

5.2.10 Merit Issue Complaints

(a) Policy

Appointments and promotions shall be made on the basis of merit and fitness within state civil service. California Correctional Health Care Services (CCHCS) shall comply with California laws and rules governing civil service appointments. All Merit Issue Complaints filed with CCHCS shall be immediately reviewed, investigated, and resolved at the lowest possible level.

(b) Purpose

To describe the process for filing and responding to Merit Issue Complaints within CCHCS.

(c) Procedure

(1) Types of Merit Issue Complaints

Merit Issue Complaints may be filed for reasons including, but not limited to, the following:

- (A) Interference with promotional opportunities.
- (B) Disputes regarding the effective dates of appointments or promotions.
- (C) Applicability of alternate salary ranges.
- (D) Denial of Merit Salary Adjustments
- (E) Interference with a person's access to any State Personnel Board appeals process
- (F) The designation of managerial positions pursuant to California Government Code Chapter 10.3. State Employer-Employee Relations, Section 3513.
- (G) An employee who believes they have been discriminated against within the state civil service because of political affiliation or opinion.

(2) Filing a Merit Issue Complaint

- (A) CCHCS employees shall file their Merit Issue Complaint in writing with the respective personnel office (either regional or within headquarters [HQ], Human Resources [HR]) within three years of the alleged violation of State Personnel Board's (SPB) regulation or policy in the hiring and selection process. The personnel office shall be contacted regarding the time for filing a Merit Issue Complaint and the department's levels of review. No particular form is required; however, the [SPB Appeals/Complaint Form](#) may be used.
- (B) The employee filing the complaint shall provide enough factual information, detail and any substantiating documentation for CCHCS to ascertain the nature of the complaint.
- (C) All Merit Issue Complaints shall be submitted to the attention of the Deputy Director (DD), HR.

(3) Responding to a Merit Issue Complaint

CCHCS HR shall respond within 90 calendar days of the date of receipt of the Merit Issue Complaint. The personnel office shall inform employees or applicants, by certified or regular mail and by email (with read receipt), at the time the complaint is received, of their right to challenge the department's denial of the complaint or failure to respond by filing a complaint with the SPB Appeals Division and the timeframe for filing. The following outlines the procedures for responding to a Merit Issue Complaint:

- (A) HR shall inform the employees or applicants at the time the complaint is received.
- (B) HR shall obtain and review all relevant documents (e.g., job advertisements; screening criteria forms; state applications; information regarding members of the interview panel; interview questions, notes, and scores; hiring documents) and contact the relevant program for additional information if needed.
- (C) Based on their review of all relevant documents, HR shall draft a proposed response to the complaint.
- (D) The DD, HR, or designee shall review and forward the signed response to the complainant by certified or regular mail and email (with read receipt).

(4) Appealing a Merit Issue Complaint

- (A) An employee may appeal to the SPB Appeals Division within 30 calendar days after:
 - 1. CCHCS' written response denying the complaint.
 - 2. CCHCS' failure to respond to the employee's written complaint within 90 calendar days.
- (B) Additional information regarding filing an appeal with the SPB's Appeals Division may be accessed at: http://www.spb.ca.gov/appeals/appeals_procedures.aspx.

References

- California Government Code, Title 2, Division 5, Part 2, Chapter 2, Article 2, Sections 18670 – 18683
- California Code of Regulations, Title 2, Division 1, Chapter 1, Subchapter 1.2, Article 1, Sections 51.1 – 52.10,

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES
Health Care Department Operations Manual

- California Code of Regulations, Title 2, Division 1, Chapter 1, Subchapter 1.2, Article 9, Section 66.1
- California Code of Regulations, Title 2, Division 1, Chapter 1, Subchapter 2, Article 6, Section 548.61
- State Personnel Board Appeals Resources Guide
http://spb.ca.gov/content/appeals/Appeals_Resource_Guide.pdf

Revision History

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