

Subject: LIMITED-TERM APPOINTMENT AND PREFERRED LIMITED-TERM APPOINTMENT

REFERENCES	SECTIONS
<p>Law &amp; Regulation  <a href="http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml">http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml</a>   <a href="http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=CollapseTree&amp;AP=I1CF6D7F0D48D11DEBC02831C6D6C108E&amp;ItemKey=I1CF6D7F0D48D11DEBC02831C6D6C108E&amp;R.P=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcc=DA010192&amp;fragment#I1CF6D7F0D48D11DEBC02831C6D6C108E">http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=CollapseTree&amp;AP=I1CF6D7F0D48D11DEBC02831C6D6C108E&amp;ItemKey=I1CF6D7F0D48D11DEBC02831C6D6C108E&amp;R.P=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcc=DA010192&amp;fragment#I1CF6D7F0D48D11DEBC02831C6D6C108E</a></p>	<p>GC: 18530, 18532, 19054, 19080-19083, 19140.5   SPB Rule: 151, 152, 281, 282, 446</p>
<p>Personnel Management Policy and Procedures Manual (PMPPM)</p>	<p>331</p>
<p>Responsible Control Agency and Program  <a href="http://www.spb.ca.gov/">http://www.spb.ca.gov/</a></p>	<p>State Personnel Board</p>
<p>State Administrative Manual (SAM)  <a href="http://sam.dgs.ca.gov/home.aspx">http://sam.dgs.ca.gov/home.aspx</a></p>	<p>6208</p>

## Limited-Term (LT) Appointment and Preferred Limited-Term (PLT) Appointment

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**Definition**      **Limited-term** (LT) appointments are distinguished from temporary authorization utilization (TAU) appointments by the fact that they are made as a result of certification from civil service employment lists, reinstatement, or transfer.

Limited-term appointments are distinguished from permanent and probationary appointments by the fact that they are made for a limited duration and do not confer civil service employment rights beyond the specified time period. In addition, limited-term employees have substantially less tenure protection than permanent or probationary employees.

**Preferred limited-term** (PLT) appointments are made from employment lists that have been established containing the names of limited-term employees who have served satisfactorily in positions recurring seasonally in DGS and who have been recommended by the appointing power for inclusion on such list.

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**Policy**            It is the policy of the DGS to comply with the laws and rules governing limited-term (LT) and preferred limited-term (PLT) appointments as set forth by the State Personnel Board (SPB). LT and PLT appointments shall not be used to fill positions on an ongoing basis, since that circumvents consideration of those who are eligible for and interested in permanent jobs. Conversely, permanent appointments shall not be used to fill positions that are clearly limited in duration, unless the staff appointed can be placed in other permanent jobs when the limited-term work ends.

PLT appointments shall only be made if the establishment of a PLT list has been authorized through the Classification and Pay (C&P) Analyst.

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## Limited-Term (LT) Appointment and Preferred Limited-Term (PLT) Appointment, Continued

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**Appointment** LT appointments are made from civil service employment lists, by reinstatement or transfer to meet various LT staffing needs

PLT appointments are made from previously established PLT employment lists to meet recurring (usually seasonal) staffing needs.

All appointments must follow the Request for Personnel Action (RPA) process (refer to the RPA section in this manual for assistance).

Examples of limited-duration staffing needs include:

- Seasonally recurring positions (firefighter, lifeguard, trades class, etc.)
- Positions established for specific study or project (if a specific job is to be completed in 30 working days or less an emergency appointment may be appropriate)
- Temporary vacancies such as those covering leaves of absence
- A temporary vacancy created by the appointment of a permanent employee to an LT position. However, if the vacancy is in a class subject to high turnover, filling it on a permanent basis may be appropriate
- Temporary filling of vacancies in a planned reorganization or potential layoff
- Filling behind a person who is on a training and development (T&D) assignment or personnel interchange agreement, unless the position to be filled is in a class with a rate of turnover sufficient to cover the additional permanent appointment

Before a PLT can be re-appointed, s/he must be separated for a minimum of three pay periods; this is also true for LT appointees that want to accept another LT appointment to a different class; otherwise, the employee is considered a transfer and the original date of hire is used to compute the time remaining on a maximum 24-month LT appointment.

Note: An individual cannot have more than two years LT appointment from any one employment list.

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## Limited-Term (LT) Appointment and Preferred Limited-Term (PLT) Appointment, Continued

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**Duration** The standard maximum duration for LT or PLT appointment is one (1) year. However, such appointments may be extended for up to two years when the Program is able to document that use of a permanent appointment would be likely to cause a layoff, demotion or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need. (Advertisement for LT or PLT appointments may indicate up to two-year duration; but, appointment will be made in a maximum of one-year increments. See Issue Paper at the end of this document.)

Note:

- No time served in a LT or PLT appointment may count toward acquiring permanent status in any position.
- Probationary periods are not served by LT or PLT employees and time in LT or PLT service is not counted towards the probationary period in the class after permanent appointment.

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**Termination** An LT or PLT appointment may be terminated at any time by either the employee or the appointing power. Key provisions on the termination of LT or PLT employees include the following:

- An LT or PLT employee may be separated at any time prior to the expiration of the term for which appointed by advising the employee either orally or in writing of the separation
- If separated for cause, the appointing power shall give the employee, on or before the date of separation, written notice setting forth the reasons therefore. Within 30 days after the effective date of separation for cause, a copy of the notice shall be sent with the report of separation to the SPB (the Program must contact the Personnel Enhancement Section for assistance if terminating for cause)

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## Limited-Term (LT) Appointment and Preferred Limited-Term (PLT) Appointment, Continued

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### Termination (continued)

- The employee has no appeal from the action of the appointing power in terminating the LT or PLT employment. The SPB will accept an appeal when termination has been for cause. However, the only possible remedy in these causes is to change the action from a termination for cause to a simple termination, since LT and PLT employees may still be terminated even if there is no cause. The sole object of such an appeal, therefore, is to “clear” the employee’s name.
- The SPB shall not again certify for LT or PLT employment in the same class the same name of a person who has been separated for cause unless, after investigation, it is determined by SPB that the reason for separation should not bar the person from such further employment.
- Cause includes:
  - ✓ Failure to demonstrate merit, efficiency, fitness, and moral responsibility

An employee who has had permanent civil service status prior to accepting an LT appointment, and who had not intervening break in service due to a permanent separation, has the right to reinstate to his/her former position upon the termination of the LT. Reinstatement must be requested within 10 days of the termination of the LT appointment.

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### Establishing a PLT employment list

To establish a PLT list, the Program must “nominate” the employee who has satisfactorily completed his/her assignment in a specific class and will be selected before any “new” appointments are made (whether there is an existing list or not); and, submit the employee’s name to the C&P Analyst for processing by the Certification Unit.

Note: PLT lists are only established for classes/positions that are for a limited duration (seasonal, construction project, firefighter, life guard, etc.).

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## Limited-Term (LT) Appointment and Preferred Limited-Term (PLT) Appointment, Continued

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### Employment list eligibility

Eligibility on a limited-term only list permits the individual only one appointment from the list (s/he cannot be reactivated even if the LT assignment is less than two years.

Eligibility on a PLT list is indefinite. Each time the employee accepts a PLT assignment, is separated, and re-nominated for PLT status, s/he can basically make a "career" as a PLT hire.

Eligibility from full-time employment lists may accept another LT appointment IF s/he has not exhausted his/her 2-year maximum appointment period. If appointed to an LT position, the candidate remains active for any permanent position, should a position become available and s/he is reachable on the list.

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### Permanent eligibility

Permanent eligibility is obtained from a limited-term appointment through the list process. In other words, an employee concluding his/her limited-term appointment must be reachable on a certified employment list and/or meet the criteria for transfer of list eligibility (refer to POM section Transfer of List Eligibility at

<http://www.documents.dgs.ca.gov/ohr/pom/Trnsfr%20of%20Lst%20EligibilityRevise.doc>

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### Attachment

[Issue paper dated 12/9/02](#)

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