

RULE 19

REINSTATEMENT AFTER RESIGNATION

1901 Definition

A permanent classified employee who resigned in good standing may be reinstated in a vacant position in the former class and status within 39 months of the last date of paid service. Also, the employee may be reinstated in a vacant position in a lower related class, if qualified, or in a limited term status in the same or lower class. Such actions are discretionary with the appointing power. If the appointing power refuses to support the reinstatement of a former employee, the Personnel Commission shall not hear the matter. Failure of the appointing power to approve of a reinstatement will not preclude the former employee from applying for a position as a new employee, unless the employee was released for a violation of one of the Personnel Commissions Rules.

EDUCATION CODE SECTION 45309

1902 Reinstatement Rights

- A. When an employee is reinstated after resignation, they shall be restored to the former step in the current salary range for the class, or if restored to a lower class, to the rate closest to that of the step to which they would be assigned if not restored in the former class.
- B. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.
- C. Restoration of a new increment date based on the days worked prior to separation but without step advancement credit for the off-duty period.
- D. Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored.

1903 Resigned Probationer

A person who resigns while in good standing during the probationary term may be returned to their original place on the eligibility list at the discretion of the Commission. A person who resigns because of inability to cope successfully with the reasonable requirements of a position will have no standing under this Rule.

1904 Appointment After Resignation (Not a Reinstatement)

A former employee who resigned while in good standing and within 39 months of the last day of paid employment is appointed from a valid eligibility list pursuant to these Rules, shall be accorded only the benefits and rights of a new employee on a probationary basis.

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