

## Casual Employment

**Background** Casual employment classes were established to provide skilled tradespersons to appointing authorities on short notice for construction and maintenance projects of short duration. In order to facilitate recruitment on short notice, a compensation plan based on local trade rates was established so that hiring from local union halls would be possible. The classes are designated non-testing so that Temporary Authorization Utilization (TAU) is possible.

**Purpose/  
subject** The purpose of this section is to provide standards and prohibitions for use of casual employment trades classes, time limits for their use, and the status of employees assigned to such classes.

**Standards  
and  
guidelines** The following major standards and guidelines are embodied in the laws, rules and classification specifications governing the employment of casual employees.

Standard	Example
1. Casual employment positions can be allocated only to short-term projects of a non-recurring nature (a maximum of six months).	Example: A small remote, rural field office has 80 hours of carpentry work for an interior remodel project. The department has no carpenters assigned to that area and has no roving field maintenance staff. It would be appropriate to use casual employment classes for this work.
2. Not all short-term projects are appropriate for casual employment classes.	If a work project is described as short term due to funding restrictions but it is expected that funding will be renewed and the duration of the project will exceed six months, then a limited-term or permanent intermittent would be appropriate.  If the work is of a recurring nature such as several short-term projects year round or a project of four to six months' duration each year, then permanent intermittent appointments should be made.
3. Equity considerations in the use of casual employment classes vs. corresponding permanent civil service classes.	The use of casual employment classes when such use does not meet the standards outlined above raises merit and pay concerns.

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**Casual Employment, Continued**

<b>Standard</b>	<b>Example</b>
<p>4. Use of permanent civil service employees in casual employment classes is prohibited.</p>	<p>The concept of a casual employment trades class precludes the use of a permanent State employee in a casual employment class.</p> <p>If a permanent State employee resigns, then accepts a casual trades position without a break in service (or transfer to), then ultimately is mandatorily reinstated to their former position upon termination of the casual trades job you have, in effect, a situation where the State is paying the trade rate to a permanent employee. This is inconsistent with the class concept, resulting in paying an excessively high wage and creating pay inequities with the trades work force. Also, if a permanent employee has the time to do the project work, it would appear the use of a casual trades worker is unnecessary.</p>
<p>5. Exceptions to the six-month time limit for casual employment appointments.</p>	<p>The maximum extension allowed to the six-month limit is for up to an additional three months. An extension may be granted only when noncompletion of the project was due to delay or change, which was not foreseeable on or before the date the project started and when all other alternatives for completing a project are found to be impractical.</p>

**Employee status and rights**

A person appointed to a casual employment class holds a temporary appointment. The class is a non-testing class.

An appointing authority or person appointed to a casual employment class may terminate the appointment at any time. Appeal rights are limited to discrimination or adverse action.

There are no permissive or mandatory reinstatement standards that apply to employees appointed to casual employment classes. However, these employees may be reappointed as long as the time limits established for casual employment and TAU appointments are not exceeded (six months per appointment and nine months maximum in a 12-month period).

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## Casual Employment, Continued

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- Procedure**
- The Personnel Liaison submits form DCU-16 to the assigned Classification and Pay (C&P) Analyst including the following information:
    - a. Requesting agency, area, and date
    - b. Name of employee
    - c. Class title
    - d. Starting date of current casual appointment
    - e. Expiration date of current casual appointment
    - f. Requested extended expiration date
    - g. If the extension is to work on a new project
    - h. If the extension is necessary to complete work on a project that was originally estimated in good faith to be completed in six months
    - i. obtains appropriate office/program approvals
  - The C&P Analyst reviews the request, indicates “Approved” on the cover page and dates, routes the approved request to the Personnel Specialist (PS) for processing, and notifies the PL of approval.

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**References** The following table depicts the various references available regarding the layoff process and procedure.

Reference	Section(s)
Law and Regulation <a href="http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9">http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9</a>  <a href="http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=I1CF57861D48D11DEBC02831C6D6C108E&amp;ItemKey=I1CF57861D48D11DEBC02831C6D6C108E&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.01&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcr=DA010192&amp;fragment#I1CF57861D48D11DEBC02831C6D6C108E">http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=I1CF57861D48D11DEBC02831C6D6C108E&amp;ItemKey=I1CF57861D48D11DEBC02831C6D6C108E&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.01&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcr=DA010192&amp;fragment#I1CF57861D48D11DEBC02831C6D6C108E</a>	GC 18529, 19083, 19830, 19058, 19059  SPB Rule 265 DPA Rule 599.690, 599.691
Personnel Management Policy and Procedures Manual (PMPPM)	200
Responsible Control Agency and/or Program	CalHR, SPB