

		<b>Policy #</b> <b>111</b>
<b>Subject:</b> Reinstatement Rights		
<b>Responsible Department:</b> Personnel Services		
<b>Effective Date:</b> 06/1982		<b>Revision Date:</b> N/A
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### 1. **Purpose**

To define the circumstances under which an employee is eligible for reinstatement.

### 2. **Authority**

Sacramento County Personnel Ordinance Section 2.78.278 and 2.78.335 – Reinstatement

Sacramento County Charter 71-C (c) - Administration

### 3. **Scope**

This policy pertains to employees who held permanent status in a class and later vacated through resignation or by acquiring status in a different class. This policy clarifies the circumstances under which these employees have the right to be considered for appointment to the former class without further examination.

In all circumstances, appointments made under the provisions of this policy are at the discretion of the appointing authority.

This document clarifies personnel actions related to resignation and reinstatement, and voluntary demotion that are not addressed specifically in the Sacramento County Personnel Ordinance or Sacramento County Civil Service Rules. This document does not repeat other situations specifically dealt with in those documents, or in labor agreements negotiated with recognized employee organizations.

For questions pertaining to the following circumstances, refer to the listed documents:

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- Return rights of exempt employees: Sacramento County Personnel Ordinance, Section 2.78.345.
- Reemployment following layoff: Sacramento County Personnel Ordinance, Sections 2.78.320 through 2.78.328 and Section 2.78.340, or applicable labor agreement.
- Return rights of a regular employee after a provisional appointment or temporary upgrade: Sacramento County Personnel Ordinance, Section 2.78.335 (c).
- Rehiring retirees: Sacramento County Personnel Policies, Retired Employees Temporarily Rehired.

### Employee Eligibility

Reinstatement applies only to employees who have held permanent status in a County civil service class.

An employee can only be reinstated to a vacant position.

An employee can be reinstated up to three years after the effective date of resignation or voluntary demotion. (Sacramento County Personnel Ordinance 2.78.335)

An employee who resigned must have left County service in good standing and notified the County of resignation. (Sacramento County Personnel Ordinance 2.78.830)

An employee who is reinstated to a permanent position must serve the probationary period applicable to the class to which he/she is reinstated. (Sacramento County Ordinance 2.78.335)

Employees who held permanent status in limited term positions, but not in any other class, are not eligible for reinstatement. (see Sacramento County Personnel Policies, Limited Term Employment)

Reinstatement is subject to the discretion of the appointing authority.

### Classes to Which an Employee Has the Right to Request Reinstatement

Any and all classes in which the employee held permanent status.

- An employee may reinstate to a lower class for which s/he meets the minimum qualifications. After reinstatement to the lower class but

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before the reinstatement period expires, the employee may request to reinstate to the higher class in which permanent status was held.

Classes in the same salary range or lower than that in which the employee held permanent status, if the employee meets the current minimum qualifications for the class and the Director of Personnel Services approves.

A new class, if the new class is a continuation of the class in which the employee held permanent status and the old class no longer exists.

### Reinstatement from a Temporary to a Permanent Position

An employee may request reinstatement within a class from a temporary to a permanent position, even if the reinstatement period expired, as long as the employee maintained continuous employment while in the temporary appointment.

### Existing Lists

An employee can be reinstated when an eligible list exists for a class.

An employee cannot be reinstated to a class in any department where there is an existing departmental reemployment list for that class.

An employee can be reinstated to a class with an existing County-wide reemployment list only if there are fewer than three names on the list.

### Reinstatement to Classes Covered by a Labor Agreement

This policy may not apply to any class covered by a labor agreement unless contained in the applicable labor agreement. (Sacramento County Personnel Ordinance 2.78.335(h))

### Definitions

Continuous Employment: Employment uninterrupted from the date of appointment, except by authorized absence.

Demotion: A demotion is a change between classes where the maximum salary rate of a class to which the employee is appointed is one step (approximately 5 percent) or more lower than the maximum salary rate of the former class.

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Employee: A person holding a position in County service.

Good Standing: For purposes of reinstatement, "good standing" shall mean that an employee submitted a written resignation at least two weeks before their last day of work.

Permanent Employee: A person who has completed a probationary period.

Reinstatement: The reappointment of an employee who has resigned.

Resignation: The voluntary action of an employee which separates the employee from the employee's position.

Status: Employee's current appointment, such as permanent, temporary, provisional or probationary.

Voluntary Demotion: County Counsel has determined that a voluntary demotion falls within the definition of resignation.

**4. Procedures** Not Applicable

**5. Review** Not Applicable