

Limited Term Appointments/Project Duration
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Consulted with Margaret Serenity – State Personnel Board

SPB states that if the class specification indicates that the class is a 'permanent' class and the project is over 2 years, an individual should be hired permanent. When the project ends and there is no other project for the permanent employee to 'transfer' to, then the department is in a layoff situation. If the project is 2 years or less, an individual should be hired on a limited term basis, which allows for termination at any time without cause. **SPB stated that DGS should research all of its prior LT appointments and make permanent or terminate if the appointment is in violation of GC and Rule.**

Further, if the project is 2 years or less, the position shall be filled for 12 months and extended an additional 12 months, if it meets the criteria in PMPPM Section 331. **SPB stated that any outstanding JOBs should be recalled and readvertised for the 12-month duration. The JOB can contain language, which states that it is highly probable that the LT appointment will be extended up to 24-months.**

The above comments in bold/black are to deter an SPB audit.

OTHER ISSUES:

1. Is it legal to reappoint (list appointment) an individual currently in a limited-term position, in a specific unit in a specific classification, to another unit in the same classification on a limited-term basis?

No. This is contrary to GC Section 19080.3 and discussed in PMPPM Section 331.4. This is a transfer (PMPPM Section 315) and therefore the individual's limited-term duration cannot change the original termination date for the limited-term appointment. However, if the limited-term appointee is separated for a minimum of 3 months, s/he may be re-appointed if s/he still has list eligibility.

If the limited-term appointment is to a different classification and the individual is on an eligible list for the 'new' classification, a list appointment may be made.

2. Should a limited-term appointment be advertised and filled for a 24-month term?

No. An initial limited-term appointment must be for 12-months, which may be extended an additional 12-months. No limited-term appointment can exceed 24-months under any circumstances. (See PMPPM Section 331.)

Regardless of recruitment difficulty, limited-term positions should not be advertised for more than 12 months.

3. How should positions be filled for construction projects 2-years or more duration?
 - a. Duration positions must be developed by Board Item establishing the necessary duration class(es) required for the project(s) (see C&P Manual Section 130). The classifications and projects can be derived from the Departments Budget and discussions with the appropriate Office required to perform the construction, etc. Appointments are on a permanent basis. Individuals cannot participate in promotional examinations unless they had prior State service preceding the duration appointment. (The PA will have to determine if the appointment was to a duration class; either by reviewing the class spec. or contacting the transactions staff at the former employer.)
 - b. Promotional TAUs may be made. Open TAUs if a list does not exist, there is no hiring freeze, or freeze exemption is obtained.
 - c. Limited-term appointments may be made; however, the appointee must be initially hired for 12 months, extended another 12 months and then terminated. A new individual may be hired to complete the project. Limited-term appointees may participate in promotional exams.
4. Can a person hired in a duration appointment on a permanent basis transfer to a non-duration appointment?

Yes. PMPPM Section 315.19 & .20, Limited-Duration Project Classes, states, "Permanent or probationary employees may transfer from special, limited duration project classes to classes used for career staff."

From time-to-time limited duration projects arise that require special skills that are not available from the State's regular permanent staff. To meet these needs, project classes are used to hire persons who possess the required special qualifications.

.....the Board will not preclude an otherwise appropriate transfer of an incumbent in a project duration/noncareer class to a career class.

5. Can a person reinstate from a permanent appointment into a duration class?

Yes. Rule 512 states that the regulations governing reinstatement of probationary or permanent employees **shall** apply to duration employees.