



Approved:

City of Commerce, California  
Human Resources Policy and Procedure Manual

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Director of Human Resources  
*[Signature]*  
City Administrator

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**SUBJECT: REINSTATEMENT (NON-MILITARY)**

**PURPOSE:**

To describe the kind and degree of benefits that an individual shall receive if reinstated within two years after voluntary or involuntary separation, termination or demotion.

**POLICY:**

To be considered for reinstatement, the former employee must have completed a six (6) months probationary or training period and must have left City employment under favorable conditions. Approval of the department head and City Administrator shall be necessary prior to reinstatement.

The degree of City provided benefits that an individual shall receive is determined by the length of time elapsing between the effective date of resignation and the date of re-employment. State retirement system benefits shall be handled in accordance with existing Public Employee's Retirement System (PERS) policies.

As a condition of reinstatement, the City may, at its sole discretion, require the employee to pass a medical examination, including a drug screen, administered at City expense.

- a. A former full or part-time employee reinstated within a two year (24 month) period following resignation shall be entitled to the same vacation accrual rate attained immediately prior to resignation and shall be credited for previously accumulated sick leave hours forfeited at resignation.
- b. The compensation of a former City employee who is reinstated within two years in the same position he/she occupied at time of resignation shall be at the salary step previously held.
- c. Length of service shall be determined by excluding the time not employed by the City. The review date for performance reviews and/or merit increases shall be determined based upon the hours previously earned toward the next step increase or performance evaluation at the time of separation from the City.
- d. A former full or part-time employee shall be considered for employment without having to re-qualify through the normal competitive examination process provided that re-application is for a position in the same job class held immediately prior to separation and provided that he/she meets the current minimum qualifications of the position. A new probationary or training period

shall not be required for employees.

- e. A full or part-time employee who has been laid off or demoted as a convenience to the City (i.e., as a result of budget reduction or reorganization), shall be entitled to reinstatement consideration for up to two years from the date of layoff or demotion provided the employee meets the minimum qualifications of the position.
- f. Reinstatement rights do not apply to employees who have been demoted either voluntarily or by City action as a result of their inability to adequately perform the duties and/or responsibilities of the job.

**PROCEDURE:**

**Responsibility**

**Action**

Former Employee or Voluntarily Demoted Employee

- 1. Notifies Human Resources Dept of desire to be considered for reinstatement to a position held immediately prior to resignation, lay off or voluntary demotion.

Human Resources Department

- 2. Checks the appropriate Personnel Action Form:
  - a. If the request is from a former employee, checks the final separation Personnel Action Form to determine if the last date of employment is within the required time period and whether the applicant was recommended for rehire.
  - b. If the request is from a current employee, checks the Personnel Action Form, which recorded the voluntary demotion, to determine whether the date of that transaction is within the required two-year period.

- 3. Provides applicant eligible for reinstatement rights appropriate employment application.
- 4. Informs ineligible applicants not qualifying under steps 2a or 2b of the current employment procedure.

Applicant

- 5. Fills out employment application and

- related forms and returns forms to the Human Resources Department.
- Human Resources Department
6. Reviews the application to determine whether the individual meets the current minimum qualifications of the job classification.
  7. If it is determined that the applicant is not qualified for the position applied for, notifies applicant of the reason(s) for rejection.
  8. If it is determined that the applicant is qualified for the position applied for and is eligible for reinstatement rights, submits employee's reinstatement application to Department Head for consideration and available vacancy.
- Department
10. Considers the applicant for reinstatement.
    - a. If selected, indicates on the hiring Personnel Action Form that the individual is returning under the two year reinstatement policy and is entitled to the seniority used to compute sick leave and vacation benefits as well as credit for previously accumulated sick leave.
    - b. If not selected, returns application to Human Resources.
- Human Resources Department
11. If selected, reviews Personnel Action Form and forwards to City Administrator for processing.
  12. Periodically purges reinstatement lists of applicants with expired reinstatement rights.