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**GOVERNMENT CODE - GOV**

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]** ( Title 2 enacted by Stats. 1943, Ch. 134. )

**DIVISION 5. PERSONNEL [18000 - 22980]** ( Division 5 added by Stats. 1945, Ch. 123. )

**PART 2. STATE CIVIL SERVICE [18500 - 19799]** ( Part 2 added by Stats. 1945, Ch. 123. )

**CHAPTER 5. Appointments [19050 - 19238]** ( Heading of Chapter 5 renumbered from Chapter 6 by Stats. 1985, Ch. 794, Sec. 18. )

**ARTICLE 5. Reinstatement [19140 - 19144]** ( Article 5 added by Stats. 1945, Ch. 123. )

**19140.** (a) In addition to reinstatement required under any other section, an appointing power may, in his or her discretion, reinstate any person having probationary or permanent status who was separated from his or her position (1) by resignation, (2) by service retirement, (3) by termination from limited-term, temporary, career executive assignment, or exempt appointment, (4) under Section 19996.2, or (5) without a break in continuity of state service to accept another civil service or exempt appointment. In addition, an employee who was separated from his or her position under Section 19585 shall have permissive reinstatement eligibility to that position when he or she again meets the requirements for continuing employment in that position, and shall have permissive reinstatement eligibility for any other position as provided by this section.

(b) Reinstatement shall be undertaken subject to rule.

(c) Reinstatement shall be undertaken within three years if the employee, at the time of separation, was a member of the California Highway Patrol.

(d) For reinstatement after separation, for members of the California Highway Patrol, the time spent in any of the following positions shall not be considered in computing the three-year period:

(1) In a position which is exempt from civil service.

(2) As a temporary employee in another governmental agency engaged in a technical cooperation program under an agreement approved by the state.

(3) In a recognized military service.

(e) A member of the California Highway Patrol separated from state service may be reinstated to an otherwise appropriate nonmember class even if the separation exceeds three years.

(f) Reinstatement shall be made to any of the following vacant positions:

(1) The class vacated or from which separated.

(2) A lower class in the same series.

(3) Another class to which the employee could transfer or demote pursuant to rule.

An employee, including a member of the California Highway Patrol, separated from his or her former position in state service by layoff, or by resignation or demotion in lieu of layoff, may be reinstated at the discretion of the appointing power. However, the reinstatement is subject to the requirements of this section and shall not be to a position that is specifically subject to the employee's reemployment list eligibility.

(Amended by Stats. 2013, Ch. 427, Sec. 59. (AB 1062) Effective January 1, 2014.)

**19140.5.** This section applies only to a permanent employee, or an employee who previously had permanent status and who, since receiving permanent status, has had no break in the continuity of state service due to a permanent separation.

An employee who is (a) terminated from a temporary or limited-term appointment by either the employee or the appointing power; or (b) rejected during probation; or (c) demoted from a managerial position pursuant to Section 19590; shall be reinstated to his or her former position provided all of the following conditions occur:

(1) The employee accepted the appointment without a break in the continuity of state service.

(2) The reinstatement is requested in the manner provided by rule within 10 working days after the effective date of the termination.

*(Amended by Stats. 2013, Ch. 427, Sec. 60. (AB 1062) Effective January 1, 2014.)*

**19141.** (a) This section applies only to an employee in an exempt position who previously had permanent status in the civil service. As used in this section, "former position" is defined 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 and which is at substantially the same level as the employee's former position.

(b) An employee who vacates a civil service position to accept an appointment to an exempt position shall be reinstated to his or her former position at the termination of the exempt appointment, provided both of the following conditions are met:

(1) He or she accepted the appointment without a break in the continuity of state service.

(2) Within 10 working days after the effective date of the termination, he or she makes a written request to the appointing power to be reinstated to his or her former position. If an employee accepts an appointment to an exempt position and seeks reinstatement to his or her former position more than 10 working days after the effective date of the termination of the exempt appointment, Section 19140 shall apply.

(c) An employee who vacates his or her civil service position to accept an assignment as a member, inmate, or patient helper under subdivision (j) of Section 4 of Article VII of the California Constitution shall not have a right to mandatory reinstatement.

(d) If an employee in an exempt appointment accepts an extension of the exempt appointment or accepts a new exempt appointment with no break in the continuity of state service in an exempt appointment, subdivision (b) shall apply when the extension or new exempt appointment is terminated.

(e) If an employee exercises his or her right of reinstatement and returns to his or her former position, the service while under an exempt appointment shall be deemed to be time served in the former position for the purpose of determining his or her seniority and eligibility for merit salary increases.

(f) If the termination of an exempt appointment is for a reason contained in Section 19997 and the employee does not have a right to mandatory reinstatement, he or she shall have his or her name placed on the departmental and general reemployment lists for the class of his or her former position.

*(Amended by Stats. 2016, Ch. 35, Sec. 6. (SB 848) Effective June 27, 2016.)*

**19141.1.** (a) This section only applies to employees in an exempt position who have reinstatement rights to their former positions under Section 19141.

(b) Within four years of the termination of an appointment in an exempt position, an employee who has completed a minimum of five years of state service experience shall be given an opportunity upon request to obtain civil service appointment list eligibility by taking a deferred examination for any class that has a current eligible list and for which the employee meets the minimum qualifications of the class.

*(Amended by Stats. 2016, Ch. 35, Sec. 7. (SB 848) Effective June 27, 2016.)*

**19142.** (a) Every person accepts and holds a position in the state civil service subject to mandatory reinstatement of another person.

(b) Upon reinstatement of a person any necessary separations are effected under the provisions of Section 19997.3 governing layoff and demotion except that (1) an employee who is not to be separated from state service need not receive advance notification as provided in Section 19997.13, and (2) seniority may not be counted as provided in Section 19997.3 when this would result in the layoff of the person who has the reinstatement right. Under that circumstance, qualifying service in classes at substantially the same or higher salary level is the only state service that may be counted for purposes of determining who is to be separated.

*(Amended by Stats. 2003, Ch. 62, Sec. 122. Effective January 1, 2004.)*

**19143.** At the termination of any temporary separation, except termination of a permanent or probationary employee by layoff and termination by displacement, as defined in regulation, the employee shall be reinstated to his or her former position, as defined in

Section 18522, unless some other reinstatement right is specified for the particular temporary separation in the Civil Service Act or regulation.

*(Amended by Stats. 2013, Ch. 427, Sec. 62. (AB 1062) Effective January 1, 2014.)*

**19144.** Subject to Sections 21223 and 21224, a person who has retired from state civil service may be employed temporarily in a civil service position at any time following retirement, provided that the position is either:

(a) In the class in which the person had permanent or probationary status or a career executive assignment appointment at the time of retirement.

(b) In another class to which the person could have been permanently transferred, reinstated, or demoted at the time of retirement.

*(Amended by Stats. 1999, Ch. 310, Sec. 10. Effective January 1, 2000.)*