

Subject: INTERMITTENT EMPLOYEES

REFERENCES	SECTIONS
<p>Law & Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=f89f195c77b88f6e0db634b4eb01 http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&Action=ExpandTree&AP=I1CF57861D48D11DEBC02831C6D6C108E&ItemKey=I1CF57861D48D11DEBC02831C6D6C108E&RP=%2Ftoc%2Fdefault%2Ewl&Service=TOC&RS=WEBL13.04&VR=2.0&SPa=CCR-1000&pbcc=DA010192&fragment#I1CF57861D48D11DEBC02831C6D6C108E http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&Action=ExpandTree&AP=I6C9E1EC0D48E11DEBC02831C6D6C108E&ItemKey=I6C9E1EC0D48E11DEBC02831C6D6C108E&RP=%2Ftoc%2Fdefault%2Ewl&Service=TOC&RS=WEBL13.04&VR=2.0&SPa=CCR-1000&pbcc=DA010192&fragment#I6C9E1EC0D48E11DEBC02831C6D6C108E</p>	<p>GC 18552; 19100.5; 19101 SPB Rule 448 DPA Rule 599.709; 747; 827; 828; 847</p>
<p>Memo of Understanding (MOU) http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx</p>	<p>Applicable BU Contract</p>
<p>Personnel Management Policy and Procedures Manual (PMPPM)</p>	<p>333</p>
<p>Responsible Control Agencies and Programs: http://www.calhr.ca.gov/Pages/home.aspx http://spb.ca.gov/</p>	<p>CalHR SPB</p>

Subject: Intermittent Employee

Definition/Explanation:

Intermittent employment is irregular or recurring, hourly employment that is less than full time each year. It is used to provide a trained work force available on an “on-call” basis to supplement a department’s full-time staff in handling peak workloads.

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.

Intermittent employees are paid by the hour and there is no absolute guarantee of a total number of hours of work to be made available. The amount of work an individual intermittent employee may receive is contingent on availability of work and funds, the employee’s skills or knowledge of the particular assignment, and the employee’s availability for work. An intermittent appointment can be made to a permanent or a temporary position.

GC 18552 defines an intermittent position or appointment as a position or appointment in which the employee is to work periodically or for a fluctuating portion of the full-time work schedule.

Policy:

An intermittent appointment shall be used 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.

Procedure:

NOTE: During a hiring freeze, any new appointment to State service must obtain a freeze exemption.

A RPA package must be submitted to the C&P Analyst for processing a new appointment.

Methods of Filling Intermittent Positions

Intermittent positions may be filled by a variety of methods. Any of the following may be appropriate depending on the specific requirements of the position.

- a. permanent intermittent eligible list;
- b. full-time eligible list (eligible remains on list);
- c. limited-term eligible list;
- d. reinstatement;
- e. training and development assignment;
- f. TAU appointment if there are no eligibles interested in intermittent work available on lists “a,” “b,” and “c” above.

If filling the position from a list, the C&P Analyst submits the RPA to the Certification Unit for ordering the list and mailing contact letters.

If filling the position by reinstatement, transfer, TAU or training and development assignment, the position is advertised according to the approved RPA process.

Temporary (TAU) Appointments to Intermittent Positions

If an employee is appointed to an intermittent time base position on a temporary (TAU) basis, there are two controlling time limitations that must be considered. One is the constitutional limit of nine months in any 12 consecutive months for temporary appointments **that cannot be extended for any reason**. The other is a 1500-hour limitation on the intermittent time base. Because all paid time (i.e., overtime) is included in the computation of the 1500-hour limitation, there is a possibility that this limitation may be reached before the limitation of nine months. See Section 330 of the PMPPM for additional information on TAU appointments or the TAU Section in this manual.

1500-Hour Limitation

Permanent intermittent appointments are not to be used to fill full- or part-time positions. Such use would constitute illegal circumvention of these eligible lists. 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 hours that an intermittent employee may work in 12 months.

The 1500 hours are counted calendar year (January 1 through December 31).

When does a change in position permit an employee to begin a new 1500-hour period? Refer to the following chart to determine when a permanent intermittent employee may start a new 1500 hours.

DEPARTMENT	CLASS	1500 HOURS
Same	Same	When 1500 hours run out – must wait 3 months for new 1500 hours
Same	Different	New 1500 hours
Different	Same	New 1500 hours
Different	Different	New 1500 hours

Exceeding the 1500-Hour Limitation

There are occasions when unexpected, temporary changes in workload require use of an intermittent employee for more than 1500 hours. It may be more cost effective to extend a trained employee’s maximum hours than to hire a new intermittent employee who will require training. It is impractical to set standards that would cover every conceivable reason for exceeding the 1500-hour limit. Some of the areas to look at follow. A “yes” answer would indicate an extension is inappropriate:

- a. Would the extension result in a TAU exceeding the nine-month constitutional limitation? If yes, no extension is allowable. Temporary appointments to intermittent positions cannot exceed the nine months in any 12 consecutive months’ restriction for any reason.

- b. Could the increased workload have been easily predicted?
- c. Is the work of such a recurring nature that a permanent full-time or fractional time base appointment would be more appropriate?

Effective with the issuance of the PMPPM, the SPB delegated authority to approve extension of the 1500-hour time limit subject to post-audit.

The DGS must keep adequate documentation for the reasons the limit was exceeded. This documentation must be kept on file and made available to the SPB auditors on request. Delegation authority will be withdrawn if the DGS violates the intent or spirit of valid exceptions to the 1500-hour limit.

Automatic Resignation

SPB Rule 448 provides that intermittent employees not covered by authorized leaves who do not work for one year may be considered to have automatically resigned from the position as of one year from the last day the employee was on pay status. This rule SHALL NOT be used for disciplinary actions. It is inappropriate to simply refrain from calling a person to work for a year and then separating them. If you have an intermittent employee whose work is unsatisfactory, the disciplinary process must be used for termination since these employees have status and are entitled to due process.

Attachments: None