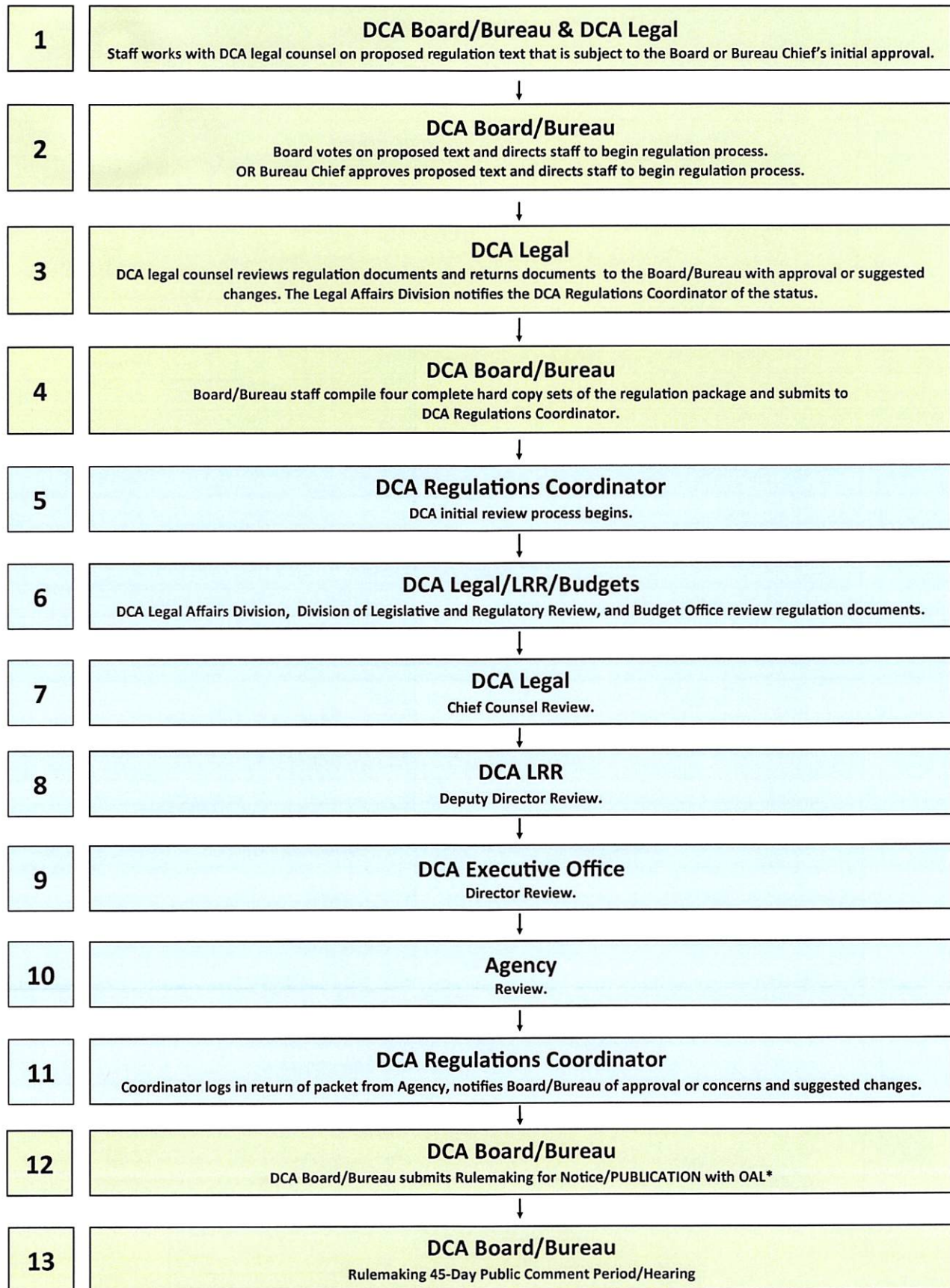
### Date Filed with the Secretary of State

### Effective Date

September 1 <sup>st</sup> – November 30 <sup>th</sup> .....	January 1 <sup>st</sup>
December 1 <sup>st</sup> – February 29 <sup>th</sup> .....	April 1 <sup>st</sup>
March 1 <sup>st</sup> – May 31 <sup>st</sup> .....	July 1 <sup>st</sup>
June 1 <sup>st</sup> – August 31 <sup>st</sup> .....	October 1 <sup>st</sup>

# REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

## INITIAL PHASE



### Legend

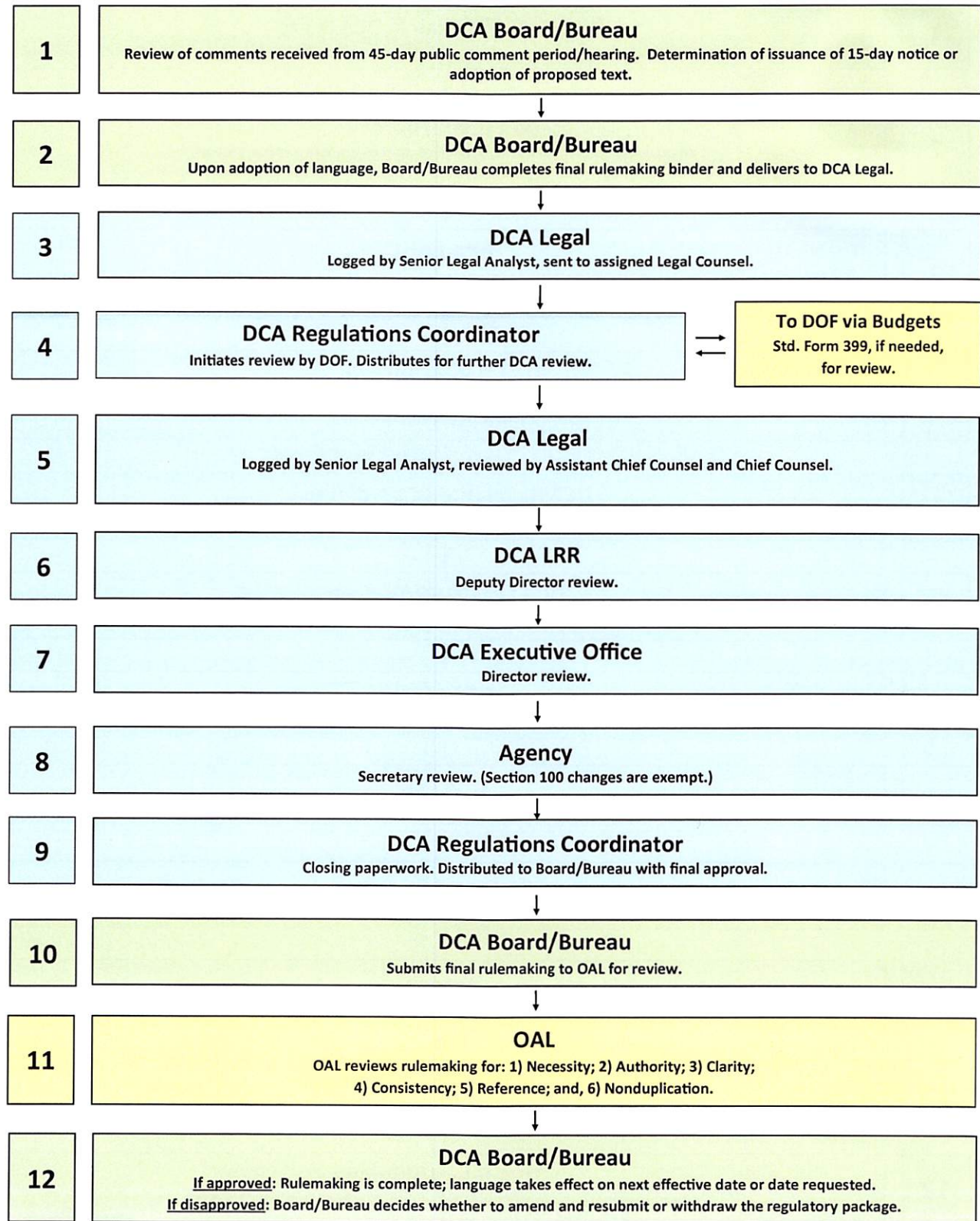
DCA – Department of Consumer Affairs  
LRR – Division of Legislative Regulatory Review  
OAL – Office of Administrative Law

\* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.



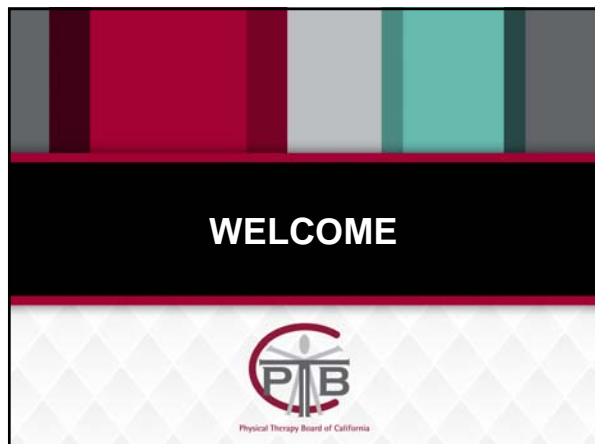
# REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

## FINAL PHASE



### Legend

DCA – Department of Consumer Affairs  
LRR – Division of Legislative Regulatory Review  
OAL – Office of Administrative Law  
DOF – Department of Finance  
Std. Form 399 – Economic and Fiscal Impact Statement



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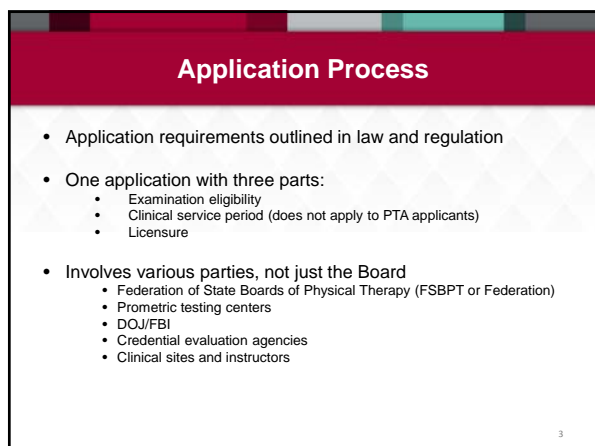
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### Application Process Activities

- Enter information into system
- Evaluate application and supporting documentation
- Eligibility
- Clinical service period
- License
- Emails
- Phone calls



Continuous

Applying to the PTBC

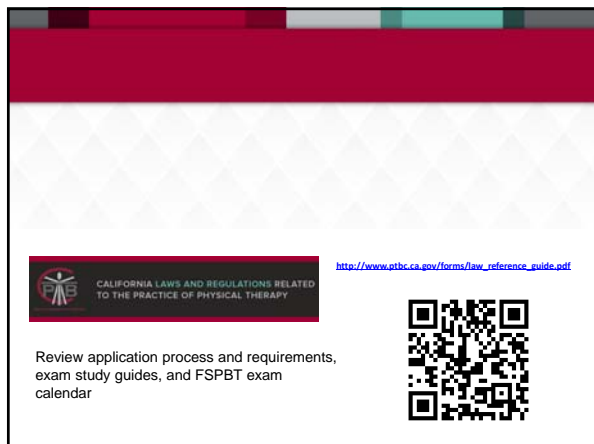
Exams

Clinical Service Period

Licensure

### General Application Process Information

- Preferred method of communication is email
- Application acknowledgement and evaluation follow payment processing
- Eligibility processed **after** application review
- Advise applicants to review all communication from the Board carefully, and respond to any requests for information ASAP



**CALIFORNIA LAWS AND REGULATIONS RELATED TO THE PRACTICE OF PHYSICAL THERAPY**

[http://www.ptbc.ca.gov/forms/law\\_reference\\_guide.pdf](http://www.ptbc.ca.gov/forms/law_reference_guide.pdf)

Review application process and requirements, exam study guides, and FSPBT exam calendar

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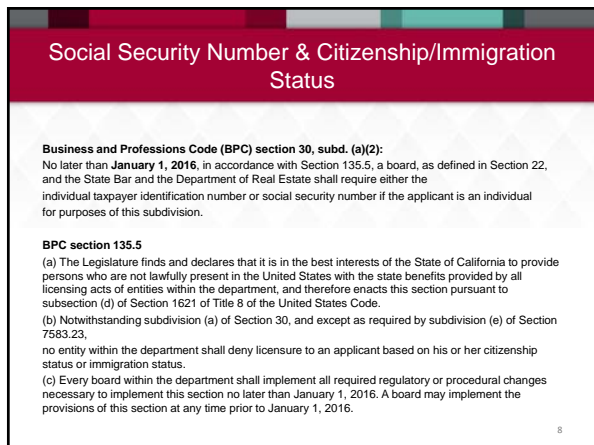
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### Social Security Number & Citizenship/Immigration Status

**Business and Professions Code (BPC) section 30, subd. (a)(2):**  
No later than **January 1, 2016**, in accordance with Section 135.5, a board, as defined in Section 22, and the State Bar and the Department of Real Estate shall require either the individual taxpayer identification number or social security number if the applicant is an individual for purposes of this subdivision.

**BPC section 135.5**  
(a) The Legislature finds and declares that it is in the best interests of the State of California to provide persons who are not lawfully present in the United States with the state benefits provided by all licensing acts of entities within the department, and therefore enacts this section pursuant to subsection (d) of Section 1621 of Title 8 of the United States Code.  
(b) Notwithstanding subdivision (a) of Section 30, and except as required by subdivision (e) of Section 7583.23, no entity within the department shall deny licensure to an applicant based on his or her citizenship status or immigration status.  
(c) Every board within the department shall implement all required regulatory or procedural changes necessary to implement this section no later than January 1, 2016. A board may implement the provisions of this section at any time prior to January 1, 2016.

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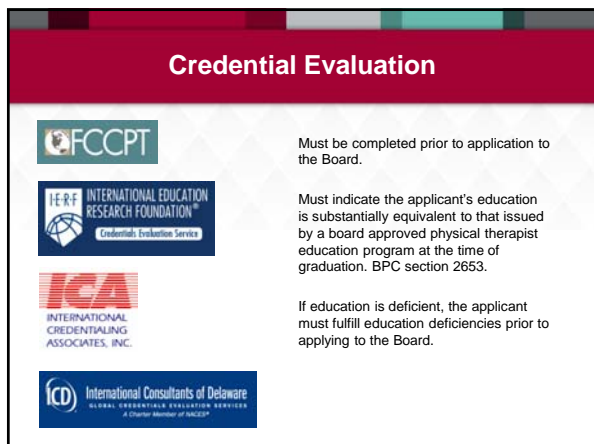
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### Credential Evaluation

**FCCPT**  
Must be completed prior to application to the Board.

**IERF**  
INTERNATIONAL EDUCATION RESEARCH FOUNDATION™  
Credentialed Evaluation Service  
Must indicate the applicant's education is substantially equivalent to that issued by a board approved physical therapist education program at the time of graduation. BPC section 2653.

**ICA**  
INTERNATIONAL CREDENTIALING ASSOCIATES, INC.  
If education is deficient, the applicant must fulfill education deficiencies prior to applying to the Board.

**ICD**  
International Consultants of Delaware  
GLOBAL CREDENTIALS EVALUATION SERVICES  
A Charter Member of FCCPT

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## TOEFL

- Required January 1, 2014 (*BPC section 2653*)
- Current score requirements July 1, 2017 (*CCR section 1398.26.3*)

Internet-Based TOEFL Section	Minimum Score
Reading	22
Listening	21
Writing	22
Speaking	24
<b>Total</b>	<b>89</b>

- Minimum score in each area must be obtained in a single administration.
- Score valid for two years.
- Exemption for applicants who received a Bachelor's degree or higher in physical therapy in specified countries added to BPC 2653 effective 1/1/2018.

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## Fingerprinting

- Do within 30 days of submitting application
- Use the Live Scan form on the PTBC's website
- Make sure the operator requests DOJ and FBI
  - If not, the PTBC cannot fix this - you will need to return to site
- Keep a copy for yourself and one for the Board
- You must fingerprint even if you've already fingerprinted for another reason
- Live Scan locations are available on the Office of the Attorney General's website

**Authority BPC 144**  
(a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

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### Application Photo



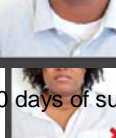
Unacceptable— Background is not white or off-white



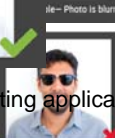
Unacceptable— Photo is blurred



Unacceptable— Image has "red eye"



Unacceptable— Full head not in photo



Unacceptable— Sunglasses are not allowed

Take within 30 days of submitting application

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### Reasonable Accommodations



- The Americans with Disabilities Act (ADA) requires the PTBC to make "reasonable accommodation" for applicants with disabilities in giving this examination.
- If you are a person with a disability which may affect your ability to take any portion of the examination, the ADA may require the PTBC to provide alternative examination arrangements. We are not required to do so if we are unaware of your need for alternatives.

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### Criminal History Records

Prepare to submit the following criminal history documents, if applicable:

- A descriptive written explanation of the circumstances surrounding the arrest. (i.e. dates and location of the incident and all circumstances surrounding the arrest.)
- Certified** copies of the arresting agency report including the arrest and crime investigation report.
- Certified** copies of court documents including the criminal complaint, plea and judgment, preliminary hearing transcript, probation report and court minutes.
- Copies of letters from substance related programs verifying successful completion or evidence of current participation of a personal recovery program (i.e. Alcoholics/Narcotics Anonymous) and any other recovery/support and relapse prevention group(s).
- Documentation of substance assessment discharge records, intake/exit interview and summaries of counselors notes, or similar type of evaluations from programs attended.
- Compliance letters from probation officer or any other court ordered program(s).

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## Register for NPTE & CLE

### Candidate Services

**Quick and easy access**

The PSBPT Exam Services website is a convenient, easy-to-use system that allows candidates to utilize the following services:

- **Add a Payment**  
Make a payment by credit card for an existing registration or service request.
- **Approve License/Status Renewal (LSD)**  
Candidates can renew their license or status online.
- **Exam Registration & Payment**  
Easy online registration for the NPTE and jurisprudence exams.
- **Exam Reschedule Request**  
Reschedule your registration prior to the end of your signing period.
- **Individual Exam Results**  
Receive a copy of your examination score for personal records.
- **NPTE Exam Score Verification**  
Independently verify your score.
- **NPTE Performance Feedback Report**  
Get a descriptive report on your performance to better understand your strengths and weaknesses.
- **Request Exam & Accommodations**  
Request for the NPTE by taking a short, computer-based, multiple-choice examination that closely resembles the NPTE.
- **Status of My Request**  
Check the status of your registration or requested service.
- **Update My Profile**  
Update your profile information as up-to-date.

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## Complete and submit application



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**Applying to the PTBC**

**Exams**

**Clinical Service Period**

**Licensure**

Prepare  
SSN or ITIN  
Credential Evaluation  
Fingerprint  
Photo  
Reasonable Accom.  
Criminal History Docs  
Register for Exams  
Submit App

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### Eligibility

- **Must pass both the NPTE and CLE prior to clinical service period.**
- **Board processes eligibility after application review**
  - Education verification comes with application
- **FSBPT Exam Alternate Pathway**
  - Like for graduates of CAPTE-accredited programs, California law prohibits participation.
  - Specifically for graduates of non-CAPTE-accredited programs located outside the U.S., effective for 2018 exam registration, education must be evaluated with current CWT6. California law provides applicant's education shall be evaluated for substantial equivalency at the time of graduation.

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### Exams

#### National Physical Therapy Exam

- ✓ 250 multiple-choice questions
- ✓ 5 hours
- ✓ 5 sections of 50 questions
- ✓ 50 questions don't count toward score
- ✓ Cost: \$400
- ✓ Attempts limited to 3x per 12-month period



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## Exams

### California Law Exam

- ✓ Tests knowledge of laws and regulations specific to physical therapy practice in California
- ✓ Continuous
- ✓ Can take before NPTE
- ✓ Costs: \$65 to the Federation, \$25 to Prometric
- ✓ Offered at Prometric testing centers nationwide
- ✓ Study guide offered by the Board



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## Exam Results

Obtain exam results on FSBPT's website only – the PTBC does not provide exam results.



Score reports are available 10 business days (2 weeks) after the exam. You may view your score report for free for 30 days.

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Applying to the PTBC	Exams	Clinical Service Period	Licensure
Prepare SSN or ITIN Credential Evaluation Fingerprint Photo Reasonable Accom. Criminal History Docs Register for Exams Submit App	Take before clinical NPTE CLE Scores from FSBPT		

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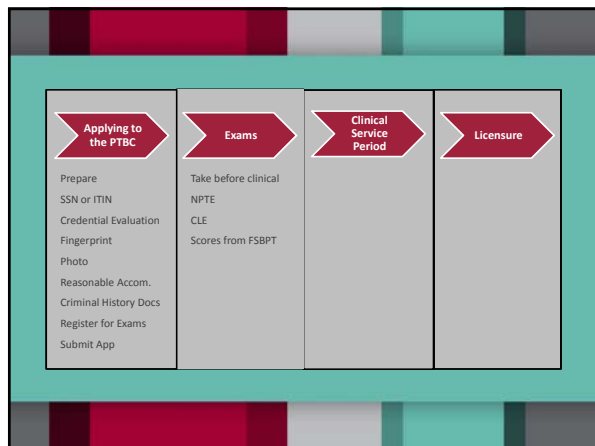
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### Clinical Service Period

- BPC section 2653 requires applicants educated at a non-CAPTE-accredited program located outside the U.S. to complete a nine-month clinical service period.
  - Waivers
    - Ethics course: 3 months
    - Practice in another state: month for month up to the total 9 months (endorsement applicants)
- Clinical Instructor (CI) must hold a current and valid California license to practice physical therapy and be certified by the APTA (BPC section 2653 and CCR section 1398.38).
- The applicant shall be identified as a physical therapist license applicant (PTLA) and must be supervised in accordance with CCR section 1399.10.

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### § 1399.10. Supervision of Physical Therapist License Applicants states, in part:

**“Direct and immediate supervision”** means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the physical therapist license applicant and shall be in close proximity to the location where the physical therapist license applicant is rendering physical therapy treatment.

The physical therapist license applicant shall document each treatment in the patient record, along with his or her signature. A supervising physical therapist shall countersign with his or her first initial and last name in the patient’s record on the same day as patient related tasks were provided by the physical therapist license applicant.

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### Clinical Service Period

Applicant is responsible for locating facility and Clinical Instructors

Applicant and Clinical Instructors complete **Notice of Intent to Supervise** and submit it to the Board

Board evaluates and either approves or denies request. If approved, applicant may begin clinical service. If not approved, applicant must locate another clinical site and/or Clinical Instructor.

Applicant has one year from passing the exams to locate a facility and Clinical Instructor. This time does not include performing the 9-month clinical service period.



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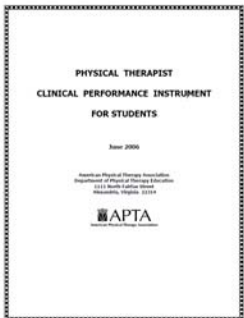
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### Clinical Service Period



**Rating Scale**

The rating scale was designed to reflect a continuum of performance ranging from Beginning Performance to Recent Entry-Level Performance. Student performance should be described in relation to one or more of the six anchors. For example, consider the following rating on a selected performance criterion:



Applicants must be evaluated using the APTA's Physical Therapist Clinical Performance Instrument.

Two evaluations are complete: mid-term and final.

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### Clinical Service Determination

- Clinical service evaluations are evaluated by the Board.
  - Staff will follow-up with CI if there are any discrepancies between the rating and the comments provided.
- If the CI has determined the applicant performs at entry level, the applicant meets the clinical service requirement for licensure.

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## License Issuance

A license is issued within 45 days of all deficiencies being fulfilled. The wallet license is mailed immediately following license issuance.

You can also view your license number on the PTBC's website.



License Search

1<sup>st</sup> licensure period is between 13 and 24 months long

- Dependent upon your date of birth and the month the license was issued

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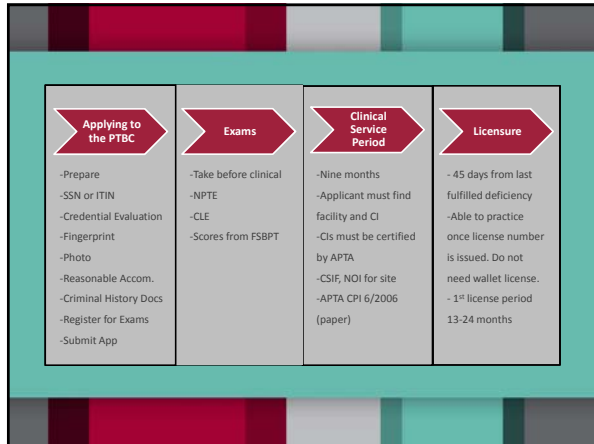
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Physical Therapy Board of California  
September 13 – 14, 2018 Board Meeting



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### **Briefing Paper**

**Date:** 8/25/18

**Agenda Item 22(B)**

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** Application Services Report

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### **Purpose:**

To provide an update on the most recent activities and state of the Application Services program.

**Attachments:** [1. Application Services Program Statistics](#)  
[2. Examination Statistics](#)

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### **Update:**

July of this year, Application Services updated the application process and materials for graduates of CAPTE-accredited physical therapist and physical therapist assistant programs qualifying by either exam or endorsement. The new materials include a roadmap of the application process, a preparation checklist, an application submission checklist, general information and all the forms that applicants may need. The checklists are provided to assist the applicants (they do not need to be submitted to the Board) and may be completed electronically or printed. In addition to the new materials, the How to Apply section of the Applications tab on the website has been reformatted and simplified to facilitate access to forms and information on how to apply for a license.

These updates were communicated to all physical therapist and physical therapist assistant programs in California, so the programs are aware, and if they choose, to share with their students.

The statistics report shows that although there was a 22% decrease in applications received from graduates of non-CAPTE-accredited programs located outside the U.S., the overall number of applications received increased 13% from FY 2016/17. The increase in applications received is significantly above the projected 3% increase each year. Licenses issued increased 13% over last year and this is due to program staffing and procedures changes.

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### **Action Requested:**

None.

## Application Services Report Program Statistics

### Applications Received

	Fiscal Year 2016/17						Fiscal Year 2017/18						Year → Year Change								
	Q1		Q2		Q3		Q4		YTD through Q4		Q1			Q2		Q3		Q4		YTD through Q4	
	Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun			Jul	Sep		Oct	Dec	Jan	Mar	Apr	Jun		
PT	456		262		302		593		1613		469		373		294		568		1704		⬆️ 6%
NAPT	68		69		62		67		266		42		38		60		67		207		⬇️ -22%
PTA	125		211		129		201		666		163		248		82		197		690		⬆️ 4%
NAPTA	16		15		23		22		76		17		21		21		19		78		⬆️ 3%
E-PTA	1		4		4		5		14		4		3		3		9		19		⬆️ 36%
Total	666		561		516		888		2635		695		683		460		860		2698		⬆️ 13%

### Licenses Issued

	Fiscal Year 2016/17										Fiscal Year 2017/18										Year → Year Change
	Q1		Q2		Q3		Q4		YTD through	Q1		Q2		Q3		Q4		YTD through			
	Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun	Q4	Jul	Sep	Oct	Dec	Jan	Mar	Apr	Jun	Q4			
PT	630		480		317		138		1565	634		459		410		302		1805	↑ 15%		
PTA	184		159		198		74		615	212		98		201		138		649	↑ 6%		
Total	814		639		515		212		2180	846		557		611		440		2454	↑ 13%		

**PT** - Graduate of an accredited physical therapist program located in the U.S.

**NAPT** - Graduate of a non-accredited physical therapist program located outside the U.S. applying for PT licensure

**PTA** - Graduate of an accredited physical therapist assistant program located in the U.S.

**NAPTA** - Graduate of a non-accredited physical therapist program located outside the U.S. applying for PTA licensure

**E-PTA** - PTA applicant with training and experience equivalent to that obtained in an accredited PTA program

## Application Services Report Examination Statistics

### National PT and PTA Examination - California Statistics

#### Accredited PT Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	371	246	117	32	766	375	237	185	74	871	↑ 14%
Fail	29	44	22	8	103	36	42	42	27	147	↑ 43%
<b>Total</b>	<b>400</b>	<b>290</b>	<b>139</b>	<b>40</b>	<b>869</b>	<b>411</b>	<b>279</b>	<b>227</b>	<b>101</b>	<b>1,018</b>	↑ 17%
Pass Rate	93%	85%	84%	80%	86%	91%	85%	81%	73%	86%	→ 0%

#### Non Accredited PT Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	9	15	5	14	43	15	8	3	4	30	↓ -30%
Fail	24	35	24	17	100	20	33	19	20	92	↓ -8%
<b>Total</b>	<b>33</b>	<b>50</b>	<b>29</b>	<b>31</b>	<b>143</b>	<b>35</b>	<b>41</b>	<b>22</b>	<b>24</b>	<b>122</b>	↓ -15%
Pass Rate	27%	30%	17%	45%	30%	43%	20%	14%	17%	25%	↓ -5%

#### Accredited PTA Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	181	71	138	64	454	187	45	154	89	475	↑ 5%
Fail	48	36	31	25	140	37	29	43	34	143	↑ 2%
<b>Total</b>	<b>229</b>	<b>107</b>	<b>169</b>	<b>89</b>	<b>594</b>	<b>224</b>	<b>74</b>	<b>197</b>	<b>123</b>	<b>618</b>	↑ 4%
Pass Rate	79%	66%	82%	72%	75%	83%	61%	78%	72%	77%	↑ 2%

#### Non Accredited PTA Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	2	8	5	6	21	5	7	6	7	25	↑ 19%
Fail	11	15	10	10	46	7	5	7	8	27	↓ -41%
<b>Total</b>	<b>13</b>	<b>23</b>	<b>15</b>	<b>16</b>	<b>67</b>	<b>12</b>	<b>12</b>	<b>13</b>	<b>15</b>	<b>52</b>	↓ -22%
Pass Rate	15%	35%	33%	38%	30%	42%	58%	46%	47%	48%	↓ -18%

### California Law Examination (CLE)

#### Accredited Program

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	893	503	399	600	2,395	692	525	434	644	2,295	↓ -4%
Fail	433	270	243	259	1,205	252	211	192	227	882	↓ -27%
<b>Total</b>	<b>1,326</b>	<b>773</b>	<b>642</b>	<b>859</b>	<b>3,600</b>	<b>944</b>	<b>737</b>	<b>626</b>	<b>871</b>	<b>3,177</b>	↓ -12%
Pass Rate	67%	65%	62%	70%	66%	73%	69%	69%	74%	72%	↑ 6%

Non Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	71	55	49	50	225	44	45	40	52	181	📉 -20%
Fail	48	53	41	47	189	41	39	31	51	162	📉 -14%
Total	119	108	90	97	414	85	84	71	103	343	📉 -17%
Pass Rate	60%	51%	54%	52%	54%	82%	54%	56%	50%	53%	📉 -1%

National PT and PTA Examination - National Statistics											
Accredited PT Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	4,980	1,452	1,137	2,519	10,088	4,870	1,601	1,261	2,741	10,473	⬆️ 4%
Fail	451	398	226	198	1,273	511	356	322	356	1,545	⬆️ 21%
Total	5,431	1,850	1,363	2,717	11,361	5,381	1,957	1,583	3,097	12,018	⬆️ 6%
Pass Rate	92%	78%	83%	93%	87%	91%	82%	80%	89%	87%	➡️ 0%

Non Accredited PT Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	346	301	215	281	1,143	268	213	144	144	769	⬇️-33%
Fail	548	676	498	462	2,184	570	754	427	530	2,281	⬆️4%
Total	894	977	713	743	3,327	838	967	571	674	3,050	⬇️-8%
Pass Rate	39%	31%	30%	38%	35%	32%	22%	25%	21%	25%	⬇️-10%

Accredited PTA Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	3,252	1,444	989	1,105	6,790	3,200	1,552	869	1,055	6,676	📉 -2%
Fail	681	606	414	336	2,037	628	455	393	444	1,920	📉 -6%
Total	3,933	2,050	1,403	1,441	8,827	3,828	2,007	1,262	1,499	8,596	📉 -3%
Pass Rate	83%	70%	70%	77%	75%	84%	77%	69%	70%	78%	📈 3%

Non Accredited PTA Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	75	102	63	87	327	85	96	78	69	328	➡0%
Fail	75	82	63	71	291	84	74	54	74	286	⬇-2%
Total	150	184	126	158	618	169	170	132	143	614	⬇-1%
Pass Rate	50%	55%	50%	55%	53%	50%	56%	59%	48%	53%	➡0%

## Jurisprudence Examination - National Statistics

Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	2,262	1,290	1,063	2,039	6,654	2,003	1,334	1,135	2,056	6,528	↓ -2%
Fail	697	450	378	432	1,957	426	390	354	421	1,591	↓ -19%
<b>Total</b>	<b>2,959</b>	<b>1,740</b>	<b>1,441</b>	<b>2,471</b>	<b>8,611</b>	<b>2,429</b>	<b>1,724</b>	<b>1,489</b>	<b>2,477</b>	<b>8,119</b>	↓ -6%
Pass Rate	76%	74%	74%	83%	77%	82%	77%	76%	83%	80%	↑ 3%

Non Accredited Program											
	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Pass	145	120	121	116	502	86	89	72	93	340	↓ -32%
Fail	74	82	76	72	304	63	60	44	71	238	↓ -22%
<b>Total</b>	<b>219</b>	<b>202</b>	<b>197</b>	<b>188</b>	<b>806</b>	<b>149</b>	<b>149</b>	<b>116</b>	<b>164</b>	<b>578</b>	↓ -28%
Pass Rate	66%	59%	61%	62%	62%	58%	60%	62%	57%	59%	↓ -3%





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### **Briefing Paper**

**Date:** 8/25/18

**Agenda Item 23(B)**

**Prepared for:** PTBC Members

**Prepared by:** Sarah Conley

**Subject:** License Maintenance Report

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### **Purpose:**

To provide an update on the most recent activities and the state of the License Maintenance program.

**Attachments:** [1. License Maintenance Statistics](#)

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### **Update:**

As expected, the active license population has grown from FY 2016/17 to FY 2017/18; however, the growth is at 5%, which is above the 3% projected growth for each year. The 58% increase in the number of licensees in Retired status indicates licensees are continuing to choose to place their license in Retired status when they no longer wish to practice or maintain their license rather than leaving the license in Delinquent status.

The number of renewal transactions has increased 3% consistent with the growing license population. Address change transactions have decreased 7%; this may be attributed to more licensees updating their address through other transactions, such as renewals. If an address change is done through a renewal transaction, the change is not captured for address change data collection. Although this presents difficulty for the staff not being able to collect data on these address changes, it provides greater convenience and efficiency for licensees. Duplicate license requests have decreased 18% due to timely processing of returned mail. If a license is returned to the office, staff will attempt to contact the licensee, resolve the issue, and get that license to the licensee. Verification requests increased by 21%, which just about matches the increase seen from 2015/16 to FY 2016/17.

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### **Action Requested:**

None.

## License Maintenance Services Report Program Statistics

### Active License Status

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
PT	24285	24664	24926	25123	25294	25294	↑ 4%
PTA	6415	6562	6596	6745	6840	6840	↑ 7%
Total	30700	31226	31522	31868	32134	32134	↑ 5%

### Inactive License Status

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
PT	1247	1255	1210	1235	1237	1237	↓ -1%
PTA	336	335	317	317	327	327	↓ -3%
Total	1583	1590	1527	1552	1564	1564	↓ -1%

### Retired License Status

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
PT/PTA	193	217	254	280	305	305	↑ 58%

### Active Specialty Certifications

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
KEMG	27	28	28	28	27	27	→ 0%
ENMG	20	19	19	19	18	18	↓ -10%
Total	47	47	47	47	45	45	↓ -4%

### Transactions Processed

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD through Q4	Q1	Q2	Q3	Q4	YTD through Q4	
Renewals	14931	3999	3753	3784	3864	15400	↑ 3%
Addresses	4834	1273	1090	1061	1058	4482	↓ -7%
Names	414	123	147	105	97	472	↑ 14%
Duplicates	437	122	75	90	71	358	↓ -18%
Verifications	1150	303	305	385	397	1390	↑ 21%
Total	21766	5820	5370	5425	5487	22102	↑ 2%



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### **Briefing Paper**

**Date:** 8/25/18

**Prepared for:** PTBC Members

**Prepared by:** Veronica Gutierrez, Yasha Crutcher

**Subject:** Continuing Competency Services Report

### **Agenda Item 24(B)**

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#### **Purpose:**

To provide an update on the most recent activities and state of the Continuing Competency Services program.

**Attachments:** [1. Continuing Competency Audit Statistics](#)

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#### **Background:**

Licensees are required to certify at the time of renewal that they complied with the continuing competency requirement for renewal set forth in Business and Professions Code section 2649. To ensure compliance, the PTBC is mandated to conduct random continuing competency audits. Audit samples are collected quarterly in keeping with the PTBC's overall statistical record keeping and reporting standard. The audit sample is pulled at the beginning of a quarter for licensees who renewed in the previous quarter. Audits are conducted, then the results are reported the following quarter. The whole audit process from sample collection to reporting results runs six months or two fiscal year quarters. Please note, however, this does not mean each audit takes six months to complete.

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#### **Update:**

A total of 135 physical therapists and 46 physical therapist assistants were selected for audit for FY 2017/18 Q3 (Jan-Mar). Audits of physical therapist assistants who renewed in Q3 are complete with a pass rate of 89%. Staff continues to work on physical therapist audits, so data available thus far has been included, but the pass rate will be reported at the next meeting.

At the last meeting, the Board removed recognition from ten approval agencies; the PTBC's website has been updated to reflect these changes.

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#### **Action Requested:**

None.

### Continuing Competency Audit Statistics

#### Physical Therapist

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass			136	97	233	134	100	124		358	
Fail			10	12	22	12	5	9		26	
Pending			0	0	0	0	0	2		2	
<b>Total</b>			<b>146</b>	<b>109</b>	<b>255</b>	<b>146</b>	<b>105</b>	<b>135</b>		<b>386</b>	
Pass Rate			93%	88%	91%	92%	95%	Pending			

#### Physical Therapist Assistant

	Fiscal Year 2016/17					Fiscal Year 2017/18					Year → Year Change
	Q1	Q2	Q3	Q4	YTD through Q3	Q1	Q2	Q3	Q4	YTD through Q3	
Pass			37	27	64	43	80	41		164	
Fail			2	3	5	2	4	5		11	
Pending			0	0	0	0	1	0		1	
<b>Total</b>			<b>39</b>	<b>30</b>	<b>69</b>	<b>45</b>	<b>85</b>	<b>46</b>		<b>176</b>	
Pass Rate			95%	90%	93%	96%	Pending	89%			



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

## Physical Therapy Board of California

Consumer Protection Services Program

2005 Evergreen St. Suite 1350, Sacramento, California 95815

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Internet: [www.ptbc.ca.gov](http://www.ptbc.ca.gov) EMAIL [cps@dca.ca.gov](mailto:cps@dca.ca.gov)



### **Briefing Paper**

### **Agenda Item 25**

**Date:** August 30, 2018

**Prepared for:** PTBC Members

**Prepared by:** Elsa Ybarra

**Subject:** Consumer Protection Services Program (CPS)

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**Purpose:** Update on Consumer Protection Services Program - FY 2017/18

**Attachments:**

1. Enforcement Performance Measures (PM)
2. Consumer Protection Services Report
3. Five (5) Year Performance Measures Milestone
4. Disciplinary Summary

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#### **Attachment 1: Enforcement Performance Measures**

The Enforcement Performance Measures report is reported on the DCA's public website on a quarterly basis and is used by all DCA organizations to provide the public its Performance Measures.

[http://www.dca.ca.gov/about\\_dca/enforcement.shtml](http://www.dca.ca.gov/about_dca/enforcement.shtml)

PM Report for FY 2017-2018 prepared by the Department are not available.

#### **Attachment 2: Consumer Protection Services Report**

The CPS report provides detailed data in areas of the enforcement program and includes year end statistics in comparison to last fiscal year.

#### **Attachment 3: 5 Year Performance Measures Milestone**

Captures the last five (5) PM year-end statistics. In the last two fiscal years, improvements have been made in the areas of completing an investigation within the 90-day target (PM3), and on cases transmitted to the Attorney General (PM4) for formal disciplinary action.

#### **Attachment 4: Disciplinary Summary List**

Disciplinary Summary of formal discipline and citations issued. Disciplinary actions are of public record and are available through the DCA License Search. <https://search.dca.ca.gov/>

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Action Requested: No Action Required



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### FY 2017-2018 Enforcement Performance Measures Report

Not Available

## Consumer Protection Services Statistics Report

### Complaint Intake

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM1: Complaints Received	459	107	104	112	81	404	↓ -12%
PM1: Convictions/Arrest Received	310	47	74	61	68	250	↓ -19%
PM1: Total Received	769	154	178	173	149	654	↓ -15%

### Intake

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM2: Intake/Avg. Days	3	2	2	3	2	2.3	↓ -25%

### Investigations

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM3: Cycle Time-Investigation	109	130	58	119	124	108	↓ -1%
PM3a: Intake Only	2	2	2	2	3	2	↑ 13%
PM3b: Investigation Only	102	119	56	105	121	100	↓ -2%
PM3c: Post Investigation Only	4	3	2	2	1	2	↓ -50%

### Investigations Aging

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	71%	96	120	109	81	68%	↓ -3%
91 - 180 Days	14%	16	10	17	18	10%	↓ -4%
181 Days - 1 Year (364)	9%	20	5	28	31	14%	↑ 5%
1 to 2 Years (365-730)	4%	6	5	13	7	5%	↑ 1%
2 to 3 Years (731- 1092)	2%	1	0	1	5	1%	↓ -1%
Over 3 Years (1093 +)	0%	4	0	0	4	1%	↑ 1%
		143	140	168	146		

### Citations

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Final Citations	38	5	0	15	9	29	↓ -24%
Average Days to Close	349	524	0	299	257	270.0	↓ -23%

### Transmittals to Attorney General (AG)

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
PM4: AG Cases	583	458	760	785	400	604	↑ 4%
PM4a: Intake Only	2	2	6	11	2	5	↑ 163%
PM4b: Investigation Only	244	136	377	448	124	268	↑ 10%
PM4c: Pre-AG Transmittal	1	12	1	25	10	11	↑ 1000%
PM4d: Post-AG Transmittal	335	315	380	305	268	326	↓ -3%

	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
AG Cases Initiated	51	16	8	29	24	77	↑ 51%
AG Cases Pending	36	33	25	46	57	57	↑ 58%
SOIs Filed	4	4	2	3	2	11	↑ 175%
Accusations Filed	20	8	3	4	14	29	↑ 45%

AG Transmittals							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Total Closed After Transmission	33	13	12	7	6	38	↑ 15%
Total Average Days to Complete	583	459	760	785	400	601.0	↑ 3%

Total Orders Aging/Final Decision							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Up to 90 Days	0%	0	0	0	0	0%	⇒ 0%
91 - 180 Days	5%	0	1	0	1	5%	↑ 0%
181 Days - 1 Year (364)	24%	3	2	3	2	26%	↑ 2%
1 to 2 Years (365-730)	42%	9	5	1	2	45%	↑ 3%
2 to 3 Years (731- 1092)	14%	1	1	0	1	8%	↓ -6%
Over 3 Years (1093 +)	12%	0	3	3	0	16%	↑ 4%

Other Legal Actions							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Interim Suspension or PC 23 Ordered	3	0	1	2	3	6	↑ 100%



**Physical Therapy Board of California Consumer Protection Services Program**

<b>5 Year Performance Measures Milestone</b>					
<b>Fiscal Year *</b>	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>2016-2017</b>	<b>2017-2018</b>
<b>PM1 Volume</b> - Total Number of Complaints Received. (Non conviction/arrest related)	1019	669	409	459	404
<b>PM1 Volume - Conviction/Arrest Reports Received</b>	289	336	294	312	250
<b>Total Complaints Received</b>	1309	1006	703	771	654
<b>PM2 Cycle Time - Intake</b> Average number of complaint intake during the specified time period.	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>
	15	4	4	2	2
<b>PM3 Cycle Time-No Discipline</b> (Target 90 Days) Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline (Includes intake, investigation, and case outcome or non-AG formal discipline.	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>
	101	167	148	105	108
<b>PM3a Intake Only</b> Of the cases included in PM3, the average number of days from the date the complaint was received, to the date the complaint was assigned for investigation.	N/A	N/A	4	2	2
<b>PM3b Investigation Only</b> Of the cases included in PM3, the average number of days from the date the complaint was assigned for investigation, to the date the investigation was completed.	N/A	N/A	133	102	100
<b>PM3c Post Investigation</b> Of the cases included in PM4, the average number of days from the date the investigation was completed, to the date the case was transmitted to the AG.	N/A	N/A	19	3	2
<b>PM 4 Cycle Time-Discipline</b> (Target	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>	<b>AVG DAYS</b>

540 Days) Average Number of Days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g., withdrawals, dismissals, etc.)	779	932	793	554	604
<b>PM4a Intake Only</b> Of the cases included in PM4, the average number of days from the date the complaint was received, to the date the complaint was assigned for investigation.	N/A	N/A	4	2	5
<b>PM4b Investigation Only</b> Of the cases in PM4, the average number of days from the date the complaint was assigned for investigation, to the date the investigation was completed.	N/A	N/A	322	269	268
<b>PM4c Pre-AG Transmittal</b> Of the cases included in PM4, the average number of days from the date the investigation was completed, to the date the case was transmitted to the AG.	N/A	N/A	3	1	11
<b>PM4d Post--AG Transmittal</b> Of the cases included in PM4, the average number of days from the date the case is transmitted to the AG, to the date of the case outcome or formal discipline effective date.	N/A	N/A	492	357	326
<b>Total Final Orders</b>	41	54	61	26	38

\* The new Sub-Performance Measures were implemented FY 2015-2016.

## Disciplinary Summary

The following is a list of disciplinary actions taken by the Physical Therapy Board of California for the months of April, May, & June 2018. The Decisions become operative on the Effective Date, with the exception of situations where the licensee has obtained a court ordered stay. Stay orders do not occur in stipulated decisions, which are negotiated settlements waiving court appeals.

Copies of Accusations, Decisions, or Citations may be obtained by visiting our website at [www.ptbc.ca.gov](http://www.ptbc.ca.gov). In addition to obtaining this information from our website, you may also request it by telephone, fax, or mail. Please address your request to:

Physical Therapy Board of California  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815  
(916) 561-8200/ FAX (916) 263-2560

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### April 2018

**PENAMORA, JOSEPH ESTEVES (PTA 49271)**

Violation of B & P Code: 480, 2239(a), 2660(a) and 2661. Violation of CCR: 1399.20. Stipulated Settlement and Disciplinary Order Effective 04/23/18, 3 years' probation.

### May 2018

**ISLAS, JAVIER (PTA 6650)**

Violation of B & P Codes: 490, 493, 726, 2660, 2660(a), 2660(e), 2660(m), and 2660(p). Violation of CCR: 1399.20. Interim Suspension Order Issued 05/07/18.

### June 2018

**BRYAN, MELINDA ANNE**

Violation of B & P Codes: 680, 810, 2620.7, 2622, 2630, 2660, 2660(g), 2660(i), 2660(n), 2660(r), 2660(s), and 2660(v). Violation of CCR: 1398.6(c), 1398.11, and 1399.24. Stipulated Settlement and Disciplinary Order Effective 06/21/18, 4 years' probation.

**SALINAS, LYDIA ROSELLA (PTA 1973)**

Violation of B & P Codes: 680, 2620.7(a), 2630.3, 2660, 2660(a), 2660(g), 2660(j), and 2660(s). Violation of CCR: 1398.13(b) & (c) and 1398.44(d)(1). Public Letter of Reprimand Issued 06/19/18.

## Initial Probationary Licenses (IPL) Issued

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### April through June 2018

(NONE)

## Licenses Denied

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### April through June 2018

(NONE)

**Glossary of Terms**

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B & P Code – Business and Professions Code  
H & S Code – Health and Safety Code  
R & R – Rules and Regulations  
CCR – California Code of Regulations

**Accusations:** Charges filed against a licensee alleging violation(s) of the Physical Therapy Practice Act.

**Interim Suspension Order:** An Order issued upon petition, suspending a licensee from all or specified part of their practice of, or assisting in the provision of, physical therapy.

**Petition to Revoke Probation:** Charges filed against a probationer seeking revocation of their physical therapy or physical therapy assistant license based upon violation(s) of probation.

**Probationary License:** Where good cause exists to deny a license, the licensing agency has the option to issue a conditional license subject to probationary terms and conditions.

**Public Letter of Reprimand:** In lieu of filing a formal accusation, the Board may, pursuant to B&P Code, section 2660.3, upon stipulation or agreement by the licensee, issue a public letter of reprimand.

**Statement of Issues Filed:** Charges filed against an applicant due to alleged violation(s) of the Physical Therapy Practice Act. If found to be true, the charges may result in discipline.

**Surrender of License:** License surrender as part of a disciplinary order.

**Stipulated Decision:** Negotiated settlements waiving court appeals.



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### **Briefing Paper**

### **Agenda Item 26**

**Date:** 8/15/2018  
**Prepared for:** PTBC Members  
**Prepared by:** Monny Martin, PTBC Probation Monitor  
**Subject:** Probation Monitoring Program

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**Purpose:** Update on Probation Monitoring Program for FY 2017-2018

**Attachments:** [1. Probation Monitoring Report \(A-1\)](#)

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### **Background:**

This is a report on the Board's Probation Monitoring Program through the fourth and final quarter of FY 2017-2018. Please refer to attachment A-1 which contains the probation statistics for FY 2017-2018.

Currently there are 87 licensees on probation for various causes. Besides the 75 licensees on probation and in the state of California, there are an additional 12 probationers tolling (out of state) and not receiving credit toward the completion of probation. There were also 3 licensees that completed probation in the quarter and 0 licensees violated their probation in the quarter.

Of the 75 licensees that are not currently tolling, 19 are currently enrolled and participating in the Board's Drug and Alcohol Recovery Monitoring Program, equaling 25% of all licensees on probation that aren't tolling.

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### **Action Requested:**

No Action Required.

Probation							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Probationer	12	4	3	2	2	11	-8%
Completed Probation	14	2	7	3	3	15	7%
Probation Terminated/Surrendered	4	1	0	0	0	1	-75%
Non-Compliant w/Probation	0	0	1	1	0	2	100%
Total Probationers	104	93	89	88	87	87	-16%

Maximus							
	FY 2016/17	Fiscal Year 2017/18					Year → Year Change
	YTD	Q1	Q2	Q3	Q4	YTD	
Entered Maximus	11	2	0	0	2	4	<div><div></div><div></div><div></div></div> -64%
Completed Maximus	3	0	1	0	1	2	<div><div></div><div></div><div></div></div> -33%
Total Maximus Participants	20	22	22	19	19	19	<div><div></div><div></div><div></div></div> -5%
Determined To Be Clinically Inappropriate	0	0	0	0	1	1	<div><div></div><div></div><div></div></div> 100%
Terminated - Public Risk	1	0	1	1	0	2	<div><div></div><div></div><div></div></div> 100%
Withdrawn (Expense) - Post-Dec	1	0	0	1	0	1	<div><div></div><div></div><div></div></div> 0%
Withdrawn (Left State) - Post-Dec		0	0	0	1	1	<div><div></div><div></div><div></div></div> 100%
Withdrawn - Pre-Dec		0	0	0	1	1	<div><div></div><div></div><div></div></div> 100%