

1. Employee	2. Position Title or Number	3. Date Calculated
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. Does the employee have former permanent civil service status and since such permanent status, had no break in continuity of his or her state service due to a permanent separation?  Yes  
 (See California Code of Regulations (CCR) 6.4 and CCR 446)  No

*Note: If No, the employee does not have any reinstatement rights. Proceed to Page 4 and apply Government Code (G.C.) section 18990 or 18992. If Yes, complete the remainder of the worksheet.*

**FORMER POSITION INFORMATION - G.C. 18522**

"Former Position" is defined as a position in the class which an employee was last appointed as a probationer, permanent employee, or CEA, under the same appointing power where that position was held.

5. Class Title of Former Position	6. Appointing Power of Former Position
<input type="text"/>	<input type="text"/>

7. Current Maximum of Former Position

8. Salary Two (2) Steps Higher than the Maximum Salary of the Former Position (#7)

*Note: Two steps higher is computed by taking the maximum salary of the exempt class and dividing it by 1.05, rounding it off, and dividing that by 1.05 again. (See CCR 431).*

**CURRENT EXEMPT INFORMATION**

9. Exempt Class From Which Being Terminated

10. Maximum Salary of Exempt Class

11. Salary Level Two (2) Steps Lower than the Maximum Salary of the Exempt Class (#10)

*Note: Two steps lower is computed by taking the maximum salary of the former position and multiplying it by 1.05, rounding it off, and by multiplying that by 1.05 again.*

12. Total Years of State Service  13. Total Years of Civil Service

14. Total Consecutive Years of Exempt Service Under a Single Appointing Power

*Note: "State service" includes both exempt, CEA, and civil service. "Civil service" includes CEA and any temporary, emergency, permanent or probationary appointments to civil service positions. Once you identify at least ten (10) years of State service that includes five (5) years of civil service, three (3) years of exempt service, and the employee's former position, it is not necessary to identify additional State service.*

15. Appointing Authority of consecutive exempt service (#14):

16. Appointing Authority of exempt appointment that is being terminated:

17. Appointing Authority of the former civil service position (#8):

**MANDATORY REINSTATEMENT - G.C. Sections 19141**

Requires the exempt employee to have former permanent civil service status and since such status, has had no break in state service due to a permanent separation. This reinstatement right is to his or her former position or "if the appointing power to which reinstatement is to be made and the employee agree, a vacant position in any department for which he or she is qualified at substantially the same level."

A. Class Title of Former Position

B. Appointing Authority of the Former Position

C. Maximum Salary of Former Position

D. Was the Former Position CEA?

Yes  No

E. If the Former Position was CEA, What Level Was It?

Maximum Salary:

F. Will the Employee Be Retained in the Former Position of CEA?

Yes  No

*Note: If the employee will not be retained in the CEA position, you must also determine his or her right of return from the CEA termination by completing the CEA Return Rights Worksheet.*

**IMPROVED REINSTATEMENT RIGHTS - G.C. Section 19141.1 and 19141.1 (c)**

The exempt employee must have a right of return pursuant to section 19141 to be eligible for section 19141.1. G.C. 19141.1(c) requires the exempt employee to have at least 10 years of state service including at least five years of civil service and at least three consecutive years of exempt service under one appointing authority. This reinstatement right is only to the appointing authority where the three consecutive years of exempt service were served.

A. Does the Employee have at least 10 years of State service?

Yes  No

B. Does the employee's State service include at least five (5) years of civil service?

Yes  No

*Note: Civil Service includes CEA.*

C. Does the employee have three (3) consecutive years of exempt service under a single appointing authority that employs civil service employees?

Yes  No

*Note: If the answer to A, B, or C is No, G.C. 19141.1(c) does not apply to this employee and you may go to Page 4, Section 19141.1(b).*

If the employee meets the criteria specific in A, B, and C above, he or she shall be reinstated upon request to (1) his or her former position or (2) any vacant position for which the employee has civil service eligibility under the appointing power where the three years of service were completed and which is at least two salary steps below the employee's exempt salary level.

A. List classes within the department that have

A maximum salary two steps below the maximum salary of the exempt position (7)

**AND** Above the maximum salary of the former position

B. Does the employee have eligibility (e.g., transfer or reinstatement from any prior permanent civil service appointment, current list eligibility, etc.) to be appointed to the classes in A? If yes, list the classes.

Yes  No

C. Are there any vacant positions in the class(es) listed in B? If yes, list the classes and  Yes  No offer at least one of the vacant positions to the employee.

D. If the employee was offered one of the vacant positions listed in C, did he or she  Yes  No accept one of the offered positions?

If the answer is yes, list the class he or she accepted

*Note: The transaction is A03 for mandatory reinstatement and the employee shall serve a new probationary period.*

If the answer is No, the employee is reinstated to his or her former position of

E. If the answer to B was No, and the employee does not have any eligibility to be appointed to the classes listed in A, the employee is entitled to take deferred examinations for those classes listed in A that have a current eligible list within the department where the consecutive three years of exempt service were served. List those classes identified in A that have existing eligible lists within the department where the three consecutive years of exempt service were served. These are classes with:

A maximum salary two steps lower than the maximum salary of the exempt position (7) **AND** Above the maximum salary of the former position

If the employee passes the deferred examination in a reachable rank and there is a vacant position in the classification, the employee shall be reinstated to the vacant position.

If the employee passes the deferred examination in a reachable rank and there are no vacant positions in the classification of the deferred examination, the employee's name is placed on a departmental and/or subdivisional reemployment list for the classification.

If the employee passes the deferred examination, but is not in a reachable rank, the employee returns to his or her former position and remains on the eligible list until he or she becomes reachable or the list is abolished. If at any time within two years of the exempt termination, the employee becomes reachable on any list for which he or she took a deferred examination, and there is no vacant position, his or her name is placed on a departmental or subdivisional reemployment list. If the employee becomes reachable on any list for which he or she took a deferred examination within two years after the exempt termination, and there is a vacant position, he or she shall be reinstated to the vacant position.

**IMPROVED PERMISSIVE REINSTATEMENT RIGHTS/OPTIONS - G.C. Section 19141.1(b)**

Requires the exempt employee to have at least five years of state service and at least one year but less than three years of exempt service to request deferred examination within four years of the termination, either by the employee or the appointing power.

A. If the employee has three or more years of exempt service and a minimum of five years of State service, the employee may request to take a deferred examination for any department for any class that has an existing eligible list within the department where the request is made and that has:

A maximum salary two steps below the maximum salary of the former position **AND** Above the maximum salary of the former position

B. If the employee has one year but less than three years of exempt service and a minimum of five years of State service, the employee may request to take a deferred examination for any department for any class that has an existing eligible list within the department where the request is made and that has:

A maximum salary of up to two steps higher than the maximum salary of the former position (#10)

**ABILITY FOR CURRENT AND FORMER EXEMPT EMPLOYEES TO TAKE PROMOTIONAL EXAMINATIONS**

G.C. Section 18990 allows current exempt employees of the Legislature to take promotional examinations, including CEA, if they have two consecutive years of exempt Legislative service and they meet the minimum qualifications for the class for which the examination is being given. They may request to take a promotional examination for any department. If promotional examinations are being given for the same class in more than one department, the employee must select one department in which to compete. Once the employee passes the examination and is placed on the list, his or her name will remain on the list until they are appointed from that list or the list expires. Additionally, the employee may transfer their list eligibility from one department to another in the same manner as provided for civil service employees. This eligibility to take promotional examinations applies to the exempt Legislative employee for up to one year after the exempt appointment is terminated.

G. C. Section 18992 allows current Executive branch exempt employees that are in nonelected exempt positions that have salaries that were not set by statute to take promotional examinations, including CEA, if they have two consecutive years of exempt service and they meet the minimum qualifications for the class for which the examination is being given. They may request to take a promotional examination for any department. If promotional examinations are being given for the same class in more than one department, the employee must select one department in which to compete. Once the employee passes the examination and is placed on the list, his or her name will remain on the list until they are appointed from that list or the list expires. Additionally, the employee may transfer their list eligibility from one department to another in the same manner as provided for civil service employees. This eligibility to take promotional examinations applies to the Executive branch exempt employee for up to one year after the exempt appointment is terminated.