

CHAPTER 17
DEPARTMENTAL SENIORITY
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CHAPTER 17

DEPARTMENTAL SENIORITY

1. POLICY.

a. Determination of Departmental Seniority. Departmental seniority of employees shall be determined in accordance with the rules in this chapter.

- (1) Departmental seniority for the purposes of this chapter shall be defined as time while in the current classification.
- (2) An employee of a given classification shall not have departmental seniority over anyone holding a higher classification.
- (3) The departmental policy and method of computing departmental seniority do not apply to those situations governed by state civil service laws and rules or by bargaining unit (BU) agreements. Such situations include, but are not limited to, the computation of service or seniority for determining leave credits, order of layoffs, merit salary adjustments, vacation/annual leave group change dates, total state service, and seniority points for promotional examinations.

2. COMPUTATION OF DEPARTMENTAL SENIORITY.

a. Departmental Seniority Within a Classification. Unless excluded or otherwise superseded by a BU agreement, an employee's departmental seniority within a classification shall be computed based on the following:

- (1) Time while in the classification within the Department.
- (2) Time in the classification while on the following temporary separations from the Department, resulting in a mandatory reinstatement to the classification:
 - (a) Military leave.
 - (b) Industrial disability retirement.
 - (c) Paid leave of absence for organ or bone marrow donation.
- (3) Enhanced Nonindustrial Disability Insurance with 100 percent annual leave supplementation.
- (4) Time spent while serving in a parallel classification within the Department.

(5) Time spent while temporarily serving in a higher classification within the Department, including a Career Executive Assignment or an exempt appointment.

(6) Time on Family Medical and Leave Act or California Family Rights Act Leave while supplementing with leave credits.

(7) Time while on the following:

(a) Section 4800.5 of the Labor Code leave.

(b) Industrial Disability Leave.

(c) Temporary Disability Leave.

b. Loss of Seniority Within a Classification. Unless excluded or otherwise superseded by a BU agreement, time while on the following separations may result in the loss of state service and an employee's departmental seniority within a classification:

(1) Suspensions (e.g., temporary separations from a classification without pay).

(2) Any unpaid leave of absence, whether discretionary or nondiscretionary (refer to Chapter 8, Leave of Absence, of this manual).

(3) Leave of absence while on State Disability Insurance (SDI) (refer to Chapter 8 of this manual).

(4) Leave of absence while on Nonindustrial Disability Insurance (NDI).

(a) Excluded Employee. When NDI is supplemented at the 75 percent level, departmental seniority shall be computed at one-half the rate granted to those who supplement at 100 percent.

(b) Represented Employee. Refer to the employee's BU agreement.

(c) When on 50 percent NDI, an employee shall not accrue state service or seniority.

(5) Permanent separations.

(a) During a permanent separation, an employee shall not accrue state service or seniority (refer to Chapter 9, Separations, of this manual for definition of permanent separations).

(b) Unless excluded or otherwise superseded by a BU agreement, an employee who returns to work after a permanent separation shall be credited with their prior departmental seniority. If the employee returns to a classification lower than that from which they separated, and is subsequently promoted or reinstated to their former higher classification, prior departmental seniority in the higher classification shall also be credited following the promotion or reinstatement.

c. Ties. For purposes of seniority, ties is defined as two individuals having the same seniority within the same classification.

(1) Represented—Nonuniformed. Ties in departmental seniority for represented employees will be broken using appropriate BU criteria. If the criterion does not break the tie, the highest social security number (last four digits) will be used to signify the most senior person.

(2) Nonrepresented—Nonuniformed. Ties for nonrepresented nonuniformed employees will be broken using the criteria in the order listed below:

(a) Total departmental service regardless of classification.

(b) Total state service.

(c) Highest social security number (last four digits) signifies highest seniority.

(3) Uniformed Transfers. Ties for Lieutenant, CHP, and Sergeant, CHP, classifications with the same seniority shall be broken by the earliest examination certification date, then by the highest score. Ties for the Officer, CHP, classification with the same seniority shall be broken by the earliest appointment date, then by the lowest ID number.

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