

CHAPTER 43
CAREER EXECUTIVE ASSIGNMENT

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CHAPTER 43

CAREER EXECUTIVE ASSIGNMENT

1. **BACKGROUND.** In accordance with Government Code (GC) Section 18547, it is the policy of the Department of California Highway Patrol to create and appoint Career Executive Assignment (CEA) to the highest administrative and policy-influencing management positions within the Department. The California Department of Human Resources (CalHR) is responsible for the establishment of CEA positions as well as approving revisions to existing CEA positions. Additionally, CalHR is responsible for the CEA examination process, for determining the appropriate CEA level assigned to a position, and setting and authorizing increases in CEA salaries. The Department has received delegated authority from CalHR to conduct CEA examinations and authorization to fill approved CEA positions, as long as there are no significant changes to the duties and reporting relationships of the position since last reviewed and approved by CalHR.

2. **APPOINTMENTS.** In accordance with California Code of Regulations (CCR), Title 2, Section 548.40, CEA appointments must be made through a competitive examination process. An exception may be granted if a current CEA, appointed by a competitive examination process, requests to transfer from a current CEA position to another CEA position. The CEA incumbents are appointed by, and serve at the pleasure of, the Commissioner.

3. **SALARY.** The CCR, Title 2, Section 599.990, charges CalHR with the responsibility of setting and approving salaries for all CEAs. In accordance with CalHR policy, the following shall apply:

a. Upon appointment, a CEA shall be entitled to a salary rate within the range of the CEA level being appointed that is 5 percent above the new appointee's prior salary or the minimum of the CEA range, whichever is greater.

b. After 12 months of CEA service, and every 12 months thereafter, a CEA may be granted a 5 percent salary increase up to the maximum of the CEA level. The annual salary movement for CEAs shall not exceed a maximum of 5 percent in a fiscal year up to the maximum of the level (which is consistent with rank and file classifications having the ability to move via a Merit Salary Adjustment).

c. Salaries shall not exceed the maximum of the authorized CEA level. The salaries of department-specific CEAs are independently set, and are not a part of the general CEA band. The salaries for departmental CEAs can be found in the civil service pay scales. The authorized salary range for each general CEA level is:

Level A: \$6,647 - \$9,555
Level B: \$9,255 - \$11,024
Level C: \$10,277 - \$11,669

d. Attorneys, engineers, and physicians appointed at the CEA Restricted Zone level are eligible to receive a salary up to \$15,129, upon approval of CalHR. This elevated rate of pay is also referred to as the "Restricted Zone for Attorneys, Engineers, and Physicians."

4. SEPARATIONS.

a. An employee who is retiring from a CEA position, but requests to utilize vacation or annual leave credits prior to the effective date of retirement, should be placed in the blanket appropriate to their rank and classification and the active CEA incumbent in the actual position.

NOTE: If both individuals are to be actively employed, CalHR approval is required.

b. In terminating a CEA without fault, principles of good personnel management shall be observed. Prior to the service of a written notice, the employee shall be advised of the intention to terminate the assignment and allowed the opportunity to discuss the termination. The employee shall be served the written notice of termination of the assignment at least 20 days prior to the effective date of the termination, and a copy of the termination notice shall be furnished to CalHR.

c. An employee serving in a CEA may request to terminate the assignment at any time, and such termination shall be allowed.

5. CAREER EXECUTIVE ASSIGNMENT RETURN RIGHTS.

a. An employee who at the time of the CEA appointment was not employed by the state, but had previously worked for the state and had gained permanent civil service status, shall have reinstatement rights pursuant to GC Section 19140.

b. An employee whose eligibility was based upon a legislative or nonelected exempt executive branch position, but does not have any civil service reinstatement eligibility, shall be able to compete in the department's promotional examinations for which they meet the minimum qualifications of the class to which they seek appointment, but has no rights to a civil service position. The employee may request a deferred examination, as specified in GC Section 18993.

c. Pursuant to GC Section 19889.4, an employee who at the time of the CEA appointment did not have permanent civil service status shall have the right to take a deferred examination for any open eligible list in existence at the time of the termination of the CEA assignment and for which they meet the minimum qualifications of the class to which they seek appointment. Selection Standards and Examinations Section (SSES) can assist a CEA employee with specific questions regarding return rights.

d. Departmental employees who have had no break in service upon movement from a civil service classification to a CEA have the following return rights:

(1) Nonuniformed. Upon termination of appointment, a nonuniformed CEA is entitled to return to their former position unless the employee elects to be appointed to another position offered by the Department, for which the employee is eligible. In accordance with CCR, Title 2, Section 548.150, a former position is the last position an employee held as a probationer or permanent employee, or a position that is at least at the same salary level, and to which the appointing power could have transferred the employee. In order to exercise the right of return, the employee must notify SSES within 10 calendar days of the date of the termination notice.

(2) Uniformed. Upon termination of appointment, a uniformed CEA is entitled to return to their former position unless the employee elects to be appointed to another position approved by the Commissioner. In order to exercise the right of return, the employee must notify the Commissioner within 10 calendar days of the date of the termination notice.

e. Within 30 days from the receipt of the termination notice, the incumbent may appeal in writing to the State Personnel Board (SPB). Appeals from CEA termination can only be made on the following basis: age, sex, sexual orientation, marital status, race, color, national origin, ancestry, disability, religion or religious opinions and affiliations, political affiliation, or political opinions. After the appeal hearing, SPB may affirm the termination or restore the incumbent to the CEA.

f. In an effort to facilitate an employee's adjustment to a lower salary, CCR, Title 2, Section 599.993, mandates a red circle rate for an employee under certain conditions. A red circle rate is a rate of pay authorized above the maximum salary for a classification. The red circle rate shall be for a period of no more than 90 calendar days. If the salary the employee will receive upon reappointment to the former civil service classification is greater than that of the red circle rate, the employee may waive the red circle option. An employee who has 10 years of state service shall receive a red circle rate if the following conditions apply:

(1) One or more years of state service was under the CEA; and

- (2) The employee is being terminated from a CEA; and
- (3) The termination is neither voluntary nor based on unsatisfactory performance.

NOTE: If the employee's CEA termination was voluntary, but all of the criteria above are met, CCR, Title 2, Section 599.993, allows the employee to be permissively granted a red circle rate. The red circle rate is based upon the CEA salary rate received at the time of termination, less 5 percent.