

Sample Letter C: Prior civil service status with break in service

<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>. Although you had a prior permanent civil service appointment, you do not have a mandatory right of return to civil service due to your break in service. However, you do have permissive reinstatement rights under the provisions of Government Code (GC) section 19140 as outlined below.

GC section 19140 provides permissive reinstatement for certain individuals who have prior probationary or permanent status. An eligible person may reinstate with any department to their former classification, to a lower classification in the same series, or to another classification to which the employee could transfer or demote. You previously gained permanent status in the <CLASS TITLE> classification and you may choose to pursue opportunities under this provision.

Additionally, you have eligibility to request a deferred examination under the provisions of GC section 19889.4(c). You may request to take a deferred examination for any open eligible list at this department for a class in which you meet the minimum qualifications. If you choose to pursue this opportunity, a request must be made within 10 calendar days of your Career Executive Assignment (CEA) termination date of <TERMINATION DATE>. We have the following open eligible lists in existence:

<LIST CLASSIFICATION>

Within thirty (30) days after you receive this notice of termination of your CEA position, you may appeal to the State Personnel Board (SPB or Board) in accordance with California Code of Regulations, title 2, sections 52.4 and 548.136. Appeals must be filed in writing with the SPB Appeals Division; filing instructions are available on the SPB website (<https://www.spb.ca.gov/appeals/appeals.aspx>). You may appeal only on the grounds that the termination was based on illegal discrimination prohibited by GC section 12940, subdivision (a), illegal retaliation prohibited by GC section 12940, subdivision (h), or for reasons prohibited in Chapter 10 of Part 2 of the GC beginning with section 19680. After hearing the appeal, the Board may affirm the action of the appointing power or restore you to the CEA position.

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>