

1. EMPLOYEE	2. POSITION TITLE OR NUMBER	3. DATE CALCULATED						
FORMER POSITION INFORMATION								
4. FORMER POSITION (Excluding Prior CEA Appointments) <table style="margin-left: 400px;"> <tr> <td><input type="checkbox"/></td> <td>Government Code Section 18990 or 18992¹</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Government Code Section 18991²</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Government Code Section 19889.3(1) (previous permanent status with break in service)³</td> </tr> </table> <p>If no former position, indicate authority for CEA appointment and refer to applicable footnote below.</p>			<input type="checkbox"/>	Government Code Section 18990 or 18992 ¹	<input type="checkbox"/>	Government Code Section 18991 ²	<input type="checkbox"/>	Government Code Section 19889.3(1) (previous permanent status with break in service) ³
<input type="checkbox"/>	Government Code Section 18990 or 18992 ¹							
<input type="checkbox"/>	Government Code Section 18991 ²							
<input type="checkbox"/>	Government Code Section 19889.3(1) (previous permanent status with break in service) ³							
¹ If the employee has no former position and was appointed under GC Section 18990 or 18992, the employee has no reinstatement rights. Go to Page 4, GC Section 18993. ² If the employee has no former position and was appointed under GC Section 18991, the employee has no reinstatement rights and GC Section 18993 is not applicable. ³ If the employee had former permanent status but had a permanent break in service and did not achieve permanent status before this CEA appointment, the employee has no reinstatement rights and GC Section 18993 is not applicable. <i>Note: If employee does not have a former position, you do not need to complete the remainder of this page. Go to Page 4 if applicable.</i>								
5. APPOINTING POWER OF FORMER POSITION								
6. CURRENT MAXIMUM SALARY OF FORMER POSITION		\$						
7. SALARY TWO (2) STEPS HIGHER THAN THE MAXIMUM SALARY OF THE FORMER POSITION <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>		\$						
CURRENT CEA INFORMATION								
8. CEA LEVEL OR CEA CLASS FROM WHICH BEING TERMINATED (Check applicable box and fill in level or class title) <input type="checkbox"/> 7500 CEA Level: <input type="checkbox"/> CEA Class Title:								
9. APPOINTING POWER TERMINATING CEA APPOINTMENT								
10. MAXIMUM SALARY OF CEA LEVEL OR CEA CLASS FROM WHICH BEING TERMINATED		\$						
11. SALARY LEVEL TWO (2) STEPS LOWER THAN THE MAXIMUM SALARY OF CEA LEVEL OR CEA CLASS FROM WHICH BEING TERMINATED <i>Note: Two steps lower is computed by taking the maximum salary of the CEA class/level from which being terminated and dividing it by 1.05, rounding it off, and dividing that by 1.05 again.</i>		\$						
INFORMATION FOR CALCULATING IMPROVED REINSTATEMENT RIGHTS								
12. TOTAL YEARS OF STATE SERVICE <i>Note: Once you identify at least ten (10) years of State service, you do not need to identify or locate additional State service since ten years is all that is needed to afford the maximum improved reinstatement rights. "State Service" includes both exempt and civil service time.</i>								
13. TOTAL CONSECUTIVE YEARS OF CEA SERVICE UNDER A SINGLE APPOINTING POWER THAT OCCURRED ENTIRELY WITHIN SIX YEARS OF THE EFFECTIVE DATE OF THE CEA TERMINATION. <i>Note: Exempt service between two periods of CEA service does not break consecutive CEA service.</i>								
14. LOWEST CEA LEVEL SERVED DURING THE MOST RECENT THREE (3) CONSECUTIVE YEAR QUALIFYING PERIOD								
15. MAXIMUM SALARY OF THE LOWEST CEA LEVEL USED TO MEET THE THREE (3) CONSECUTIVE YEAR QUALIFYING PERIOD (see #14)		\$						
16. SALARY TWO (2) STEPS LOWER THAN THE SALARY OF THE LOWEST CEA LEVEL USED TO MEET THE THREE (3) CONSECUTIVE YEAR PERIOD (see #15) <i>Note: Two steps lower is computed by taking the maximum salary of the lowest CEA level and dividing it by 1.05, rounding it off, and dividing that by 1.05 again. (See California Code of Regulations (CCR) 431).</i>		\$						

I. MANDATORY REINSTATEMENT: Former position as defined in CCR 548.150 and 548.151

548.151 – Reinstatement to Former Position Following Termination

Requires that an employee terminated from a CEA shall be reinstated to his or her former position unless the employee elects to be appointed to another position, offered by the appointing power, for which he or she is eligible.

548.150 – Definition of Former Position as it applies to terminating CEAs

"Former position" is defined as the last position an employee held as a probationer or permanent employee or a position that is at least at the same salary level and to which the appointing power could have transferred the employee.

A. APPOINTING POWER OF FORMER POSITION (#5)		B. CLASS OF FORMER POSITION (#4)	
C. MAXIMUM SALARY OF FORMER POSITION (#6) \$	D. 90-DAY RED CIRCLE RATE SALARY \$	E. RED CIRCLE RATE EXPIRES	
<i>Note: PAR documentation: A03 Mandatory Reinstatement</i>			

II. IMPROVED MANDATORY REINSTATEMENT – CCR 548.153

Requires the employee to have at least ten (10) years of State service that includes three (3) consecutive years of CEA service under a single appointing authority that occurred entirely within six (6) years of the current CEA termination. This mandatory right applies only to the Department where the three (3) consecutive years of CEA were served.

<p>A. List classes within the appointing power that have a maximum salary:</p> <ul style="list-style-type: none"> • The same as or lower than the salary two steps lower than the lowest CEA level used to meet the three-year requirement (#16) (\$) and • At least the same as or lower than the salary two steps lower than the CEA level from which being terminated (#11) (\$) and • Above the salary of the former position (# 6) (\$). <p>The classes must be limited to those meeting the above salary criteria and (1) the employee's CEA experience and prior employment history would reasonably predict successful performance in the class; and (2) the employee possesses any licenses and certificates required by law.</p>	
<p>B. List classes identified in A that have vacant positions and offer at least one of the vacant positions to the employee.</p>	
<p>C. Did the employee accept a reinstatement to one of the vacant positions listed in B?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Class:</p>	<p>Salary: \$ **</p>
<p><i>Note: If the answer to C is No, the employee relinquishes all rights to reinstatement under this rule and he/she is reinstated to his or her former position.</i></p>	
<p>D. If there are no vacant positions in the classes listed under A or in any of classes listed in A that are higher than the class to which the employee was reinstated, the employee's name must be placed on the appropriate departmental reemployment lists. The employee's name was placed on the following departmental reemployment lists:</p>	

** See Section I (D & E) above for Red Circle salary rate information.

III. IMPROVED PERMISSIVE REINSTATEMENT – CCR 548.152

548.152(2)

Requires the employee to have at least five (5) years of State service that includes three (3) years of CEA service. An offer of reinstatement under this rule is totally at the discretion of the appointing power. This regulation applies to any State department.

A. List classes used by the appointing power where the CEA is being terminated that have a maximum salary:	
<ul style="list-style-type: none"> • The same as or lower than the salary two steps lower than the CEA level from which being terminated (#11) (\$) and • Higher than the salary of the former position (#6) (\$). 	
B. List any of the classes in A that have vacant positions:	
C. Was the employee offered and did he/she accept one of the vacant positions listed in A or B within four (4) years of the date the CEA was terminated?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Class:	Salary: \$ **
Is a new probationary period required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><i>Note: PAR Documentation: A02 Reinstatement with "CCR 548.152" in Item 215.</i></p> <p><i>** See Page 2, Section I (D & E), for Red Circle salary rate information.</i></p>	

548.152 (1)

Requires the employee to have at least five (5) years of State service that includes at least one (1) year but less than three (3) years of CEA service. An offer for reinstatement under this regulation is totally at the discretion of the appointing power. This regulation applies to any State department.

Note: If the employee has five (5) years or more of State service and three (3) years or more of CEA, he or she has the higher improved rights under 548.152(2) above and you do not need to complete this section.

A. List classes used by the appointing power where the CEA is being terminated that have a maximum salary:	
<ul style="list-style-type: none"> • The same as or lower than the salary two steps higher than the former position (#7) (\$), BUT • No higher than the salary two steps lower than the CEA level from which being terminated (#11) (\$). 	
B. List any of the classes in A that have vacant positions:	
C. Was the employee offered and did he/she accept one of the vacant positions listed in A or B within four (4) years of the date the CEA was terminated?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Class:	Salary: \$ **
Is a new probationary period required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><i>Note: PAR Documentation: A02 Reinstatement with "CCR 548.152" in Item 215.</i></p> <p><i>** See Page 2, Section I (D & E), for Red Circle salary rate information.</i></p>	

**SAMPLE CEA TERMINATION LETTER FOR EMPLOYEES WITH NO PRIOR CIVIL
SERVICE STATUS**
(Type on department letterhead)

NOTE: Per Government Code Section (GC) 18993, the right to request deferred exams applies only to former Legislative and Executive Branch exempt employees who were appointed to a CEA position under the provisions of GC 18990 or 18992. Persons whose CEA eligibility was based on GC 18991 are not eligible for deferred exams; for those individuals, the letter below should be modified to delete paragraph 3.

Date ***(Must be served at least 20 calendar days prior to the effective date)***

Name
Address
City, State, Zip

Dear Mr./Ms.:

This letter is to officially notify you that your (CEA class/level) appointment with the (Department) will be terminated effective (date).

Since you have not had a prior permanent civil service appointment, you do not have a right of return to civil service. You do, however, have eligibility to take promotional examinations for this department until (date of termination) for any class for which you meet the minimum qualifications. We currently have the following promotional examinations in process:

Classification	Final Filing Date
_____	_____
_____	_____

If you apply within ten calendar days of your CEA termination date of (date of termination), you may request to take a deferred promotional examination for any promotional eligible list for this department currently in existence and for which you meet the minimum qualifications. We have the following promotional eligible lists in existence:

Classification

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 B-54-79 (4/4/79), marital status, race, color, national origin,

ancestry, disability as defined in Government Code Section 19231(a)(1), religion, or religious opinions and affiliations, 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 (Name of contact person), at (Phone number).

Sincerely,

Executive Officer or Department Director

cc: (Assigned Departmental Analyst), Department of Human Resources (CalHR)
Official Personnel File

SAMPLE CEA TERMINATION AND RETURN RIGHTS/OPTIONS LETTER
(Type on department letterhead)

Date *(Must be served at least 20 calendar days prior to the effective date)*

Name
Address
City, State, Zip

Dear Mr./Ms. :

This letter is to officially notify you that your (CEA class/level) appointment with the (Department) 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 could have as many as three reinstatement options. These options are: (a) mandatory reinstatement to your former position; (b) permissive reinstatement eligibility to a vacant position at the discretion of any appointing power for classifications above your former position; and (c) 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 at 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). To exercise this right of return, you must notify the (Department) 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 his or her former position if he or she has five years of State service including at least one year of CEA service.

If the employee has either less than five years of State service or less than one year of CEA service, use the following sentence:

The improved reinstatement eligibility provided in this regulation does not apply to you because you do not have the required (five years of State service or one year of CEA service).

If the employee has completed five years of State service and one year or more but less than three years of CEA service, use the following paragraph:

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 any vacant position at the discretion of any appointing power to any class that is no more than two salary steps higher than your former position of (former classification), provided that such 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 \$_____. The maximum salary of your former position is \$_____. Two steps higher than your former position is \$_____. Therefore, the classes for which you may seek reinstatement under the provisions of this regulation must have a maximum salary of \$_____ 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.

If the employee meets the five years State service requirement and has one year or more but less than three 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 (e.g., former position of SSM III is \$7474 and two steps lower than CEA 1 is \$7110), use the following paragraph:

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 which meet the requirement of no more than two salary steps higher than your former position of (former classification) and two steps lower than the CEA Level from which you are being terminated (CEA class/level). Your former position has a maximum salary of \$_____, which is higher than two steps lower than the maximum salary of the CEA class/level of (\$_____). Therefore, your only mandatory right of return is to your former position of (Class) at the (Department).

If the employee has completed at least five years of State service including three or more years of CEA service, use the following paragraph:

Under the provisions of this regulation, since you have more than three years of CEA service, you may be reinstated to any vacant position at the discretion of any appointing power to any class that is at least two steps lower in salary than the CEA level from which you are being terminated, (CEA class/level). The maximum salary of your CEA position is \$_____. Two steps lower is \$_____. 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.

If the employee meets the five years State service requirement including three 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 (e.g., former position of SSM III is \$7474 and two steps lower than CEA 1 is \$7110), use the following paragraph:

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 which meet the requirement of at least two steps lower than your CEA class/level of (CEA class/level) and above your former position of (Class). Your former position has a maximum salary of \$_____, which is higher than two steps lower than the maximum salary of the CEA class/level of (\$_____). Therefore, your only mandatory right of return is to your former position of (Class) at the (Department).

3. CCR 548.153 provides a returning CEA incumbent with improved mandatory rights if the employee has 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.

If the employee does not meet (1) the ten years State service requirement; or (2) the three consecutive years CEA requirement, use the following sentence:

The improved reinstatement rights provided in CCR 548.153 do not apply to you because you do not have the required (ten years of State service or three years of CEA service).

If the employee meets (1) the ten years State service requirement and (2) the three consecutive years of CEA requirement, but the maximum salary of the employee's former position is the same as or higher than two steps lower than the lowest CEA level served during the qualifying three consecutive years (e.g., former position of SSM III is \$7474 and two steps lower than CEA 1 is \$7110), use the following paragraph:

Although you meet the eligibility requirements of ten years State service and at least three consecutive years of CEA service under a single appointing power, there are no classes to which you can be reinstated which meet the requirement of at least two steps lower than the lowest CEA class/level (CEA class/level) served during the three-consecutive-year period and above the maximum salary of your former position of (Class). Your former position has a maximum salary of \$_____, which is higher than two steps lower than the maximum salary of the CEA class/level of (\$_____). Therefore, your only mandatory right of return is to your former position of (Class) at the (Department).

If the employee has ten years of State service and three consecutive years of CEA service and the appointing power has a vacant position at the appropriate level, use the following paragraph:

Under the provisions of this regulation, you have a mandatory right of reinstatement at this department if you request it within ten days of receiving this notice. Your right of reinstatement is to a vacant position in any class in the same occupational area as your CEA that has a maximum salary that is at least two steps lower than your position of (CEA class/level) and above your former position of (Class), provided that (1) you possess any license, certificate or registration required for the class; and (2) performance for the Career Executive Assignment combined with your prior employment history would reasonably predict successful performance in the position. The maximum salary of the class of (CEA class/level) is \$_____. Two steps lower is \$_____. The maximum salary of your former position is \$_____. This department has a vacant position that meets the criteria of this regulation in the class of (Class), 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. You will, however, still retain the option of reinstating to your former position of (Class) at the (Department).

If the employee has ten years of State service and three consecutive years of CEA service and the appointing power does not have a vacant position at the appropriate level, use the following paragraph:

Under the provisions of this regulation, you have a mandatory right of reinstatement at this department if you request it within ten days of receiving this notice. Your right of reinstatement is to a vacant position in any class in the same occupational area as your CEA that has a maximum salary that is at least two steps lower than your position of (CEA class/level) and above your former position of (Class) provided that (1) you possess any license, certificate or registration required for the class; and (2) performance in the Career Executive Assignment combined with your prior employment history would reasonably predict successful performance in the position. The maximum salary of the class of (CEA class/level) is \$_____. Two steps

lower is \$_____. The maximum salary of your former position is \$_____. This department uses the classes of:

_____	_____
_____	_____
_____	_____

which meet the criteria specified in this regulation. We do not, however, 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 reemployment lists for the above classes.

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 B-54-79 (4/4/79), marital status, race, color, national origin, ancestry, disability as defined in Government Code Section 19231(a)(1), religion, or religious opinions and affiliations, 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 (Name of contact person), at (Phone number).

Sincerely,

Executive Officer or Department Director

cc: (Assigned Departmental Analyst), Department of Human Resources (CalHR)
Official Personnel File