

Human Resources Branch Memorandum

SUBJECT: Temporary Authorization Appointments (TAU), Seasonal Clerk, Student Assistant and Retired Annuitant (RA) Employees Workday/Hour Limitations	NUMBER: HRB 19-027
	DATE ISSUED: November 22, 2019
DISTRIBUTION: CDFW All	EXPIRES: N/A

Action Required Informational Only Control Agency Directive

Background/Purpose

On July 1, 2017, pursuant to *California Code of Regulations (CCR), Title 2, Section 265.1*, the number of days a Temporary Authorization Appointment (TAU) employee is authorized to work in 12-consecutive months was reduced from 194 to 189 days. The 189 days and 1500-hour time limits cannot be combined. The Department recently received clarification of the changes from the California Department of Human Resources (CalHR) and implemented the following policy in order to comply. In addition, this memorandum provides work hour limitations for Seasonal Clerks, Student Assistants and Retired Annuitants (RA).

Authority

- [CalHR Human Resources Manual Section 1201 – Student Assistants](#)
- [CalHR Human Resources Manual Section 1212 – Temporary Appointments](#)
- [CalHR Human Resources Manual Section 1206 – Retired Annuitants](#)
- [California Code of Regulations, Title 2, Section 448](#)
- [California Code of Regulations, Title 2, Section 26](#)
- [California Code of Regulations, Title 2, Section 265](#)
- [California Code of Regulations, Title 2, Section 265.1](#)
- [Bargaining Unit Contracts](#)

Policy

The CCR eliminates the Actual Time Worked (ATW) rolling calendar and reduces the number of days a TAU employee can work from 194 to 189 days in a 12-consecutive month timeframe.

As set forth in Article VII, Section 5, of the California Constitution, the 9-month in 12-consecutive months working limit on temporary appointments shall be counted daily, with every 21 days worked counting as one month or 189 days equaling 9-months. When counting 189 days, every day worked, including partial days worked and paid absences, is counted. The hours worked in one day is not limited by this rule. The 12-consecutive month timeframe begins by counting the first pay period worked based on the month of their appointment as the first month of the 12-consecutive month timeframe, not on a calendar year basis.

The employee shall serve no longer than 189 days in a 12-consecutive month period. A new 189-day working limit, in a 12-consecutive month timeframe, may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe or any subsequent month.

How to Calculate the 189 Days for TAUs

- Any day the employee physically worked, regardless of the length of time worked that day. Example: Employee worked 2.5 hours on January 4th. This counts as one day worked towards the 189-day limit.
- Any day the employee is on a paid absence counts as a day worked. Example: Employee used six (6) hours of sick leave on January 5th. This counts as one day worked towards the 189-day limit.

Any holiday for which the employee receives either full or partial pay.

Example: Employee received four (4) hours of holiday pay for January 1st. This counts as one day worked towards the 189-day limit.

In the examples provided above, the employee physically worked 12.5 hours; however, a total of three (3) days is counted toward the 189-day limit.

Employees in a TAU assignment who reach their 189-day time limit prior to the end of the 12-consecutive month period may return to work at the beginning of the new 12-consecutive month timeframe.

Seasonal Clerks

Seasonal clerks continue to use the basis of actual hours worked to a maximum of 1500 hours per calendar year rather than the 189-day calculation. The 1500-hour restriction includes all paid time regardless of the number of days worked and is tracked by calendar year, regardless of the employee's start date. When the 1500 hours run out, the employee may return to work at the beginning of the next calendar year (January 1st).

Student Assistants and Graduate Student Assistants

Student Assistant and Graduate Student Assistant are temporary appointment classifications in which the appointment shall not exceed 9-months in a 12-month period. Individuals in these classifications work on an actual hours worked basis to a maximum of 1500 hours in a 12 consecutive month period regardless of the number of days they have worked.

NOTE: The 189 days and 1500-hour time limits cannot be combined.

Retired Annuitants

Retired Annuitants (RA) may not work more than 960 hours in a fiscal year from July 1st through June 30th, regardless of the RA's start date. RA's are paid for actual hours worked. When the 960 hours run out, the RA may return to work at the beginning of the next fiscal year.

Supervisor's Responsibility

Supervisors are responsible for monitoring and controlling the days or hours employees work to ensure the time limits are not exceeded.

Attachments

Attached are examples to assist with how the days or hours for Temporary, Seasonal Clerk, Student Assistant/Graduate Student Assistant and RA employees are counted.

1. Temporary Employee – Counting Workdays
2. Seasonal Clerk – Counting Work Hours
3. Student Assistant/Graduate Student Assistant – Counting Work Hours
4. Retired Annuitants – Counting Work Hours

Contact

If you have any questions related to this memorandum, please contact Nicole Gustafson, Staff Services Analyst, at (916) 651-7568 or Nicole.gustafson@wildlife.ca.gov.

Attachment 1

**Temporary Employees
Counting Days Example**

Limit of 189 Days in a 12-Consecutive Month Period – When tracking the number of days there are no hour limitations, as long as the employee does not exceed the 189-day limit in the 12-consecutive month period.

- The 12-consecutive month period begins by counting the first pay period worked as the first month of the 12-consecutive month period.
- All days in which the employee physically works, regardless of the number of hours worked on that day, counts as one day. Example: Two (2) hours or ten (10) hours count as one day.
- All days in which the employee is using paid leave credits are counted, including paid holidays if in an eligible classification.
- The employee must not work more than 189 days in a 12-consecutive month period.
- The new 189-day time limit begins the month following the end of the previous 12-consecutive month period.

Example 1

Year 2019	Days Worked	189 Days Total
Feb	11	11
Mar	21	32
Apr	22	54
May	22	76
Jun	21	97
Jul	22	119
Aug	9	128
Sep	22	150
Oct	13	163
Nov	16	179
Dec	5	184
Year 2020		
Jan	5	189
Feb	Reset	

Example 2

Year 2019	Days Worked	189 Days Total
Feb	21	21
Mar	21	42
Apr	20	62
May	21	83
Jun	21	104
Jul	22	126
Aug	22	148
Sep	22	170
Oct	19	189
Nov		
Dec		
Year 2020		
Jan		
Feb	Reset	

In the examples above, the employee was appointed on February 5, 2019, and completed the 189-day time limit in Example (1) in January 2020 and in Example (2) in October 2019. In both examples the new 189-day time limit will reset with the February 2020 pay period.

Attachment 2

**Seasonal Clerk Employees
Counting Hours Examples**

Time Limit of 1500-Hours per Calendar Year – When tracking the number of hours there are no day limitations, as long as the employee does not exceed the 1500-hour limit per calendar year.

- All hours in which the employee physically works are counted.
- All hours in which the employee is using paid leave credits are counted.
- The employee must not work more than 1500 hours per calendar year.
- The 1500 hours are counted calendar year (January 1st through December 31st), regardless of the number of days they have worked.
- When the 1500 hours run out, the employee may return to work at the beginning of the next calendar year (January 1st).

Example 1

Year 2019	Hours Worked	1500 Hours Total
Jan	20	20
Feb	148	168
Mar	168	336
Apr	176	512
May	176	688
Jun	168	856
Jul	176	1032
Aug	88	1120
Sep	80	1200
Oct	124	1324
Nov	176	1500
Dec		
Year 2020		
Jan	Reset	

Example 2

Year 2019	Hours Worked	1500 Hours Total
Jan	40	40
Feb	120	160
Mar	120	280
Apr	168	448
May	176	624
Jun	168	792
Jul	176	968
Aug	176	1144
Sep	120	1264
Oct	96	1360
Nov	96	1456
Dec	44	1500
Year 2020		
Jan	Reset	

In the examples above, the employee completed the 1500-hour limit in Example (1) in November, the new 1500 hour limit will reset in January 2020 and in Example (2) the 1500 hour limit was completed in December, the new 1500 time limit will reset in January 2020.

Attachment 3

**Student Assistant/Graduate Student Assistant Employees
Counting Hours Examples**

Time Limit of 1500-Hours in a 12-Consecutive Month Period – When tracking the number of hours there are no day limitations, as long as the employee does not exceed the 1500-hour limit in a 12-consecutive month period.

- The 12-consecutive month period begins by counting the first pay period worked as the first month of the 12-consecutive month period.
- All hours in which the employee physically works are counted.
- All hours in which the employee is using paid leave credits are counted.
- The employee must not work more than 1500 hours in a 12-consecutive month period.
- The new 1500-hour time limit begins the month following the end of the previous 12-consecutive month period.

Example 1

Year 2019	Hours Worked	1500 Hours Total
Jan	20	20
Feb	148	168
Mar	168	336
Apr	176	512
May	176	688
Jun	168	856
Jul	176	1032
Aug	88	1120
Sep	80	1200
Oct	124	1324
Nov	156	1480
Dec	20	1500
Year 2020		
Jan	Reset	

Example 2

Year 2019	Hours Worked	1500 Hours Total
Jan	40	40
Feb	120	160
Mar	120	280
Apr	168	448
May	176	624
Jun	168	792
Jul	176	968
Aug	176	1144
Sep	120	1264
Oct	176	1440
Nov	60	1500
Dec		
Year 2020		
Jan	Reset	

In the examples above, the employee was appointed on January 5, 2019 and completed the 1500 hours in Example (1) in December 2019 and in Example (2) in November 2019. In both examples the new 1500-hour time limit will reset with the January 2020 pay period.

Attachment 4

**Retired Annuitant
Counting Hours Examples**

Time Limit of 960 Hours Per Fiscal Year – When tracking number of hours worked, there are no day limitations, as long as the Retired Annuitant (RA) does not exceed 960 hours per fiscal year.

- All hours in which the RA physically works are counted.
- RA’s are not eligible to accrue leave benefits.
- The RA must not work more than 960 hours per fiscal year.
- The 960 hours are counted by fiscal year (July 1st through June 30th), regardless of the number of days worked.
- When the 960 hours run out, the RA may return to work at the beginning of the next fiscal year (July 1st).

Example 1

Year 2018	Hours Worked	960 Hours Total
Jul	20	20
Aug	80	100
Sep	168	268
Oct	90	358
Nov	176	534
Dec	168	856
Year 2019		
Jan	176	702
Feb	100	802
Mar	120	922
Apr	38	960
May		
Jun		
Jul	Reset	

Example 2

Year 2018	Hours Worked	960 Hours Total
Jul	80	80
Aug	80	160
Sep	80	240
Oct	80	320
Nov	80	400
Dec	80	480
Year 2019		
Jan	80	560
Feb	80	640
Mar	80	720
Apr	80	800
May	80	880
Jun	80	960
Jul	Reset	

In the examples above, the RA completed the 960-hour limit in Example (1) in April, the new 960-hour limit will reset July 1st and in Example (2) the 960-hour limit was completed in June, the new 960-hour limit will reset July 1st.