

Human Resources Branch Memorandum

SUBJECT: Permanent Intermittent Appointments	NUMBER: HRB 22-014
	DATE ISSUED: May 18, 2022
DISTRIBUTION: CDFW Managers and Supervisors; Administrative Officers; Human Resources Liaisons	EXPIRES: Until Superseded

Action Required

Informational Only

Control Agency Directive

Purpose

The purpose of this memorandum is to inform California Department of Fish and Wildlife (CDFW) Managers and Supervisors, Administrative Officers, and Human Resources Liaisons of the laws and regulations pertaining to Permanent Intermittent (PI) Appointments.

Authority

- California Department of Human Resources (CalHR)
- Government Code 18552
- Personnel Management Policy and Procedures Manual Section 333
- Bargaining Unit Memorandums of Understanding
- California Code of Regulations, Title 2, Section 448

Permanent-Intermittent Definition

Permanent intermittent (PI) employment is irregular or recurring, hourly employment. PI employees are used to supplement a department's full-time staff in handling peak workloads. A PI appointment is appropriate when the varying nature of the work schedule makes it impractical to use a full-time appointment with a fixed number of hours each month.

If CDFW experiences a layoff situation, a PI has the same seniority rights as permanent full-time employees, if they've worked at least two years and 1,920 hours.

Request for Personnel Action (RPA) – PI

The hiring process for a Permanent Intermittent position is similar to that of a Permanent Full-Time position, with the following key differences:

- PI employees are appointed into a blanket "905" position – a PY is not required
- PI appointments must meet the definition of "Intermittent" found in Government Code Section 18552: An "intermittent" position or appointment is a position or appointment in which the employee is to work periodically or for a fluctuating portion of the full-time work schedule.

The RPA requires the following documents:

- [Duty Statement \(DFW 242A\)](#)
- [Hiring Justification Request](#)
- [Job Advertisement](#)
- [Screening Criteria](#)
- [Tentative Offer Letter](#) (See [Sample](#))

- [Confirmation of Employment Letter](#) (See [Sample](#))
- Complete Exit Clearance Form (when required)

The hiring justification request must clearly demonstrate appropriate usage of the PI position. The following reasons are not appropriate for PI:

1. Permanent PY is not currently available, whether full time or part time
2. Awaiting approval of a BCP
3. Provide assistance on a temporary project
 - a. In this situation, a Limited Term Full Time or Limited Term Intermittent is most appropriate

This RPA process is not yet automated – please email all RPA requests to your [assigned C&P Analyst](#).

Note about funding: Permanent funding must be available to support a PI position during the RPA process. If after hire, the project no longer has funding available, the PI employee's hours will be reduced to zero, however this would not constitute a termination. The PI employee will "stay on the books". If funding resumes, the 'same' PI employee would be called back to work prior to hiring a new PI. The hours of work an individual PI employee may receive shall be applied without prejudice or personal favoritism.

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 which an intermittent employee may work in 12 months. The 1500 hours are counted calendar year – January 1 through December 31.

Exceeding the 1500-Hour Limitation – Human Resources Branch (HRB) APPROVAL REQUIRED

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 below in subsection **Process for Exceeding 1500-Hour Limit**.

The State Personnel Board (SPB) delegated authority to state departments to approve extensions of the 1500-hour time limit subject to post-audit. CDFW HRB must keep adequate documentation for the reasons the limit was exceeded. This documentation must be kept on file and made available to SPB auditors on request. Delegation authority will be withdrawn if CDFW violates the intent or spirit of valid exceptions to the 1500-hour limit.

Process for Exceeding 1500-Hour Limit

Supervisors must monitor the total number of hours worked by subordinate Permanent Intermittent employees. If an extension of hours is required, supervisors must notify the HRB prior to the employee reaching 1500 hours. **PI Employees must stop working once the 1500-hour limit is reached if HRB has not approved an extension of hours.**

When requesting an extension of PI hours, supervisors must submit a justification memo and current org chart directly to their Classification & Pay (C&P) Analyst via email, addressing the following questions:

1. Has an extension of hours for this position been approved two or more times in the last five (5) years?
2. Could the increased workload have been easily predicted? If not, explain in detail.
3. Is the work of such a recurring nature that a permanent full-time or fractional time base appointment would be more appropriate?

Note: A “yes” answer would indicate an extension is inappropriate.

Regardless of justification, PI extension requests will be denied if two extensions have been approved in the last five (5) years.

C&P will provide approval or denial to the request within five (5) business days. The extension package and accompanying approval/denial memo will be retained by the C&P Unit for a minimum of five (5) years.

Automatic Resignation

An intermittent employee who is not covered by an authorized leave who does 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 is restricted to circumstances which create a presumption that the employee has abandoned their position. For example, the supervisor has attempted to call the employee to work at least three (3) time in the last 12 months but the employee has turned down the work or failed to respond.

This rule shall not be used for disciplinary actions. PI employees are permanent and unsatisfactory behavior and/or work performance must be addressed through the disciplinary process. In these situations, contact the [Performance Management Unit](#).

Contact

For all other questions, please contact your [C&P Analyst](#).