

# Transfer and Permissive Reinstatement



# Objectives

- Understand the laws and rules pertaining to transfer determinations and permissive reinstatement appointments.
- Make legal transfer determinations and permissive reinstatement appointments.





# Constitution of the State of California

Article VII, Section 1(b):

“...In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination.”



# Work History and Transfer Eligibility

Determine Transfer Eligibility - Identify the “From” Class:

- HIGHEST permanent list appointment or equivalent - A01, A20, A21, A22 transaction
- “Deep” class - Based on incumbents current range
- HIGHEST permanent transfer appointment - A02 transaction (Deep/Consecutive Transfers)
- Determine which appointment provides the HIGHEST “Transfer Eligibility”

# Transfer

# Laws and Regulations



# Government Codes

**GC 19050.3** Transfer of an employee from a position under one appointing power to a position under another appointing power may be made, subject to board rule.

**GC 18525.3** “Transfer” means both of the following:

- (a) The appointment of an employee to another position in the same class but under another appointing power.
- (b) The appointment of an employee to a different class that has substantially the same level of duties, responsibility, and salary as the employee’s current class under the same or another appointing authority.

# California Code of Regulations 250

“(a) Appointments to positions in the State civil service ... by way of transfer, as defined in Government Code Section 18525.3...shall be made on the basis of merit and fitness, defined exclusively as the consideration of each individual’s job-related qualifications for a position...”

# California Code of Regulations 430

“Classes meeting the criteria established by this article shall be considered to involve substantially the same level of duties, responsibility and salary...”



# California Code of Regulations 430

Level of duties and responsibilities refers to:

- Level of work performed
- Degree of expertise in work performed
- Complexity of work performed
- Degree of independence
- Consequence of error
- Supervision received and/or exercised

# California Code of Regulations 431

- “Substantially the same salary range or salary level”
- “Promotional salary relationship, range or level”
- “Salary range”
- “Rate”
- “Step”

# California Code of Regulations 432

“For the purposes of this article, a class series is any vertically related group of classes, covering the same occupational specialty and same program area, which constitute a primary promotional pattern for a specifically identifiable group of employees.”



# California Code of Regulations 433(a) and 433.1(a)

Unless specifically prohibited pursuant to Rule 430, transfers may be allowed between classes provided that:

- 433(a) The salary range of the “to” class is exactly the same or any amount lower than that of the “from” class.
- 433.1(a) Cites exact language as 433(a) but specific to Bargaining Unit 10 classifications.

# California Code of Regulations 433(b)(1) and 433.1(b)(1)

b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:

(1) It is not a promotional salary range

# Example of California Code of Regulations 433(b)(1) and 433.1(b)(1)

A01 From Class		A02 To Class	
Key Data Operator TE \$3444		Toll Collector	
Minimum	Maximum	Minimum	Maximum
Range B \$2499	\$3125	\$2759	\$3452

# California Code of Regulations 433(b)(2) and 433.1(b)(2)

(b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:

(2) The two classes are in different class series unless the Board specifically provides for a transfer in a series.

# Example of California Code of Regulations 433(b)(2) and 433.1(b)(2)

A01 From Class		A02 To Class	
<b>Business Service Officer I (Specialist) TE \$5149</b>		<b>Business Service Officer I (Supervisor)</b>	
Minimum	Maximum	Minimum	Maximum
\$3731	\$4671	\$3922	\$4856
		<b>Business Service Officer II (Specialist)</b>	
		\$4089	\$5120
		<b>Business Service Officer II (Supervisor)</b>	
		\$4300	\$5336
		<b>Business Service Officer III</b>	
		\$4714	\$5858

# California Code of Regulations 433(b)(3) and 433.1(b)(3)

(b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:

(3) There is no class in the “to” series that is exactly the same in salary as the “from” class.

# Example of California Code of Regulations 433(b)(3) and 433.1(b)(3)

A01 From Class		A02 To Class	
<b>Staff Services Manager II (Managerial)</b> <b>TE \$7885</b>		<b>Labor Relations Manager II</b>	
<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
<b>\$6296</b>	<b>\$7152</b>	<b>\$6915</b>	<b>\$7852</b>
<b>Staff Services Manager I</b>		<b>Labor Relations Analyst</b>	
<b>\$5181</b>	<b>\$6437</b>	<b>Range A \$3731</b>	<b>\$4671</b>
		<b>Range B \$4490</b>	<b>\$5621</b>
<b>Staff Services Manager II (Supervisor)</b>		<b>Labor Relations Specialist</b>	
<b>\$5688</b>	<b>\$7068</b>	<b>\$5181</b>	<b>\$6437</b>
<b>Staff Services Manager III</b>		<b>Labor Relations Manager I</b>	
<b>\$6915</b>	<b>\$7852</b>	<b>\$6296</b>	<b>\$7152</b>

# California Code of Regulations 433(b)(4) and 433.1(b)(4)

b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:

(4) The “to” class is the class in its series that is immediately higher in pay than the “from” class.

# Example of California Code of Regulations 433(b)(4) and 433.1(b)(4)

A01 From Class		A02 To Class	
Accountant Trainee TE \$4344		Personnel Specialist	
Minimum	Maximum	Minimum	Maximum
Range A \$3305	\$3941	Range A \$2654	\$3322
		Range B \$3053	\$3824
		Range C \$3160	\$3957
		Range D \$3413	\$4273

# California Code of Regulations 433(b)(5) and 433.1(b)(5)

(b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:

(5) The transfer does not preclude a future transfer that is part of the established upward mobility pattern through which the employee is moving.

# Example of California Code of Regulations 433(b)(5) and 433.1(b)(5)

A01 From Class		A02 To Class		A02 Future Transfer	
Word Processing Technician TE \$3444		Management Services Technician [upward mobility class]		Staff Services Analyst	
Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Range B \$2499	\$3125	Range A \$2545	\$3188	Range A \$2873	\$3600
		Range B \$2873	\$3600	Range B \$3111	\$3895
				Range C \$3731	\$4671

# California Code of Regulations 433(b)(6) and 433.1(b)(6)

(b) The salary range of the “to” class is any amount higher than that of the “from” class, provided that:

(6) The two classes do not contain positions that have a supervisory-subordinate relationship under the appointing power making the transfer.

# Example of California Code of Regulations 433(b)(6) and 433.1(b)(6)

## Department A – Transfer **NOT** Allowed

A01 From Class		A02 To Class	
<b>Business Service Officer III</b> <b>TE \$6458</b> [Supervised by Business Manager I]		<b>Business Manager I</b>	
Minimum	Maximum	Minimum	Maximum
\$4714	\$5858	\$5181	\$6437

## Department B – Transfer **Allowed**

A01 From Class		A02 To Class	
<b>Business Service Officer III</b> <b>TE \$6458</b> [Supervised by Staff Services Manager II (Sup)]		<b>Business Manager I</b>	
Minimum	Maximum	Minimum	Maximum
\$4714	\$5858	\$5181	\$6437

# Permissive Reinstatement



# Government Code 19140 (a)

## Separated for one of the following reasons:

- Voluntary resignation
- Service retirement
- Termination from limited-term, temporary, career executive assignment or exempt appointments
- Automatic Resignation (AWOL)
- Accepting another civil service or exempt appointment without a break in service
- Voluntary demotion
- Laid off or demoted in lieu of layoff
- Non-punitive termination pursuant to GC 19585

# Government Code 19140 (f)

An eligible person may reinstate with any department:

- To his/her former classification
- To a lower classification in the same series
- To another classification to which the employee could transfer or demote



# Additional Laws and Regulations

- Government Code 19585
- Government Code 19996.2
- California Code of Regulation 6.4
- California Code of Regulation 277
- California Code of Regulation 446



# Determination Overview

- Double check the applicant's work history
  - Verify the applicant's time base and tenure eligibility
  - Confirm the employee has any of the required licenses, certificates or registration required in the "to" classification
  - Complete Transfer Eligibility Worksheet (CalHR 880)
  - Determine transfer or permissive reinstatement eligibility
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# Thank you for attending!

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