

*State of California*

**M E M O R A N D U M**

**TO:** PERSONNEL MANAGEMENT LIAISONS      **DATE:** May 21, 2003  
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**THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:**

Personnel Officers  
Personnel Transactions Staff

**FROM:** Department of Personnel Administration  
Policy and Operations Division

**SUBJECT:** Seniority Calculations

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This memorandum provides information to clarify the method the Department of Personnel Administration (DPA) uses to calculate total State service and seniority scores.

**Definitions**

**Total State service**, defined in DPA Rule 599.608, is used to calculate vacation accrual rates, determine when employees are eligible for a 25-Year Service Award, determine reinstatement rights, and verify lump sum vacation upon separation from State service.

**Seniority scores**, defined in DPA Rule 599.840, are used to determine order of layoff, demotion in lieu of layoff, involuntary transfers, order of reemployment when an employee is on a reemployment list, and post-and-bid. DPA Rule 599.840 specifies that seniority shall be accumulated by qualifying pay period as defined in DPA Rule 599.608. We count pay periods this way regardless of when the service occurred. For each month of qualifying State service, an employee receives one seniority point.

Seniority scores and total State service are typically equivalent; however, there are exceptions to this. For instance, if an employee has State service prior to January 1, 1969, DPA Rule 599.608

specifies that this service must be accumulated using the rules that applied on December 31, 1968 (which provide a different method from the one in the current rules).

The rules in effect on December 31, 1968, provide that an employee must have worked all **working** days in a given pay period or month in order to receive credit. Either the calendar month or the pay period may be used to determine this; the choice should be made to the benefit of the employee. Because of these rules, if employees worked for the State prior to January 1, 1969, their seniority scores may differ from their total months of State service.

Unit 6 and 13 employees are another important exception to the above; see below for more information.

**Public Employees' Retirement System (PERS) service** is used by PERS to determine an employee's eligibility to retire and to set the rate at which they will earn retirement pay. Although PERS uses the same terminology as DPA to refer to its calculation, there is no relationship between PERS service and DPA's State service and seniority calculations. The scores are calculated for different purposes, using different methods, and they should not be compared. For example, PERS credits service on a fiscal year basis (July 1 - June 30). Ten months of service in a fiscal year equals one year of PERS service credit. DPA credits service on a monthly basis, where each qualifying pay period equals one month of State service. Therefore, total State service and total PERS service will rarely, if ever, agree.

### Qualifying Service

All time worked within the California civil service system qualifies towards total State service and seniority scores. Other types of employment with the State of California, as specified in DPA Rule 599.841, may also qualify for State service and seniority credit. These other types of employment are referred to collectively as "exempt service" to differentiate them from civil service employment.

The following appointments qualify as exempt service under DPA Rule 599.841:

- Exempt appointments under the Executive Branch.
- Officers and employees of the Legislature, either house, or legislative committees.
- Officers and employees of councils, commissions, or public corporations in the judicial branch.

- Employees of a court of record or officer employed by the judicial branch.
- Officers and employees of the University of California (UC) and California State University (CSU). Time as a UC student employee, provided it was at a time base above 50%, counts as service for these purposes; however CSU student employees who are nonbenefited are not eligible for credit. In addition, CSU appointments using an A54 transaction code ("special pay" appointments) do not receive service credit.
- The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction (i.e., the six State Special Schools).
- Members of the National Guard engaged in military service in connection with employment by the California Department of the Military.
- Officers and employees of District Agricultural Associations who are employed less than six months in a calendar year.

DPA Rule 599.841 further provides, "Only that exempt service which can be **fully verified** for seniority purposes from **official records** shall be qualifying for seniority." We consider the following to be full verification of exempt service:

**Legislature (Senate and Assembly employees):** Transfer Data Form (612) showing start date, time base, separation date, and any leaves of absence (including dates), signed by Legislature personnel, or a letter signed by Legislature personnel that includes all of the above information.

**University of California (UC):** Month-by-month Record of Earnings (these may be obtained from the UC Payroll Offices). If the employee worked at a time base below 50%, we require verification of student status in order to ensure that all service is credited properly.

For other exempt service where records are not immediately available to us, some sort of verification similar to the specific standards above will usually be acceptable. We are interested primarily in time base, tenure, and all appointment and separation dates. If staff are unclear as to whether a given type of record constitutes full, official verification, please contact the State Service and Seniority Unit for more information.

### **Special Considerations**

A number of special situations can affect seniority calculations for employees.

**Illegal Appointments** are made when the hiring of an employee does not comply with applicable civil service laws and regulations. The State Personnel Board (SPB) adjudicates these. If SPB determines that an employee is working in an illegal appointment, and the appointment was made in good faith, time worked during the illegal appointment still counts towards the employee's total State service and seniority credits.

**Intermittent employees** whose hours have not been posted to the State Controller's Office system cannot receive credit for the non-reported time period. If there is any question about hours worked, the employing department must provide documentation (e.g., payroll history, time cards, or employee leave cards) verifying hours worked during the affected time period.

**Mandatory reinstatement:** GC Section 19142 states that every State civil service employee holds his or her position subject to the mandatory reinstatement of another employee. In other words, if an employee is returning to his or her former position on a mandatory reinstatement (because of termination of a CEA appointment, rejection on probation, or any other reason except military leave) and the employee's former position is no longer vacant, the employing department may lay off the incumbent in order to allow the returning employee to fill his or her former position. This GC section further provides that, if the standard seniority calculation method would result in the layoff of the reinstating employee, then only service in classes with substantially the same or a higher salary range will be counted for the purposes of determining who will be laid off.

Similarly, GC Section 19997.5 provides for employees returning from military leave with a mandatory reinstatement. In this situation, if the standard seniority calculation method would result in the layoff of the employee reinstating from a military leave, then only service in the subdivision of layoff, i.e., the class and location affected, will be counted for the purposes of determining who will be laid off.

In both of these cases, the definition of "former position" specified in GC Section 18522 should be used.

**Military leave**, as specified in GC Section 19775.3, allows the period of military leave to be treated as continuous service upon reinstatement to an employee's former position.

**Retired Annuitants** appointed pursuant to GC Section 21221 do not receive service credit. Retired annuitants appointed pursuant to GC Section 21228 are considered permanent civil service employees, and they gain benefits, including total State service and seniority accrual, accordingly.

**Veterans**, in accordance with GC Section 19997.6, may be afforded up to 12 months' seniority credit for recognized military service that occurred prior to the veteran's entry into civil service or exempt appointment with the State of California. This entire provision applies only to **seniority credit**; it has no impact on an employee's total State service.

#### **Seniority Calculation Process - Units 6 and 13**

Bargaining Units 6 and 13 have negotiated changes to the standard seniority calculation process for employees in their units. Note that the negotiated differences apply only to **seniority**--total **State service** remains unchanged. Please refer to the Bargaining Unit 6 and 13 contracts for information on how to compute seniority for these employees

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