

EXEMPT RETURN RIGHTS WORKSHEET

1. Employee:	2. Social Security Number:	3. Date Calculated:
4. Did the employee have permanent civil service status and since such permanent status, had no break in the continuity of his or her State service due to a permanent separation? (See SPB Rule 6.4 for a definition of break in service and Rule 446 for a definition of permanent separation.) <i>Note: If the answer to #4 is No, the employee has no reinstatement rights, so you may go straight to Page 4, G .C. Section 18990 or Section 18992. If the answer to #4 is yes, continue with #5.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Exempt classification from which being terminated:		
6. Maximum salary of the exempt class:		\$
7. Salary level two (2) steps lower than the maximum of the exempt class salary (#6): <i>Note: Two steps lower is computed by taking the maximum salary of the exempt class and dividing it by 1.05, rounding it off, and dividing that by 1.05 again. (See SPB Rule 431).</i>		\$
8. Former civil service position: (This is the last position held by the employee that was CEA or probationary or permanent civil service.)		
9. Current maximum salary of the former position:		\$
10. Salary level two (2) steps higher than the maximum salary of the former position (#9): <i>Note: Two steps higher is computed by taking the maximum salary of the former position and multiplying it by 1.05, rounding it off, and multiplying that by 1.05 again.</i>		\$
11. Total years of State service: <i>Note: "State service" includes both exempt service and civil service including CEA. Once you identify at least ten (10) years of State service that includes five (5) years of civil service and three (3) years of exempt service and the employee's former position, you do not need to identify or locate additional State service. Ten (10) years of State service including at least five (5) years of civil service and three (3) years of consecutive exempt service under one appointing power is all that is needed to afford the maximum improved reinstatement rights.</i>		
12. Total years of civil service: <i>Note: "Civil service" includes CEA and any temporary, emergency, permanent or probationary appointments to civil service positions.</i>		
13. Total years of consecutive exempt service under one appointing authority: <i>Note: Once you locate three (3) consecutive years of exempt service under one appointing authority, you do not need to identify or locate any additional exempt service.</i>		
14. Appointing Authority of consecutive exempt service (#13):		
15. Appointing Authority of exempt appointment that is being terminated:		
16. Appointing Authority of the former civil service position (#8):		

MANDATORY REINSTATEMENT: G.C. Sections 19141 and 18522 - "Former Position"

Section 19141 provides mandatory return rights to exempt employees that previously held a permanent civil service position. To be eligible for reinstatement under this law, the exempt employee must have had previous permanent status in the civil service and since that permanent status has had no break in the continuity of his or her state service due to a permanent separation. The reinstatement right is to his or her former position. Section 19141 defines "Former Position" as "...in Section 18522, or, if the appointing power to which reinstatement is to be made and the employee agree, a vacant position in any department, commission, or state agency for which he or she is qualified at substantially the same level." This is the only law that provides a mandatory reinstatement to a different department than where the former position was held. A detailed explanation of "former position" that may be used as a guide for exempt return rights is included in your training material. Please remember that this is just a guide for your information. The laws take precedence over any conclusions made in the guide and you need to make sure that you have the most current amendment of the laws.

A. Class of Former Position:	
B. Appointing Authority of the Former Position:	
C. Maximum Salary of the Former Position: \$	
D. Was the Former Position CEA? <input type="checkbox"/> Yes <input type="checkbox"/> No	
E. If the Former Position was CEA, what level was it?	Maximum Salary: \$
F. Will the employee be retained in the Former Position of CEA? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p><i>Note: If the employee is not going to be retained in the CEA position, you must also determine his or her right of return from the CEA termination. You should now fill out the CEA Return Rights Work Sheet and notify the department of the former civil service position, excluding CEA positions, that the employee may be returning.</i></p>	

IMPROVED REINSTATEMENT RIGHTS - G. C. Section 19141.1

To be eligible for the improved reinstatement rights/options provided in Section 19141.1, the employee must have had permanent status and since such permanent status has had no break in the continuity of his or her State service. In other words, the employee must have a right of return pursuant to Section 19141 to be eligible for Section 19141.1.

IMPROVED MANDATORY REINSTATEMENT - G. C. Section 19141.1 (c)

To be eligible for the improved mandatory reinstatement rights provided by G.C. Section 19141.1(c), the employee must have at least ten (10) years of State Service including at least five (5) years of civil service and at least three (3) consecutive years of exempt service under one appointing authority. This reinstatement right is only to the appointing authority where the three consecutive years of exempt service were served.

A. Does the employee have at least ten (10) years of State service?	<input type="checkbox"/> Yes <input type="checkbox"/> No*
B. Does the employee's State service include at least five (5) years of civil service? Note: Civil service includes CEA.	<input type="checkbox"/> Yes <input type="checkbox"/> No*
C. Does the employee have three (3) consecutive years of exempt service under a single appointing authority that employs civil service employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No*

*Note: If the answer to A, B, or C is No, GC 19141.1 (c) does not apply to this employee and you may go to Page 4, Section 19141.1(b).

If the employee meets the criteria specified in A, B, and C above, pursuant to Section 19141.1 (c) he or she "...shall be reinstated upon request to (1) his or her former position or (2) any vacant position for which the employee has civil service eligibility under the appointing power where the three years of service were completed and which is at least two salary steps below the employee's exempt salary level. In the absence of current list eligibility, an employee shall be entitled to a deferred examination for placement on a current eligible list for classes meeting the mandatory reinstatement criteria. If the employee obtains civil service appointment eligibility at any time within two years of the termination of the exempt appointment, and a vacant position in the appropriate class is not available, the employee's name shall be placed on the appointing power's departmental or subdivisional reemployment list for any classes and locations which would satisfy the employee's reinstatement request." The employee must request this reinstatement eligibility within ten calendar days of the exempt termination. This reinstatement eligibility only applies to the department where the three consecutive years of exempt service were served.

A. List the classes within the department that have a maximum salary two steps below the maximum salary of the exempt position (#7) (\$) and above the maximum salary of the former position (#9) (\$).	
B. Does the employee have eligibility (e.g., transfer or reinstatement from any prior permanent civil service appointment, current list eligibility, etc.) to be appointed to the classes in A? If yes, list the classes.	<input type="checkbox"/> Yes <input type="checkbox"/> No
C. Are there any vacant positions in the class(es) listed in B? If yes, list the classes and offer at least one of the vacant positions to the employee.	<input type="checkbox"/> Yes <input type="checkbox"/> No
D. If the employee was offered one of the vacant positions listed in C, did he or she accept one of the offered positions?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer is yes, list the class he or she accepted:	
<i>Note: The transaction is A03 for mandatory reinstatement and the employee shall serve a new probationary period.</i>	
If the answer is No, the employee is reinstated to his or her former position of .	
E. If the answer to B was No, and the employee does not have any eligibility to be appointed to the classes listed in A, the employee is entitled to take deferred examinations for those classes listed in A that have a current eligible list within the department where the consecutive three years of exempt service were served. List those classes identified in A that have existing eligible lists within the department where the three consecutive years of exempt service were served. These are classes with a maximum salary at least two steps lower than the maximum salary of the exempt position (#7) (\$) and above the maximum salary of the former position (#9) (\$).	

If the employee passes the deferred examination in a reachable rank and there is a vacant position in the classification, the employee shall be reinstated to the vacant position.

If the employee passes the deferred examination in a reachable rank and there are no vacant positions in the classification of the deferred examination, the employee's name is placed on a departmental and/or subdivisional reemployment list for the classification.

If the employee passes the deferred examination, but is not in a reachable rank, the employee returns to his or her former position and remains on the eligible list until he or she becomes reachable or the list is abolished. If at any time within two years of the exempt termination, the employee becomes reachable on any list for which he or she took a deferred examination, and there is no vacant position, his or her name is placed on a departmental or subdivisional reemployment list. If the employee becomes reachable on any list for which he or she took a deferred examination within two years after the exempt termination, and there is a vacant position, he or she shall be reinstated to the vacant position.

IMPROVED PERMISSIVE REINSTATEMENT RIGHTS/OPTIONS -Section 19141.1(b)

"Within four years of the termination of an appointment in an exempt position, either by the employee or the appointing power, an employee who has completed a minimum of five years of state service experience and at least one year but less than three years of exempt service shall be given an opportunity upon request to obtain civil service appointment eligibility, through a deferred examination, for any position offered by any appointing power in any class for which a current eligible list exists and which has a salary range up to two steps higher than the employee's former position. If the employee has three or more years of exempt service, the opportunity shall be provided for any class at least two salary steps below the employee's exempt salary level."

<p>A. If the employee has three or more years of exempt service and a minimum of five years of State service, the employee may request to take a deferred examination for any department for any class that has an existing eligible list within the department where the request is made and that has a maximum salary two steps below the maximum salary of the exempt position (#7) (\$) and above the maximum salary of the former position (#9) (\$). <i>Note: the employee may make his or her request of any department at any time within four years of the exempt termination.</i></p>
<p>B. If the employee has one year but less than three years of exempt service and a minimum of five years of State service, the employee may request to take a deferred examination for any department for any class that has an existing eligible list within the department where the request is made and that has a maximum salary of up to two steps higher than the maximum salary of the former position (#10) (\$).</p>

ABILITY FOR CURRENT AND FORMER EXEMPT EMPLOYEES TO TAKE PROMOTIONAL EXAMINATIONS

G.C. Section 18990 allows current exempt employees of the Legislature to take promotional examinations, including CEA, if they have two consecutive years of exempt Legislative service and they meet the minimum qualifications for the class for which the examination is being given. They may request to take a promotional examination for any department. If promotional examinations are being given for the same class in more than one department, the employee must select one department in which to compete. Once the employee passes the examination and is placed on the list, his or her name will remain on the list until they are appointed from that list or the list expires. Additionally, the employee may transfer their list eligibility from one department to another in the same manner as provided for civil service employees. This eligibility to take promotional examinations applies to the exempt Legislative employee for up to one year after the exempt appointment is terminated for general civil service classes and indefinitely for CEA exams.

G. C. Section 18992 allows current Executive branch exempt employees that are in nonelected exempt positions that have salaries that were not set by statute to take promotional examinations, including CEA, if they have two consecutive years of exempt service and they meet the minimum qualifications for the class for which the examination is being given. They may request to take a promotional examination for any department. If promotional examinations are being given for the same class in more than one department, the employee must select one department in which to compete. Once the employee passes the examination and is placed on the list, his or her name will remain on the list until they are appointed from that list or the list expires. Additionally, the employee may transfer their list eligibility from one department to another in the same manner as provided for civil service employees. This eligibility to take promotional examinations applies to the Executive branch exempt employee for up to one year after the exempt appointment is terminated for general civil service classes and indefinitely for CEA exams.

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