

Subject: Expiration Dates

REFERENCES	SECTIONS
Personnel Management Policy and Procedures Manual (PMPPM)	Section 300 - 399

Subject: Expiration Dates

Definition

Expiration dates refers to the appointing power, by statute, as having authority to make appointments to positions in the state civil service. These appointments may be made on a permanent basis and/or a temporary basis with expiration dates.

Purpose

There are times when the appointing power has an urgent need for appointments with expiration dates such as: critical administrative or legislative mandate for a short duration, short-term projects, specialized projects, special consultant needs, emergency appointments when there is no employment list, backdating/correcting appointments and certification lists.

Employee Appointment Expiration Dates

Limited Term: Appointments are made from civil service employment lists, by reinstatement or transfer, for periods of one year or less (and up to two years with exceptions) to meet various limited-term staffing needs. Either the employee or the appointing power may terminate a limited-term appointment at any time. This should be done by advising the employee either orally or in writing of the separation. Departments must remember that the limited-term appointment transaction must be thoroughly documented and documentation must be retained for post-audit purposes.

Temporary Authorization Appointments: (TAU's): When there is no employment list from which a position may be filled, the appointing power, with the consent of the board, may fill the position by temporary appointment. The limitation on a TAU appointment is 9 months in any 12 consecutive months. The limitation can't be extended or exceeded for any reason. When TAU appointments are made to permanent positions, an appropriate employment list shall be established for each class to which a TAU appointment is made before the expiration of the appointment.

Emergency Appointments: Appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work.

Duration Appointments: Whenever the United States is engaged in war or whenever the State Personnel Board (SPB) finds that an emergency exists in connection with the national

defense, the SPB may provide by rule for a system of duration examinations and employment and applicable conditions, in those classes in which the best interests of the State would be served during such war or emergency. Within not less than three months, or more than one year, after the SPB finds that there is no longer an emergency, all duration employments shall be terminated in such order as the board deems appropriate.

Retired Annuitants: Employees who retired under the provisions of the Public Employees Retirement System (PERS) temporarily work for the State for emergency purposes for short-duration assignments requiring their special skills. The individual is limited to working no more than 120 working days or 960 hours in a calendar year.

Training and Development Assignments (T&D): These are temporary assignments of up to two-years for the purpose of training. The assignment may involve the performance of duties of a classification other than the employee's appointment class. They may be made within or between departments and they are always voluntary. Employees serving in the temporary assignments have a right to return to their former positions upon the conclusion of such assignments. The appointing power (or either appointing power in the case of a T&D between departments) or the employee may terminate the T&D assignment at any time for any reason. Departments (in two-department T&Ds) should give each other 30 days' notice of such action unless they mutually agree on something else. Employees must have permanent status in their present class, or have probationary status in their present class, and previously have had permanent status with no break in service due to a permanent separation since that permanent status.

Intermittent Positions: An intermittent appointment is appropriate when the varying nature of the work schedule makes it impractical to use a full-time or part-time (fractional) appointment with a fixed number of working hours every pay period. To help ensure that intermittent appointments are not made to full-time positions, a maximum of 1500 hours has been placed on the number of hour's which an intermittent employee may work in 12 months.

Temporary Assignments:

- 1) For Injured Employees: An injured employee is defined as any eligible employee with a medically verified disability, injury, or illness, whether job or non-job-related, that requires the employee to be reassigned to duties outside his/her current classification in order to remain productive. An injured employee may be placed in a temporarily modified work assignment for up to two years when the temporary assignment is within an agency or between agencies. If the temporary assignment is with another jurisdiction the temporary assignment may be for up to four years.

- 2) The employee or the appointing power may terminate the temporary assignment at any time for any reason. The SPB Executive Officer may terminate it if it is determined to be inconsistent with the Government Code or Board rules.

The SPB has delegated to appointing powers the authority to make temporary assignments to return injured employees to work. Prior approval is **not** required.

Compliance with the applicable law and regulations is demonstrated by the appointing power retaining a written statement that contains the following information:

- 1) The duration and duties of the assignment.
- 2) Certification that a layoff by reason of such assignment will not become necessary in the appointing agency.
- 3) Justification of the need for such an assignment **and** medical verification of the employee's condition.
- 4) Certification that the employee has voluntarily consented to the assignment.

Career Executive Assignment (CEA):

Principles of good personnel management shall be observed through conforming to the following procedures when terminating a career executive assignment. The appointing power shall serve the employee with written notice of termination of assignment, shall indicate to the employee its intention to terminate the assignment and the employee shall be privileged to discuss the termination with the appointing power. In addition the appointing power shall serve the employee with written notice of termination of the assignment at least 20 calendar days prior to the effective date of the termination. This notice should include all of the employee's reinstatement eligibilities.

Casual Employment:

This is a temporary appointment in the absence of an employment list. No person may serve in a temporary appointment for more than nine months in any consecutive 12 months.

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 rate was established so that hiring from local union halls would be possible. The classes are designated as nontesting so that TAU hiring is possible.

Special Consultant:

This is a nontesting class used almost exclusively to make temporary appointments (TAUs) to meet short-term needs for highly specialized services that cannot be accommodated with the regular civil service classification and examining structure. No person may serve in one or more positions under temporary appointment longer than nine months in 12 consecutive months.

Military Leave of Absence:

Temporary military leave of absence means a leave of absence from public employment to engage in ordered military duty for a period, which by the order is not to exceed 180 calendar days including travel time.

Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the national defense, any employee, officer or anybody who enters the armed forces of the United States shall be entitled to a leave of absence for service with such armed forces for the duration of the war or until the Governor finds and proclaims that the emergency no longer exists, and for 90 days thereafter, or until 90 days after the termination of such service.

Administratively Established Positions (A&E):

Budgeted positions temporarily assigned an expiration date. The date could be for 12 months or 24 months.