

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 below 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 below to determine the appropriate paragraph for inclusion.

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>