

CHAPTER 3
UNIFORMED REINSTATEMENTS
REVISED JULY 2025
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CHAPTER 3

UNIFORMED REINSTATEMENTS

1. PERMISSIVE REINSTATEMENT.

- a. Purpose. The purpose of this chapter is to establish policy and procedures associated with the permissive reinstatement process of former uniformed employees to uniformed positions within the Department.
- b. General. Permissive reinstatement is granted at the discretion of the Commissioner or the Commissioner's designated representative in accordance with Section 19140 of the Government Code (GC).
- c. Eligibility. Former uniformed employees have the privilege, not the right, to request permissive reinstatement if the individual was separated from the Department in good standing by resignation or service retirement.
- d. Policy.
 - (1) A former uniformed employee must request reinstatement to a uniformed position within three years of separation. The reinstatement process does not have to be completed within the three-year period. Time spent in a position exempt from civil service, or as a temporary employee in another governmental agency engaged in a technical cooperation program approved by the state, or in a recognized military service shall not be considered in computing the three-year period.
 - (2) Permissive reinstatement shall be limited to the rank of California Highway Patrol (CHP) officer, regardless of the rank from which the employee resigned or retired.
 - (3) Permissive reinstatement is normally restricted to those who have successfully completed field probation.
 - (4) The Commissioner or the Commissioner's designated representative has the discretion to grant or deny any request for permissive reinstatement. Departmental approval to begin the reinstatement process will be the exception rather than the rule. Upon completion, all reinstatement requests shall be routed to the Office of the Commissioner for final review and approval.
 - (5) Should permissive reinstatement be preliminarily approved, a Physical Abilities Test (PAT), applicant investigation, medical examination, and psychological evaluation shall be successfully completed.

(6) Upon successful completion of all prerequisites for permissive reinstatement, the former employee shall be assigned to a location where a need exists, in accordance with departmental policy and procedures outlined in General Order (GO) 10.7, Field and Headquarters Assignments and Transfers Uniformed Employees.

(7) All reinstated employees must serve a one-year probationary period in their initial Area of assignment.

(8) Upon reinstatement, salary shall be determined in accordance with Title 2, Section 599.677 of the California Code of Regulations, Rate on Reappointment or Reinstatement After Permanent Separation. In no event shall a former employee be reinstated to a salary below the current minimum or above the current maximum of the CHP officer classification.

e. Procedures.

(1) Requesting Reinstatement: Requests for reinstatement shall be submitted via e-mail to the Uniformed Hiring Section (UHS) at reinstatements@chp.ca.gov, and contain the former employee's name, departmental ID number, current address, reason for separation from the Department, and reason for requesting reinstatement.

(2) Process. Upon receipt of a request for permissive reinstatement, the UHS shall complete the following:

(a) Review the former uniformed employee's official personnel file, to include any commendable and/or censurable CHP 2, Incident Report, forms.

(b) E-mail the CHP 446R, Permissive Officer Reinstatement Clearance, to the Internal Affairs Section (IAS). Their recommendation shall be documented on the CHP 446R and returned to UHS via e-mail.

1 The IAS shall provide UHS with copies of Administrative Investigations (AA), Memorandums of Direction (MOD), complaints, etc., received by the former employee.

(c) E-mail the CHP 446R to Injury Case Management Section (ICMS). Their recommendation will be documented on the CHP 446R and returned to UHS via e-mail.

1 Should either IAS and/or ICMS not recommend reinstatement, the preliminary approval process should cease, and the reinstatement request shall be submitted to the Office of the Commissioner as a denial recommendation. The Office of the Commissioner will review

the reinstatement request and provide a final decision to Personnel Management Division.

(d) Should IAS and ICMS recommend reinstatement, the CHP 446R shall be e-mailed to the appropriate Division's Administrative Assistant. The Division commander shall document their recommendation on the CHP 446R and e-mail the completed form to UHS.

1 If the former employee served in more than one Division during the 12 months prior to separation, recommendations from both Division commanders are required.

(e) Upon receipt of the Division commander's recommendation, the UHS shall submit the reinstatement package and supporting documentation through channels, via SharePoint, to the Office of the Commissioner for approval. The Commissioner, or their designated representative, will determine whether approval for permissive reinstatement will be granted.

NOTE: The UHS will not provide a recommendation for permissive reinstatement until the Commissioner, or their designated representative, has reviewed and approved the reinstatement application.

1 The reinstatement package shall, at a minimum, contain the following (if applicable):

- a Executive summary.
- b CHP 446R containing recommendations from IAS, ICMS, and the Division commander(s).
- c Letter of preliminary approval.
- d Letter of denial.
- e Former employee's letter or e-mail request for reinstatement.
- f Prior three years (if applicable) of the former uniformed employee's CHP 118, Performance Appraisal - Officer, forms.
- g Copies of CHP 2s, complaints, MODs, and Administrative Investigations.
- h Letter of resignation or retirement.
- i Memorandum regarding reinstatement after resignation.

j Exit Interview.

f. Request for Permissive Reinstatement—Denied. Should the Commissioner or their designated representative determine the request does not merit reinstatement, the request shall be denied. A signed letter of denial will be routed to the UHS for processing. The UHS shall mail the signed letter of denial to the former employee and close the request for permissive reinstatement file.

g. Request for Permissive Reinstatement Preliminarily—Approved. Should the Commissioner or their designated representative determine the request merits reinstatement, the request shall be preliminarily approved. A signed letter of preliminary approval shall be routed to UHS for processing. The UHS shall mail and e-mail the signed letter to the former employee. Permissive reinstatements are preliminarily approved contingent upon the successful completion of the following:

(1) Personal History Statement. The UHS should provide the former employee two weeks to complete their electronic Statement of Personal History (eSOPH). The eSOPH shall be completed from the date their last personal history statement was completed through current. Upon completion of their eSOPH, the UHS shall assign the case to an applicant investigator for completion.

(2) Physical Abilities Test. The appropriate Division Applicant Investigation Unit (AIU) will administer the PAT. In the event the former employee fails the PAT, a second attempt may be granted within 90-days of the initial PAT.

(3) Applicant Investigation. The applicant investigation shall be conducted from time of separation to current and must include their prior employment as an CHP officer. However, it is the responsibility of the applicant investigator to ensure the Department has a full, ten-year background investigation, compliant with all the current requirements outlined by the Commission on Peace Officer Standards and Training (POST). It shall not be assumed the prior investigation contained all necessary information and documents currently required by POST.

(4) Medical Examination and Psychological Evaluation. Upon successful completion of the applicant investigation, the former employee shall complete a medical examination and psychological evaluation. The medical examination and psychological evaluation phases run concurrently.

(a) Medical Examination. Former employees reinstating to the classification of CHP officer are required to meet the same minimum medical standards as the CHP Cadet classification. Therefore, the same preemployment medical forms used for cadets will be used for permissive officer reinstatements. The former employee shall utilize one

of the medical providers approved by the Department, and shall be provided the following:

- 1 Medical Provider Listing.
- 2 Instructions for Applicant Health Questionnaire and Medical Examination.
- 3 CHP 73, Applicant Health Questionnaire, Cadet, CHP.
- 4 CHP 73B, Medical Examination.
- 5 CHP 446D, Authorization to Release Medical Information.

(b) Psychological Evaluation. The appropriate Division AIU shall administer the written psychological evaluation at the conclusion of the applicant investigation. Upon UHS' approval of the former employee's applicant investigation, they will be added to the California Department of Human Resources (CalHR), Psychological Screening Program's queue. Following a CalHR psychologist's review of the file, CalHR shall contact the former employee to schedule their oral psychological screening interview.

h. Area Assignment. Upon successful completion of all phases of the reinstatement process, the former employee shall provide UHS with their top ten Area offices for assignment in order of preference. This information shall be provided to UHS, Uniformed Transfers/Promotions, to determine the former employee's seniority and ranking into each of the selected commands. In accordance with departmental policy and procedures outlined in GO 10.7, the command selections and the former employee's rankings into those commands will be provided to the Assistant Commissioner, Field, to determine which Area office they will be assigned. Should the former employee require the POST Requalification Training Course (refer to paragraph 9.), the reinstatement candidate shall not be permitted to begin working in an Area office prior to the completion of the POST Requalification Training Course. Additionally, the Academy Field Training and Evaluation Program Unit shall be notified as early as possible of the need to complete the POST Requalification Training Course to accommodate hosting this mandated training.

i. Required Training. Upon successful completion of the reinstatement process, all employees shall complete specified training. Training requirements are based upon the length of time between the former employee's date of separation from the Department and the date of reinstatement. Refer to Highway Patrol Manual (HPM) 70.13, Departmental Training Manual, for training requirements.

j. Notification. The UHS shall negotiate a start date with the Area commander and the former employee, remaining cognizant of mandated departmental training requirements. Once a start date is negotiated, the UHS shall draft and route the following correspondence:

(1) Reinstatement approval letter to the former employee.

(2) Permissive reinstatement memorandum to the Area commander containing training requirements and key contacts to assist in ensuring the former employee is provided all necessary equipment and accesses.

2. MANDATORY REINSTATEMENT—UNIFORMED EMPLOYEES.

a. Eligibility. Section 21193 of the Government Code states, in summary, an employee who applies for reinstatement and is no longer incapacitated for duty in the position held when retired for disability or in a position in the same classification, shall be reinstated at the employee's option. The former employee must be at least six months less than the age of compulsory retirement.

b. Position. Provisions under Section 21193 GC allow the former employee to reinstate, once approved, at the employee's option. Consequently, the reinstatement is considered voluntary; therefore, the position to which the employee is reinstated will not necessarily be in the same previous location or position. Reinstatement will be to a location where a need exists, in accordance with departmental policy and procedures outlined in GO 10.7.

c. Policy and Procedures. The following procedures/actions shall be followed to facilitate the reinstatement process:

(1) The former employee shall file an application with the California Public Employees' Retirement System (CalPERS) requesting reinstatement from a disability retirement. The CalPERS can also require any recipient of a disability retirement allowance, who is under the minimum age for voluntary retirement for service applicable to members of their classification, to undergo a medical examination to determine their continued eligibility to receive disability retirement benefits.

(2) Once CalPERS has determined the former employee is no longer incapacitated for duty in the position held when retired for disability, the Department will be notified, and the process will be coordinated by the ICMS.

(3) The ICMS will contact the former employee to acknowledge receipt of the CalPERS decision and to determine if the former employee intends to appeal the CalPERS decision or pursue a different option. If the former employee

declines their appeal rights and opts to return to employment and the Department also declines its rights to appeal the CalPERS decision, the former employee will be requested to complete a Request for Area Assignment form and return to ICMS.

(4) All employees must complete specified training. Refer to HPM 70.13 for training requirements. If the required training is not immediately available, mandatory reinstatements shall be temporarily assigned to an Area office as follows:

(a) The temporary assignment will be determined by the Assistant Commissioner, Field (ACF) and UHS, and will be within a reasonable geographic area from the reinstatee's residence.

(b) The temporary command will be responsible for completing all required new employee paperwork.

(c) The reinstatee will function within the temporary assignment without peace officer powers; job duties are to be determined by the Area commander.

(d) The reinstatee will receive the appropriate salary and resume earning seniority upon beginning the temporary assignment.

(e) When the necessary training becomes available, the employee will report to the Academy commander and be temporarily assigned to the Academy during training.

(f) Upon successful completion of the training, the reinstatee will report to the permanent assignment previously determined during the reinstatement process by ACF and UHS; this may or may not be the same as the temporary assignment.

(5) In the event that the required training is available within a reasonable period of time after approval by CalPERS, the reinstatee would follow current policy and procedures for reporting directly to the Academy for training in lieu of assuming the temporary assignment at an Area office.

(6) All reinstated employees shall be required to serve a one-year term in their initial field assignment.

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