

Sample Letter D: Prior civil service status

<DATE>

<NAME>

<ADDRESS>

Dear <MR./MRS.>,

This letter is to officially notify you that your <CEA TITLE/LEVEL> appointment with the <DEPARTMENT NAME> will be terminated, effective <DATE>.

This letter also outlines your rights of return and the options available to you. An employee returning from a career executive assignment (CEA) could have as many as three reinstatement options. These options are: (1) mandatory reinstatement to your former position; (2) permissive reinstatement eligibility to a vacant position at the discretion of any appointing power for classifications above your former position; and (3) mandatory reinstatement to a vacant position above your former position.

1. Under California Code of Regulations (CCR) 548.151, you have mandatory return rights to your former position. Your former position is defined as the last position you held as a probationer or permanent employee or a position that is at least the same salary level and to which your appointing power could have transferred you. Your last probationary or permanent position was in the classification of <CLASS TITLE> at the <DEPARTMENT NAME>. To exercise this right of return, you must notify the <DEPARTMENT NAME> in writing of your intent to return to your former position within ten calendar days of the effective date of your CEA termination.
2. CCR 548.152 provides a returning CEA incumbent with an opportunity to be reinstated to a vacant position at the discretion of any appointing power at a level above their former position if they at least five years of state service including at least one year of CEA service.

Improved Permissive Reinstatement – See chart A to determine the appropriate paragraph for inclusion.

3. CCR 548.153 provides a returning CEA incumbent with improved mandatory rights if they have at least ten years of state service including at least three consecutive years of CEA experience under a single appointing power.

These rights are limited to the department where the three consecutive years of CEA were served and to classes that have a maximum salary at least two steps lower than the lowest CEA class/level served during the three-consecutive-year period and above the maximum salary of the former position.

Improved Mandatory Reinstatement – See chart B to determine the appropriate paragraph for inclusion.

Within 30 days after receipt of notice of termination of a career executive assignment, the affected employee may appeal to the State Personnel Board upon the grounds that the termination was effected for reasons of age, sex, sexual preference as prohibited by Governor's Executive Order S-6-04, marital status, race, color, national origin, ancestry, disability as defined in Government Code section 19231, religion, or religious opinions and affiliation, political affiliation, or political opinions. After hearing the appeal, the board may affirm the action of the appointing power, or restore the affected employee to the career executive assignment.

If you have any questions concerning the information provided in this letter, you may contact <PERSONNEL OFFICER or CHIEF OF ADMINISTRATION>, at <PHONE NUMBER>.

Sincerely,

<EXECUTIVE OFFICER or DEPARTMENT DIRECTOR>

CEA Return Rights Sample Letter D – Improved Permissive Reinstatement

Select the applicable box number as it pertains the employee and include the corresponding paragraph in the termination letter.

<input type="checkbox"/> 2a.) Doesn't meet the 5 years of state service or 1 year of CEA service requirement	The improved reinstatement eligibility provided in this regulation does not apply to you since you do not have the required <i><FIVE YEARS OF STATE SERVICE and/or ONE YEAR OF CEA SERVICE></i> .
<input type="checkbox"/> 2b.) 5 years of state service and 1 year or more but less than 3 years of CEA service	Under the provisions of this regulation, since you have at least one year but less than three years of CEA service, you may be reinstated to a vacant position at the discretion of any appointing power to a class that is no more than two salary steps higher than your former position of <i><FORMER CLASSIFICATION></i> , provided that the class is at least two steps lower than the CEA level from which you are being terminated. Two steps lower than your CEA level is <i><\$X,XXX></i> . Two steps higher than your former position is <i><\$X,XXX></i> . Therefore, the classes for which you may seek reinstatement under the provisions of this regulation must have a maximum salary of <i><\$X,XXX></i> or lower. You retain this opportunity for reinstatement to classes at this level for a period of four years after the date of the termination of your CEA position. It is your responsibility to identify and pursue opportunities under this regulation.
<input type="checkbox"/> 2c.) 5 years of state service and 1 year or more but less than 3 years of CEA service, but the maximum salary of former position is the same as or higher than two steps lower than the CEA level being terminated	Although you meet the eligibility requirements of five years State service and one year or more but less than three years of CEA service, there are no classes to which you can be reinstated that meet the requirement of no more than two salary steps higher than your former position of <i><FORMER CLASSIFICATION></i> and two steps lower than the CEA level from which you are being terminated. Your former position has a maximum salary of <i><\$X,XXX></i> , which is higher than two steps lower than the maximum salary of the <i><CEA TITLE/LEVEL></i> of <i><\$X,XXX></i> . Therefore, your only mandatory right of return is to your former position of <i><FORMER CLASSIFICATION></i> at the <i><DEPARTMENT NAME></i> .
<input type="checkbox"/> 2d.) 5 years of state service including 3 or more years of CEA service	Under the provisions of this regulation, since you have more than three years of CEA service, you may be reinstated to a vacant position at the discretion of any appointing power to a class that is at least two steps lower in salary than the CEA level from which you are being terminated, <i><CEA TITLE/LEVEL></i> . The maximum salary of your CEA level is <i><\$X,XXX></i> . Two steps lower is <i><\$X,XXX></i> . You retain this opportunity for reinstatement to classes at this level for a period of four years after your CEA termination date. It is your responsibility to identify and pursue opportunities under this regulation.
<input type="checkbox"/> 2e.) 5 years of state service including 3 or more years of CEA service, but the maximum salary of the employee's former position is the same as or higher than two steps lower than the CEA level being terminated	Although you meet the eligibility requirements of five years State service including three or more years of CEA service, there are no classes to which you can be reinstated that meet the requirement of at least two steps lower than your CEA position of <i><CEA TITLE/LEVEL></i> and above your former position of <i><FORMER CLASSIFICATION></i> . Your former position has a maximum salary of <i><\$X,XXX></i> , which is higher than two steps lower than the maximum salary of your CEA level of <i><\$X,XXX></i> . Therefore, your only mandatory right of return is to your former position of <i><FORMER CLASSIFICATION></i> at the <i><DEPARTMENT NAME></i> .

CEA Return Rights Sample Letter D – Improved Mandatory Reinstatement

Select the applicable box number as it pertains to the employee and include the corresponding paragraph in the termination letter.

<input type="checkbox"/> 3a.) Doesn't meet the 10 years state service or 3 consecutive years of CEA service requirement	The improved reinstatement right provided in CCR 548.153 does not apply to you since you do not have the required <TEN YEARS OF STATE SERVICE and/or THREE CONSECUTIVE YEARS OF CEA SERVICE>.
<input type="checkbox"/> 3b.) 10 years of state service and 3 consecutive years of CEA service, but the maximum salary of the former position is the same as or higher than two steps lower than the lowest CEA level served during the qualifying three consecutive years	Although you meet the eligibility requirements of ten years State service and at least three consecutive years of CEA service under one appointing authority, there are no classes to which you can be reinstated that meet the requirement of at least two steps lower than the lowest CEA class/level of <CEA TITLE/LEVEL> served during the three-consecutive-year period and above the maximum salary of your former position of <FORMER CLASSIFICATION>. Your former position has a maximum salary of <\$X,XXX>, which is higher than two steps lower than the maximum salary of the CEA class/level of <\$X,XXX>. Therefore, your only mandatory right of return is to your former position of <FORMER CLASSIFICATION> at the <DEPARTMENT NAME>.
<input type="checkbox"/> 3c.) 10 years of state service and 3 consecutive years of CEA service and a vacant position exists at the appropriate level	Under the provisions of this regulation, you have a mandatory right of reinstatement at this department if you request it within ten calendar days of receiving this notice. Your right of reinstatement is to a vacant position in a class that is in the same occupational areas as your CEA that has a maximum salary that is at least two steps lower than your CEA position of <CEA TITLE/LEVEL> and above your former position of <CLASS TITLE>, provided that (1) you possess any license, certificate or registration required for the class; and (2) performance of the CEA combined with your prior employment history would reasonable predict successful performance in the position. The maximum salary of the class of <CEA TITLE/LEVEL> is <\$X,XXX>. Two steps lower is <\$X,XXX>. The maximum salary of your former position is <\$X,XXX>. This department has a vacant position that meets the criteria of this regulation in the class of <CLASS TITLE>, which we wish to offer you. If you choose not to request reinstatement to this class within the ten-day time limit, you will relinquish your eligibility to be reinstated to any class pursuant to this rule. However, you will still retain the option of reinstating to your former position of <FORMER CLASSIFICATION> at the <DEPARTMENT NAME>.
<input type="checkbox"/> 3d.) 10 years of State service and 3 consecutive years of CEA service, but <u>no</u> vacant position exists at the appropriate level	Under provisions of this regulation, you have a mandatory right of reinstatement at this department if you request it within ten calendar days of receiving this notice. Your right of reinstatement is to a vacant position in a class that is in the same occupational area as your CEA that has a maximum salary that is at least two steps lower than your CEA position of <CEA TITLE/LEVEL> and above your former position of <FORMER CLASSIFICATION> provided that (1) you possess any license, certificate or registration required for the class; and (2) performance in the CEA combined with your prior employment history would reasonably predict successful performance in the position. The maximum salary of your CEA position, <CEA TITLE/LEVEL> is <\$X,XXX>. Two steps lower is <\$X,XXX>. The maximum salary of your former position is <\$X,XXX>. This department uses the classes of <LIST CLASSES>, which meet the criteria specified in this regulation. However, we do not have any vacant positions in any of these classes. Therefore, if you request reinstatement pursuant to this regulation within the required time limit, your name will be placed on the departmental reemployment lists for these classes.

CEA Return Rights Sample Letter D – *Improved Mandatory Reinstatement*

Select the applicable box number as it pertains to the employee and include the corresponding paragraph in the termination letter.