



Title 5:

California

Code of Regulations

§ 53000. Scope and Intent.

5 CA ADC § 53000 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
EFFECTIVE: April 16, 2023

Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 1. General

Effective: April 16, 2023

5 CCR § 53000

§ 53000. Scope and Intent.

This subchapter implements aspects of state and federal anti-discrimination laws intended to prevent unlawful discrimination in employment. It provides direction to community college districts related to the incorporation of evidence-based and equity-minded practices into existing recruitment, hiring, retention, and promotion activities to promote equal employment opportunities.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code. Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code; Article I, Section 31 of the California Constitution; Title 20, United States Code Section 1681; Title 29, United States Code Section 794; and Title 42, United States Code Sections 2000d, 6101, 12101, 12102, 12103, 12111, 12112, 12113, 12114, 12115, 12116 and 12117.

HISTORY

1. New chapter 1 (sections 53000-53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000-53004) and new chapter 1 (subchapters 1-4, sections 53000-53052, not consecutive) filed 2-1-82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
4. Amendment of subsection (a) and NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
5. Amendment of subchapter heading, section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
6. Amendment of subsection (a) filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).

7. Change without regulatory effect amending subsection (a) and NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).

8. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

9. Renumbering of former subchapter 1 to subchapter 2 filed 3-17-2023; operative 4-16-2023. Submitted to OAL for filing and printing only pursuant to Education Code 70901.5 (Register 2023, No. 14).

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Cal. Admin. Code tit. 5, § 53000, 5 CA ADC § 53000

§ 53001. Definitions.

5 CA ADC § 53001 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 1. General

Effective: October 20, 2022

5 CCR § 53001

§ 53001. Definitions.

As used in this subchapter:

(a) “Adverse impact” means a disproportionate negative impact to a group protected from discrimination pursuant to Government Code section 12940, arising from the effects of an employment practice as determined according to a valid statistical measure (such as those outlined in the Equal Employment Opportunity Commission's “Uniform Guidelines on Employee Selection Procedures”).

(b) “Diversity” means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. The achievement of diversity within a workforce requires the presence, respectful treatment, and inclusion of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, gender identity, sexual orientation, disability and socio-economic backgrounds, in all aspects of the workplace.

(c) “Equal employment opportunity” (“EEO”) means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels, in all job categories. Equal employment opportunity also involves:

(1) identifying and eliminating barriers to employment that are not job related, such as reliance on preferred job qualifications that do not reasonably predict job performance;

(2) updating job descriptions and/or job announcements to reflect accurately the knowledge, skills and abilities of the position, including a commitment to equity; and

(3) creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas, and is welcoming to all persons free from discrimination related to the categories protected by Government Code section 12940.

(d) An “equal employment opportunity plan” (“EEO plan”) is a written document that describes a district's EEO program. A district's EEO plan shall include: 1) analysis of the district's work force; and 2) descriptions of the district's program and strategies, informed by the district's work force analysis, that it is implementing or will implement, to promote equal employment opportunity.

(e) An “equal employment opportunity program” refers to the combination of district strategies implemented to promote equal employment opportunity. Such programs should be informed by a district’s longitudinal workforce and applicant analyses.

(f) “In-house or promotional only” hiring means that only existing district employees are eligible for a position.

(g) “Job categories” includes executive/administrative/managerial, faculty and other instructional staff, professional non-faculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance.

(h) “Monitored group” means the groups for which districts must provide demographic data pursuant to section 53004.

(i) “Person with a disability” means any person who:

(1) has a physical or mental impairment as defined in Government Code section 12926 which limits one or more of such person’s major life activities;

(2) has a record of such an impairment; or

(3) is regarded as having such an impairment.

A person with a disability is “limited” if the condition makes the achievement of the major life activity difficult.

(j) “Reasonable accommodation” means the efforts made by the district in compliance with Government Code section 12926.

(k) “Screening or selection procedure” means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including performance tests, physical, educational, and work experience requirements, interviews, application reviews, reference checks, and similar techniques. Screening and selection procedures shall also include consideration of equivalencies pursuant to section 53430.

(l) “Underrepresented group” means any monitored group for which the percentage of persons from that group employed by the district in a job category is below eighty percent (80%) of the projected representation for that group and job category.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code;
Sections 11135, 11136, 11137, 11139, 11139.8, 11092 and 12926, Government Code;
Title 29, Code of Federal Regulations Sections 1602.48 and 1607; Title 29, United States Code Section 793; and Title 41, Code of Federal Regulations Section 60-741.2.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

2. Amendment of subsections (a), (b)(1)-(b)-(3), (c), (k) and (m) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

3. Amendment of subsections (a), (b), (e), (f), (h), (j) and (m), new subsections (m)(1)-(q)(3), and amendment of NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment of subsection (b) and amendment of NOTE filed 11-5-2003; operative 12-5-2003. Submitted to OAL for printing only (Register 2003, No. 46).
6. Amendment of section and NOTE filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
7. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).
8. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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Cal. Admin. Code tit. 5, § 53001, 5 CA ADC § 53001

§ 53002. District Policy Statement Requirement.

5 CA ADC § 53002 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 1. General

Effective: October 20, 2022

5 CCR § 53002

§ 53002. District Policy Statement Requirement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an EEO plan that is grounded in the principles of diversity, equity, and inclusion set forth in sections 51200 and 51201. As such, the policy shall recognize that “equal employment opportunity” includes not only a process for equal opportunity in hiring, but also practices and processes that create inclusive, respectful work environments. This statement may also incorporate the nondiscrimination policy statement required pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division, and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.1, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
6. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).

7. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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Cal. Admin. Code tit. 5, § 53002, 5 CA ADC § 53002

§ 53003. District EEO Plans.

5 CA ADC § 53003 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 1. General

Effective: October 20, 2022

5 CCR § 53003

§ 53003. District EEO Plans.

(a) The governing board of each community college district shall adopt a district-wide, written EEO plan to implement its equal employment opportunity program. Such plans shall:

- (1) be developed in collaboration with the district's Equal Employment Opportunity Advisory Committee established pursuant to section 53005;
- (2) be reviewed and adopted at a regular meeting of the governing board where it is agendaized as a separate action item, and not part of the consent agenda;
- (3) cover a period of 3 years, after which a new or revised plan shall be adopted; and
- (4) be submitted to the Chancellor at least 90 days prior to its adoption. Comments received from the Chancellor's Office on the proposed plan must be presented to the governing board prior to adoption.

(b) Districts shall annually review their EEO plans and assess progress toward meeting EEO program goals. This annual review shall occur during regular meetings of district governing boards. In the event a district has not met the program goals described in the EEO plan, the district shall adopt a revised EEO plan that specifies the efforts it will employ to meet those goals.

(c) EEO plans shall include all of the following elements:

- (1) specific pre-hiring, hiring, and post-hiring EEO strategies the district intends to implement each year over the life of the plan. A district's strategies may include options listed in section 53024.1, and other practices informed by the district's workforce and applicant analyses.
- (2) a schedule identifying the timetables for implementation of the identified EEO strategies.
- (3) identification of the district EEO officer, with delegated responsibility and authority for implementing the EEO plan and assuring compliance with the requirements of this subchapter pursuant to section 53020;
- (4) the procedure for filing complaints pursuant to section 53026;
- (5) a process for notifying all district employees of the provisions of the EEO plan and the policy statement required under section 53002;

- (6) a process for ensuring that all individuals directly participating in the screening and selection process receive training prior to their participation. Training shall include, but need not be limited to:
- (A) the requirements of this subchapter and of state and federal nondiscrimination laws;
 - (B) the educational benefits of workforce diversity;
 - (C) the elimination of bias in hiring decisions; and
 - (D) best practices in serving on a selection or screening committee;
- (7) a process for providing annual written notice to appropriate community-based and professional organizations concerning the district's plan and the need for assistance from the community and such organizations in identifying a qualified, diverse pools of applicants. "Written" notice may include mailings and electronic communications;
- (8) a process for gathering information and periodic, longitudinal analysis of the district's employees and applicants, broken down by number of persons from monitored groups, in each job category to determine whether additional diversification measures are required and to implement and evaluate the effectiveness of those measures. Each district, shall conduct a data review as part of its plan renewal, and may conduct periodic data reviews more frequently based on district size, demographics, and other unique factors; and
- (9) community college districts shall utilize data available from reliable public and private sources to determine, whether monitored groups are underrepresented within district job categories.
- (10) strategies for addressing any underrepresentation identified pursuant to paragraph (9) of this subdivision.
- (d) Community college districts shall post a copy of their EEO plan on the district's website.
- (e) Community college districts shall make continuous, good-faith efforts to implement their plans, achieve employee diversity, and avoid disparate impacts, consistent with state and federal law.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (c)(4) and (7) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (b), (c) and (c)(7), new subsections (c)(8)-(9) and subsection renumbering, amendment of newly designated subsection (c)(10) and new subsection (f) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

5. Amendment filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
6. Editorial correction removing inadvertently retained prior version of subsection (b) (Register 2014, No. 29).
7. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).
8. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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Cal. Admin. Code tit. 5, § 53003, 5 CA ADC § 53003

§ 53004. EEO Plan Analyses and Annual Report to Chancellor.

5 CA ADC § 53004 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 1. General

Effective: October 20, 2022

5 CCR § 53004

§ 53004. EEO Plan Analyses and Annual Report to Chancellor.

(a) Community college districts shall collect and continually monitor their employee and applicant demographic data to evaluate the implementation of their EEO plans, and to conduct the analyses required by sections 53003, 53006, 53023, and 53024. Districts shall report their employment-related data to the Chancellor annually, in a manner prescribed by the Chancellor. To facilitate analysis, all applicants and employees must be assigned a job category.

(b) District data collection shall allow applicants and employees to identify their gender (including non-binary options), ethnic group identification and, if applicable, disability in a manner prescribed by the Chancellor consistent with state and federal law.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 8310.5, 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a) and (b) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of subsections (a) and (b) and amendment of NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
4. Amendment of subsections (a) and (b) filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
5. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).

6. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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Cal. Admin. Code tit. 5, § 53004, 5 CA ADC § 53004

§ 53005. District Advisory Committees.

5 CA ADC § 53005 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 1. General

Effective: October 20, 2022

5 CCR § 53005

§ 53005. District Advisory Committees.

Each community college district shall establish a district equal employment opportunity advisory committee to assist in developing, revising, and implementing district EEO programs and plans. This advisory committee shall be composed of a diverse membership and include members from district stakeholder groups, including, but not limited to, students, faculty, and classified staff. Members of this advisory committee as well as members of the district governing board shall receive training in all of the following:

- (a) the requirements of this subchapter and of state and federal nondiscrimination laws;
- (b) identification and elimination of bias in hiring;
- (c) the educational benefits of workforce diversity; and
- (d) the role of the advisory committee in drafting and implementing a district EEO plan.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
3. Amendment filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
4. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).
5. Amendment of section heading, section and NOTE filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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§ 53006. District Analyses of Longitudinal Data.

5 CA ADC § 53006 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 1. General

Effective: October 20, 2022

5 CCR § 53006

§ 53006. District Analyses of Longitudinal Data.

- (a) Districts shall conduct longitudinal data analyses of district employment trends.
- (b) Districts shall assess the information gathered pursuant to section 53003, subdivision(c), to identify and determine the cause of any underrepresentation, of monitored groups across all phases of the employment process, including recruitment to applicant pools, hiring, retention, and promotion. Where a district determines that significant underrepresentation or adverse impact of one or more monitored groups in recruitment may be the result of non-job related factors, it shall implement additional strategies in its EEO plan designed to mitigate promptly the underrepresentation or adverse impact.
- (c) Nothing in this subchapter shall be construed to prohibit a district from taking any other steps it concludes are necessary to ensure equal employment opportunity.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

- 1. New section filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
- 2. Amendment of section heading, section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
- 3. Amendment of section heading and section filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
- 4. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).

5. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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Cal. Admin. Code tit. 5, § 53006, 5 CA ADC § 53006

§ 53020. District Responsibility and Delegation of Authority.

5 CA ADC § 53020 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 2. Other Specific Responsibilities of Community College Districts

Effective: October 20, 2022

5 CCR § 53020

§ 53020. District Responsibility and Delegation of Authority.

(a) The governing boards of community college districts are ultimately responsible for proper implementation of this subchapter at all levels of district and college operations and for making measurable progress toward equal employment opportunity by the strategies described in the district's EEO plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an equal employment opportunity officer is designated to oversee the day-to-day implementation of the requirements set forth in this subchapter.

(b) The administrative structure created by any delegation of authority to the equal employment opportunity officer or others shall be described in the district's EEO plan and shall be designed to ensure prompt and effective implementation of the requirements of this subchapter. The plan shall also designate a single officer, who may be the equal employment opportunity officer, who shall be given authority and responsibility for receiving complaints filed pursuant to section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by sections 53023 and 53024.

(c) Any organization or individual who participates in district recruitment or screening of personnel, whether as an employee or as a contractor, is an agent of the district and is subject to all of the requirements of this subchapter.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and
Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a) and (c) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

3. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
4. Amendment of NOTE filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
5. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).
6. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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Cal. Admin. Code tit. 5, § 53020, 5 CA ADC § 53020

§ 53021. Recruitment.

5 CA ADC § 53021 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
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Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 2. Other Specific Responsibilities of Community College Districts

Effective: October 20, 2022

5 CCR § 53021

§ 53021. Recruitment.

(a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified and equity-minded applicants for all vacancies. This shall include outreach designed to ensure that all persons are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all full-time and part-time vacancies in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, and all executive/administrative/managerial positions.

(b) Recruitment for all full-time positions shall be posted in the clearinghouse established pursuant to subdivision (b) of Education Code section 87108. In addition, community college districts shall invite job seekers registered with the clearinghouse indicating an interest in the type of position(s) being recruited by the district to apply for the position(s). Recruitment for part-time faculty positions may be conducted separately for each vacancy or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

(c) "In-house or promotional only" recruitments may be used only to fill an interim position. An interim appointment may last only until a full-time appointment is made, and may not exceed two years in duration. All district employees shall be encouraged to apply for interim appointments. Otherwise, all recruitment procedures required by this subchapter shall apply.

(d) For purposes of this section, a vacancy is not created, and the requirements of subdivisions (a) and (b) do not apply, when:

- (1) there is a reorganization that does not result in a net increase in the number of employees;
- (2) one or more lateral transfers are made and there is no net increase in the number of employees;
- (3) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

- (4) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;
- (5) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5 (b), 88003, 88106 or 88109;
- (6) a part-time faculty member is assigned to teach the same or fewer hours than they previously taught in the same discipline without a substantial break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement; or
- (7) an individual not currently employed by the district, who is specially trained, experienced, and competent to serve as an administrator, and who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No professional services contract, or series of may exceed two years in duration.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270, 87108 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment subsections (b) and (d)-(e)(2) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a) and (b)(1)-(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)-(e)(4) and new subsection (e)(5) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment filed 11-5-2003; operative 12-5-2003. Submitted to OAL for printing only (Register 2003, No. 46).
6. Amendment filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
7. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).
8. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

This database is current through 6/21/24 Register 2024, No. 25.

Cal. Admin. Code tit. 5, § 53021, 5 CA ADC § 53021

§ 53024. Screening and Selection Procedures.

5 CA ADC § 53024 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
EFFECTIVE: OCTOBER 20, 2022

Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 2. Other Specific Responsibilities of Community College Districts

Effective: October 20, 2022

5 CCR § 53024

§ 53024. Screening and Selection Procedures.

(a) All screening and selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students. “Meaningful consideration” means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position;

(3) based solely on job-related criteria; and

(4) designed to avoid an adverse impact and monitored by the EEO officer to detect and address any adverse impact which does occur for any monitored group.

(b) A district may not designate or set aside positions or job classifications for members of any group defined in terms of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law.

(c) Seniority or length of service may be considered only if they are relevant to posted job qualifications.

(d) Selection testing for employees shall follow procedures outlined in the Equal Employment Opportunity Commission's “Uniform Guidelines on Employee Selection Procedures.”

(e) Screening committees shall include a diverse membership whenever possible, to ensure a variety of perspectives are included in the assessment of applicants.

(f) Governing boards or their designees shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. The governing board may reject all candidates and order further review by the screening committee, or reopen the position where necessary to further achievement of the objectives of the EEO plan or to ensure equal employment

opportunity. However, a consistent pattern of declining to hire qualified candidates from monitored groups against the recommendation of screening committees may give rise to an inference that the selections are not consistent with the objectives of equal employment opportunity that are required by this subchapter.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
 2. Amendment of subsections (a)(2)-(c), (e) and (g) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
 3. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
 4. Amendment of section heading and subsections (a) and (a)(2), repealer of subsection (b) and subsection relettering filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
 5. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).
 6. Amendment of section and NOTE filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).
- This database is current through 6/21/24 Register 2024, No. 25.
Cal. Admin. Code tit. 5, § 53024, 5 CA ADC § 53024

§ 53024.1. Strategies for Achieving Institutional Diversity.

5 CA ADC § 53024.1 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
EFFECTIVE: OCTOBER 20, 2022

Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 2. Other Specific Responsibilities of Community College Districts

Effective: October 20, 2022

5 CCR § 53024.1

§ 53024.1. Strategies for Achieving Institutional Diversity.

Establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort. Districts shall implement effective strategies to achieve their institutional commitment to diversity detailed in their EEO plans. EEO strategies shall be selected according to the individualized challenges to diversity faced by each institution within the district. EEO strategies may include, but are not limited to, the following:

- (a) The district conducts surveys of campus climate on a regular basis, and implements concrete measures that utilize the information drawn from the surveys.
- (b) The district conducts exit interviews with employees who voluntarily leave the district, maintains a data base of exit interviews, analyzes the data for patterns impacting particular monitored groups, and implements concrete measures that utilize this information.
- (c) The district provides training on elimination of bias in hiring and employment.
- (d) The district provides culturally responsive training to members of the campus community.
- (e) The district maintains a variety of programs to support newly-hired employees such as mentoring, professional development, and leadership opportunities.
- (f) The district has audited and/or maintains updated job descriptions and/or job announcements.
- (g) The district's board of trustees receives culturally responsive training as well as training on the elimination of bias in hiring and employment at least once every election cycle.
- (h) The district timely and thoroughly investigates all complaints filed under this chapter, and all harassment and discrimination complaints filed under subchapter 5 (commencing with section 59300) of chapter 10 of this division, and takes appropriate corrective action in all instances where a violation is found.
- (i) The district timely complies with the requirements of Government Code section 12950.1, and includes all forms of harassment and discrimination in the training.

- (j) The district's publications and website convey its diversity and commitment to equal employment opportunity.
- (k) The district's mission statement conveys its commitment to diversity and inclusion, and recognition that a diverse and inclusive workforce promotes its educational goals and values.
- (l) The district's hiring procedures require applicants for all positions to demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students in a manner relevant to the position.
- (m) District staff members serve as resources, consultants, mentors and/or leaders to colleagues at other districts in the areas of EEO and diversity enhancement.
- (n) The district maintains updated curricula, texts, and/or course descriptions to expand the global perspective of the particular course, readings, or discipline.
- (o) The district addresses issues of inclusion/exclusion in a transparent and collaborative fashion.
- (p) The district attempts to gather information from applicants who decline job offers to find out why, records this information, and utilizes it.
- (q) The district conducts longitudinal analysis of various employment events by monitored group status, in addition to hiring as required by section 53006, such as promotion, retention, voluntary resignation, termination, and discipline.
- (r) The district modifies locally-established "required," "desired" or "preferred" qualifications used to screen applicants for positions in the job categories that may unnecessarily suppress diversity in candidate pools.
- (s) The district provides incentives for hard-to-hire areas or disciplines.
- (t) The district engages in focused outreach by advertising and recruiting in diverse publications and forums.
- (u) The district provides professional development opportunities to all employees focused on diversity, equity, and inclusion.
- (v) The district incorporates commitment to diversity, equity, and inclusion into criteria for employee evaluations and tenure reviews, to the extent permitted by the district's collective bargaining obligations.
- (w) The district establishes and maintains a "grow-your-own" program, including, but not limited to, faculty intern or leadership development programs.
- (x) The district employs additional measures designed to mitigate underrepresentation or adverse impact in monitored groups, consistent with state and federal law.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code; and Section 12950.1, Government Code. Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. New section filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).

2. Change without regulatory effect amending subsection (i) and NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).

3. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

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Cal. Admin. Code tit. 5, § 53024.1, 5 CA ADC § 53024.1

§ 53025. Persons with Disabilities.

5 CA ADC § 53025 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 2. Other Specific Responsibilities of Community College Districts

5 CCR § 53025

§ 53025. Persons with Disabilities.

(a) Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code sections 11135 et seq. and 12940(m), section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aids such as readers, interpreters, and notetakers. Such accommodations may be paid for with funds provided pursuant to article 3 (commencing with section 53030) of this subchapter.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code.

Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code;

Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code; title 29 United States Code Section 794; and title 42 United States Code Sections 12101, 12102, 12103, 12111, 12112, 12113, 12114, 12115, 12116 and 12117.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

2. Amendment of section and NOTE filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

3. Repealer of subsections (a) and (b) and deletion of subsection designator filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

5. Repealer of subsections (b) and (c) filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).

6. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).

This database is current through 6/21/24 Register 2024, No. 25.

Cal. Admin. Code tit. 5, § 53025, 5 CA ADC § 53025

§ 53026. Complaints.

5 CA ADC § 53026 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
EFFECTIVE: OCTOBER 20, 2022

Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 2. Other Specific Responsibilities of Community College Districts

Effective: October 20, 2022

5 CCR § 53026

§ 53026. Complaints.

Complaints alleging violations of this subchapter may be filed against a district by any person using the procedures for employment-related complaints authorized by subchapter 5, commencing with section 59300.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code.
Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
4. Amendment of NOTE filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).
5. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).
6. Repealer and new section filed 9-20-2022; operative 10-20-2022. Submitted to OAL for filing and printing only pursuant to Education Code section 70901.5 (Register 2022, No. 40).

This database is current through 6/21/24 Register 2024, No. 25.

Cal. Admin. Code tit. 5, § 53026, 5 CA ADC § 53026

§ 53030. Equal Employment Opportunity Fund Allocation.

5 CA ADC § 53030 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 2. Equal Employment Opportunity Programs

Article 3. Faculty and Staff Diversity Fund

5 CCR § 53030

§ 53030. Equal Employment Opportunity Fund Allocation.

Resources provided to the Board of Governors for the purpose of promoting equal employment opportunity in hiring and promotion within the system shall be placed in an Equal Employment Opportunity Fund and shall be allocated consistent with the following:

- (a) A portion of the fund, but not more than 25 percent, shall be set aside to provide technical assistance, service, monitoring, and compliance functions.
- (b) That portion of the funds not allocated pursuant to subdivision (a) may be allocated to the districts in the following categories:
 - (1) an amount proportional to the full-time equivalent students of each district to the total full-time equivalent students for all districts;
 - (2) an equal dollar amount to each district;
 - (3) an amount related to success in promoting equal employment opportunity. Multiple methods of measuring success shall be identified by the Chancellor working through the established Consultation Process.
- (c) funds provided pursuant to this section may be used for:
 - (1) outreach and recruitment;
 - (2) in-service training on equal employment opportunity;
 - (3) accommodations for applicants and employees with disabilities pursuant to section 53025; and
 - (4) other activities to promote equal employment opportunity.

CREDITS

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code.

Reference: Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135, 11136, 11137, 11139 and 11139.8, Government Code.

HISTORY

- 1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
- 2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

3. Amendment of subsections (b) and (b)(3) and repealer of subsections (b)(4) and (b)(5) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

4. Amendment of section heading, section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

5. Amendment of first paragraph and subsection (b) filed 9-19-2013; operative 10-19-2013. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2013, No. 38).

6. Change without regulatory effect amending NOTE filed 2-2-2018; operative 2-2-2018. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2018, No. 8).

This database is current through 6/21/24 Register 2024, No. 25.

Cal. Admin. Code tit. 5, § 53030, 5 CA ADC § 53030

§ 53430. Equivalencies.

5 CA ADC § 53430 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays California Code of Regulations [Currentness](#)

Title 5. Education

Division 6. California Community Colleges

Chapter 4. Employees

Subchapter 5. Minimum Qualifications

Article 2. Qualifications and Equivalencies

5 CCR § 53430

§ 53430. Equivalencies.

(a) No one may be hired to serve as a community college faculty or educational administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this Article or elsewhere in this Division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty employed under the authority granted by this Section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this Division.

(c) The process shall further require that the academic senate be provided with an opportunity to present its views to the governing board before the governing board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

(d) Until a joint agreement is reached and approved pursuant to Subdivision (b), the district shall be bound by the minimum qualifications set forth in this Subchapter.

CREDITS

NOTE: Authority cited: Sections 66700, 70901 and 87359, Education Code. Reference: Section 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).

2. Amendment of subsections (a) and (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

3. Amendment filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

4. Amendment of subsections (a), (b) and (d) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

This database is current through 6/21/24 Register 2024, No. 25.

Cal. Admin. Code tit. 5, § 53430, 5 CA ADC § 53430