



Reversion/Reemployment/Reinstatement Frequently Asked Questions and Answers for Agencies

I. REVERSION RIGHTS

This is a general summary of reversion rights. For questions related to your specific position, contact your central human resources office.

Agency Highlights:

- Reversion rights can be complicated. While reversion rights possessed during a promotional probationary period are clear, reversion rights resulting from the separation of an unclassified employee with career status are trickier. As a result, the Personnel Cabinet suggests you review the following questions and answers before initiating an employee action that would trigger reversion rights.
- Upon separation from an unclassified position, agencies must consider whether the separated employee has acquired career status and previously attained merit status. The Personnel Cabinet maintains each employee's official roster with months of service. The Personnel Cabinet highly suggests you contact the Division of Employee Management, Personnel Administration Branch at 502.564.6873 prior to the separation of an unclassified employee.

Agencies: For specific questions regarding reversion rights, call the Personnel Cabinet, Division of Employee Management, Classification and Compensation Branch at 502.564.5300.

1. Q. What are reversion rights?

A. Reversion rights include the right to return to the last merit position in which you attained status in certain instances. [KRS 18A.005\(35\)](#).

2. Q. How are reversion rights acquired and exercised?

A. In general, there are three situations in which an employee has the right to "revert" to a formerly held merit position.

1. *Promotion from a merit position with status to another position in the classified service:* Upon the failure to complete a promotional probationary period, an employee shall revert to his or her former merit position. [KRS 18A.005\(35\)](#).

a. *Promotion within the same agency.* If an employee is promoted within the same agency and fails to successfully complete his or her promotional probationary period, the agency must place the employee in a position in the classification in which the employee last held merit status. For specific questions contact the Personnel Cabinet, Division of Employee Management, Classification and Compensation Branch at 502.564.5300.

b. *Promotion to a different agency.* If an employee is promoted outside of the agency in which he or she last held merit status, the employee's current agency must place the employee in a position in the classification in which the employee last held merit status. However, upon mutual agreement of an employee's current and former agency, the employee may revert to a position within his or her former agency.

2. *Detail to special duty from a merit position with status:* Upon completion of an employee's detail to special duty, the employee shall revert to his or her former merit position. [101 KAR 2:076\(2\)](#).
3. *Separation of a career employee from a non-merit position, if the employee had previously attained merit status:* If a "career employee" has previously attained status in a position in the classified service, he or she shall revert to a position in that class in the separating agency, if vacant. [KRS 18A.130](#). For more information on the reversion rights of career employees, see [KRS 18A.115](#).
 - a. *Same agency.* If a career employee is promoted or appointed to an unclassified position within the same agency and is separated from that position other than for cause, the agency must place the employee in a position in the classification in which the employee last held merit status if vacant. If there is no appropriate vacant position, then the agency must notify the employee of his or her reemployment rights. Please refer to question 6.
 - b. *Different agency.* If a career employee is promoted or appointed to an unclassified position outside of the agency in which he or she last held merit status and is separated from that position other than for cause, the employee's current agency must place the employee in a position in the classification in which the employee last held merit status if vacant. If there is no appropriate vacant position, then the agency must notify the employee of his or her reemployment rights. Please refer to question 6.

3. Q. What is a career employee?

- A. A career employee is an employee who has accrued sixteen (16) years of full-time 18A state service or its part-time equivalent, merit or non-merit. For a complete definition of career employee, see [KRS 18A.005\(4\)](#).

NOTE: Service as an interim or seasonal employee does not count toward the sixteen (16) years of permanent full time service required to attain career status.

4. Q. How will I know if I have reversion rights if I am separated from my position?

- A. Your appointing authority should notify you of your rights upon your separation from your position.

An agency is responsible for informing an employee of his or her rights upon separation. If a separated employee has reversion rights, the agency must return the employee to a position in the classification in which he or she last held merit status if vacant.

When an unclassified employee is separated other than for cause, the separating agency should contact the Personnel Cabinet, Division of Employee Management, Personnel Administration Branch to confirm whether the employee has acquired career status. The Personnel Administration Branch may be reached by phone at 502.564.6873. Sample termination letters for unclassified employees may be found in the Personnel Cabinet's [Disciplinary Actions Guide](#).

5. Q. Do I have to take any action to exercise these rights?

- A. No. You will be automatically placed in your previous position if it is vacant at the time you acquire reversion rights. If the position is not available, you will be notified of additional rights by your separating agency.

6. Q. **What if there are no vacancies at the time I am separated from my position and have reversion rights?**

A. At the time of separation, there may be no vacant position in the same classification as your previous merit position. If this is the case, your agency will advise you that you may exercise your reemployment rights as discussed in the Reemployment Rights section. If the classification in which you last held merit status is no longer utilized within the state merit classification system, you will have reversion rights to a similar classification of like status, as determined by the Personnel Cabinet. [KRS 18A.005\(35\)](#) and [KRS 18A.130\(2\)](#).

If there are no vacant positions in the same classification as a separated employee's previous merit position:

1. If the classification is still utilized within the state merit system, then inform the employee of his or her reemployment rights. Sample termination letters for unclassified employees may be found in the Personnel Cabinet's [Disciplinary Actions Guide](#).
2. If the classification is no longer utilized within the state merit system, contact the Personnel Cabinet, Division of Employee Management, Classification and Compensation Branch at 502.564.5300. The Personnel Cabinet will determine if there is a similar classification of like status to which the employee has reversion rights.

II. REEMPLOYMENT RIGHTS

This is a general summary of reemployment rights. For specific questions, contact the Personnel Cabinet, Division of Career Opportunities at 502.564.8030.

Agency Highlights:

- Reemployment candidates must be properly considered. In general, and depending upon the circumstances, this means that candidates must be either offered an interview, interviewed, or offered a position.
- A hiring agency is not required to reemploy a reemployment candidate at his or her former salary.
- Reemployment candidates are reemployed with status and do not serve an initial probationary period.
- Reemployment does not necessitate an in-range appointment salary comparison pursuant to [101 KAR 2:034 Section 1](#).

1. Q. **What are reemployment rights?**

A. Reemployment rights include the right to be considered for any open 18A merit position for which you qualify with the distinction of a "reemployment candidate." No vacancy may be filled from a competitive register until all reemployment candidates on that register have been reemployed, interviewed, or properly considered. Additionally, reemployment candidates who are considered for a position and not reemployed receive notification of the decision, and the reemployment candidate may appeal this decision to the Personnel Board. [KRS 18A.005\(31\)](#), [KRS 18A.113](#);and [KRS 18A.135](#).

Agencies must consider reemployment candidates for an open position in the order of their seniority. In general, in order for a hiring agency to satisfy its obligation to a reemployment candidate, the agency must offer the candidate an interview. If the candidate declines to interview, then the agency's obligation is satisfied. Please contact the Personnel Cabinet, Division of Career Opportunities, Register Branch at 502.564.8030 to inform of the candidate's decision not to interview.

If the reemployment candidate accepts an interview, the agency must interview the candidate. Thereafter, the agency must reemploy the candidate.

2. Q. Who has reemployment rights?

A. In general, there are only two types of employees who have reemployment rights.

1. Merit employees laid off from a position in which they attained status ([KRS 18A.113](#)); and
2. Career employees separated from a non-merit position other than for cause. [KRS 18A.135](#).

3. Q. What is a career employee?

A. A career employee is an employee who has accrued sixteen (16) years of full-time 18A state service or its part-time equivalent, merit or non-merit. For a complete definition of career employee, see [KRS 18A.005\(4\)](#).

NOTE: Service as an interim or seasonal employee does not count toward the sixteen (16) years of permanent full time service required to attain career status.

4. Q. How will I know if I have reemployment rights?

A. Your appointing authority should notify you of your rights upon separation from your position in state government.

A separating agency is responsible for informing an employee of his or her reemployment rights. In the event of a layoff of classified employee, please consult the Personnel Cabinet, Office of Legal Services at 502.564.7430. For more information with respect to layoffs, please consult [KRS 18A.113](#), [KRS 18A.1131](#), and [KRS 18A.1132](#).

In the case of a career employee separated from an unclassified position, sample termination letters for unclassified employees may be found in the Personnel Cabinet's [Disciplinary Actions Guide](#).

5. Q. Do I have to take any action to exercise these rights?

A. Yes. First, you must contact the Register Branch of the Personnel Cabinet, Division of Career Opportunities at 502.564.8030 to inform them of your intent to utilize your reemployment rights. Second, you must actively seek employment with state government. This means that you must actively apply to all open positions for which you qualify and for which you wish to be considered.

6. Q. How long do I keep my reemployment rights?

A. In general, you retain reemployment rights for a period of five (5) years from the date of separation, or until you "satisfy" your reemployment rights, whichever is sooner. However, some actions may adversely impact your reemployment rights. See [KRS 18A.113\(6\)](#) for a complete list of all actions that may adversely impact your reemployment rights.

7. Q. How do I know when my reemployment rights have been "satisfied?"

- A. The time at which your reemployment rights are satisfied depends upon whether or not you have previously attained merit status within state government.
1. If you were laid-off from a merit position, then your reemployment rights are satisfied when you attain a merit position with a base pay equal to or greater than the base pay you received in your previous merit position.
 2. If you were terminated from a non-merit position, then your reemployment rights are satisfied depending upon whether you previously attained merit status.
 - a. If you previously attained merit status, then your reemployment rights are satisfied when you attain a merit position with a base pay equal to or greater than the base pay you received in your most recent merit position.
 - b. If you have not previously attained merit status, then your reemployment rights are satisfied when you attain any merit position.

An agency does not have to offer a reemployment candidate any particular salary. In general, the salary of a reemployment candidate must be set in accordance with [101 KAR 2:034 Section 2](#). Therefore, an agency is not required to reemploy a reemployment candidate at his or her previous merit position's salary. However, the salary offered to a reemployment candidate may affect whether his or her reemployment rights are satisfied. For questions pertaining to salary, please contact the Personnel Cabinet, Division of Employee Management, Classification and Compensation Branch at 502.564.5300.

8. Q. Do I have to meet the minimum requirements of the class specification for an open position even though I have reemployment rights?

- A. Yes. You must meet the minimum requirements for any position for which you apply in order to be considered for the position as a reemployment candidate. [KRS 18A.113](#) and [KRS 18A.135](#).

III. REINSTATEMENT PRIVILEGES

This is a general summary of reinstatement privileges. For specific questions, contact the Personnel Cabinet, Division of Career Opportunities at 502.564.8030.

Agency Highlights:

- An appointing agency is not required to give preference to an individual with reinstatement privileges.
- An appointing agency is not required to reinstate an individual with reinstatement privileges at his or her former merit salary.
- Reinstatement is not a register action. An agency does not have to request a register from the Personnel Cabinet in order to reinstate an employee to an open position.
- Reinstatement is subject to the in-range appointment analysis contained in [101 KAR 2:034 Section 1](#).

1. Q. What are reinstatement privileges?

- A. Reinstatement privileges allow you to be placed in a position within your former classification, or in a position of like status and pay, up to the highest pay grade in which you achieved merit status. Reinstatement is a privilege, not a right. Therefore, reinstatement occurs only at the option of the appointing authority of the appointing agency. [KRS 18A.005\(34\)](#).

For purposes of reinstatement, "like status and pay" means the same pay grade of the former classification or below.

2. Q. How are reinstatement privileges acquired?

A. You acquire reinstatement privileges when you resign in good standing from a merit position in which you attained status. However, you do not acquire reinstatement privileges if you retire, resign with prejudice, or are dismissed for cause from your position in the classified or unclassified service. [KRS 18A.005\(34\)](#).

3. Q. What are the general requirements for reinstatement?

A. You must meet the current minimum requirements for the job classification to which you wish to be reinstated. Further, you must have held status at the grade level for the classification or higher.

Exception: If the highest pay grade classification in which an employee held status is changed to a higher pay grade, the employee has reinstatement privileges to the current title and pay grade, provided the employee meets the minimum requirements for the current title. Please contact the Personnel Cabinet, Division of Employee Management, Classification and Compensation Branch at 502.564.5300.

4. Q. How can I take advantage of these privileges?

A. You must be proactive and contact the appointing agency to make them aware of your desire to be considered for reinstatement. Reinstatement actions are not register actions. However, competitive candidates from a register can be reinstated. Therefore, you should always continue to apply for positions as a competitive candidate as well.

When an agency wishes to utilize reinstatement as the means to fill a position, the agency must complete the Personnel Cabinet's [Reinstatement Certificate Form](#) and forward it to the Personnel Cabinet, Division of Career Opportunities, Register Branch. The Personnel Cabinet will complete the reinstatement certificate and notify the requesting agency once it is approved.

Remember, reinstatement is not a register action. However, an agency may reinstate a candidate even if a register has been requested and received.

5. Q. Is an appointing agency required to reinstate me or give me preference in the appointment process?

A. No. As stated above, reinstatement occurs at the option of the appointing authority. As a result, you are not entitled to any preference in the appointment process. [KRS 18A.005\(34\)](#). When an agency wishes to utilize reinstatement as the means to fill a position, the agency initiates a reinstatement certificate and forwards it to the Personnel Cabinet. The Personnel Cabinet will complete the reinstatement certificate and notify the requesting agency once it is approved.

6. Q. Is an appointing agency required to reinstate me with the salary I earned in my last merit position?

A. No. Decisions regarding salary are made at the option of the appointing authority. As a result, you are not necessarily entitled to the salary you earned when you resigned from your previous merit position. [KRS 18A.005\(34\)](#) and [101 KAR 2:034 Section 2](#).

As long as the hiring agency follows the compensation guidelines in [101 KAR 2:034 Section 2](#), no minimum salary other than the minimum salary of the grade is required at the time of reinstatement.

PLEASE NOTE: Reinstatement actions are subject to the in-range appointment analysis contained in [101 KAR 2:034 Section 1](#). Under the provisions of 101 KAR 2:034 Section 2 (2), an agency may set the salary of a former classified employee being reinstated in one of two ways: (1) in accordance with the standards for making new appointments, or (2) up to a salary paid at the time of separation if the salary does not exceed the “phantom max.”

Under the standards for making new appointments in Section 1 of this regulation, an appointment to a salary above the minimum requires a salary adjustment for employees in the same class and same county with similar education and experience to the appointee. However, no current employee’s salary may be adjusted above the midpoint of the grade.

7. **Q. How long do reinstatement privileges last?**
- A. Reinstatement privileges last for life. However, once you are reinstated, you cannot use your reinstatement privileges again unless you attain merit status in another position. This means that if you are reinstated to a merit position and resign before completion of your probationary period, then you will lose your reinstatement privileges. Also, you will forfeit your reinstatement privileges if you are separated at any time from your position in bad standing.
8. **Q. Will I have to serve an initial probationary period if I am reinstated?**
- A. You will not have to serve an initial probationary period if you are reinstated within twelve (12) months after your resignation in good standing. You will have to serve an initial probationary period if you are reinstated later than twelve (12) months after your resignation. [101 KAR 1:325 Section 3](#).
9. **Q. What happens to the sick leave that I accrued before I resigned in good standing?**
- A. If you are reinstated, you shall be credited with any unused sick leave that accrued prior to your resignation. [101 KAR 2:102 Section 2\(1\)\(i\)](#).