

## Human Resources Branch Memorandum

<b>SUBJECT:</b> <b>Limited-Term Appointments</b>	<b>NUMBER:</b> <b>HRB 22-039</b>
	<b>DATE ISSUED:</b> <b>December 22, 2022</b>
<b>DISTRIBUTION:</b> <b>Managers/Supervisors, Administrative Officers, and Human Resources Liaisons</b>	<b>EXPIRES:</b> <b>Until Superseded</b>

Action Required       Informational Only       Control Agency Directive

### Purpose

The purpose of this memorandum is to provide California Department of Fish and Wildlife (CDFW) managers/supervisors, Administrative Officers (AO), and Human Resources (HR) Liaisons with information regarding limited-term (LT) appointments.

### Authority

California Code of Regulations (CCR) sections [152](#), [249.1.1](#), [280](#), [280.1](#), [281](#), [282](#), [428](#), [429](#), [430](#), [434](#), and [439](#)  
Government Code sections [18530](#), [18532](#), [19054](#), and [19080 - 19083](#), and [19140.5](#)

### Definition

LT appointments are distinguished from permanent and probationary appointments by the fact that they are made for a limited duration and do not provide civil service employment rights beyond the specified time period. LT employees do not serve a probationary period and no time served in an LT appointment is counted towards civil service status. Therefore, LT employees have substantially less tenure protection than permanent or probationary employees.

Additionally, in most cases, civil service salary rules do not apply to LT appointments. Without prior approval from the California Department of Human Resources (CalHR), salaries received in LT appointments cannot be considered when determining the starting salary for a subsequent appointment in state service.

Employees serving in an LT appointment who have previously had permanent or probationary status maintain the continuity of state service and thereby preserve previously acquired status rights.

LT appointments are distinguished from Temporary Authorization (TAU) appointments by the fact that they are made as a result of certification from civil service employment lists, reinstatement, or a transfer; whereas, TAU appointments are made in the absence of any appropriate employment list.

## Appointments

To comply with the laws and rules governing LT appointments, LT appointments must not be used to fill positions on an ongoing basis. This would be considered circumventing the hiring process as it does not take into consideration those who are eligible for and interested in permanent positions. An individual cannot serve more than twenty-four (24) months in an LT appointment.

LT appointments must only be made for temporary staffing needs. Examples of temporary staffing needs include:

- Performing duties related to a limited-duration study or project
- Assisting with clearing a significant backlog
- Filling temporary vacancies due to an employee on an extended leave of absence (LOA), or an employee accepting an LT appointment or Training and Development (T&D) assignment.

When a permanent (authorized) position becomes vacant as a result of an employee accepting an LT appointment or T&D assignment, programs must backfill the position with an LT appointment. If the previous employee vacates their LT appointment or T&D assignment for a subsequent LT appointment, programs have the discretion to backfill the authorized position with a permanent appointment. However, if the previous employee's LT appointment or T&D assignment ends, the employee will return to the program and the program must identify a vacant authorized position to appoint the employee to within their program.

Refer to the [New LT Position](#) section below for information on how to request a new LT position.

### Duration

The standard duration for LT appointments is 12 months. However, with the Human Resources Branch's (HRB) approval of an LT extension RPA, appointments may be extended for up to 24 months if the program is able to document that use of a permanent appointment would likely cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need. ***Under no circumstances may an employee in an LT appointment work beyond 24 months.*** Refer to the [Appointment Extension](#) section below for information on how to request an extension up to 24 months.

At the end of the maximum 24-month period of an LT appointment, programs may not recruit for another LT position related to the same temporary staffing needs. The justification and duty statement for any subsequent LT position request, must not reference the same temporary staffing needs and/or duties.

### Permanent Eligibility

No individual shall be given a permanent appointment nor gain permanent status by appointment from an LT certification list, unless advertising for the LT position complies with the requirements of [CCR section 249.1.1](#) and the employee otherwise has eligibility for permanent appointment to the classification.

For an employee in an LT appointment to be transitioned to a permanent appointment without a new selection process, [CCR section 249.1.1](#) requires that the job announcement for the LT vacancy includes notice of the possibility of converting to a permanent appointment provided that:

- The employee was eligible for permanent appointment at either the time of the LT appointment or at the time of the transition to permanent tenure; and
- State Restriction of Appointments (SROA) (state employees at risk of layoff) and Re-employment candidates (state employees that have been laid off) for the permanent appointment were cleared at the time of the LT appointment or the time of the transition to permanent tenure.

#### Job Advertisement/Certification List Process

To assist with ensuring that employees appointed to LT positions are eligible and the criteria outlined in [CCR section 249.1.1](#) is met to later transition to a permanent appointment without a new recruitment (if available), it is HRB's practice to complete the following actions for all LT recruitments:

1. Add the following language to all LT job announcements:  
*"This is a 12-month limited-term position that may be extended up to 24 months and/or become permanent."*
2. Pull an LT and permanent certification list at the time the LT job announcement is released; and
3. Send contact letters to all SROA and Re-employment candidates on the certification list(s).

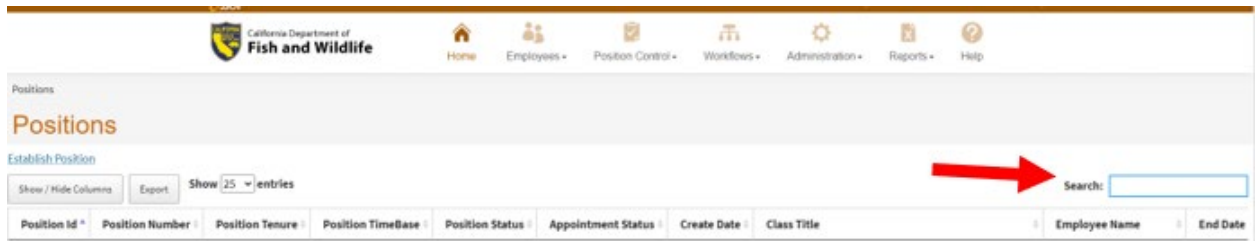
**Note:** SROA and Re-employment candidates on a certification list will hinder the ability to appoint any other individual on the list. However, candidates who fail to respond to a contact letter can be administratively cleared from the certification list, allowing other candidates to be reachable on the list.

#### Appointment End Date Tracking

Managers/supervisors and HR Liaisons are responsible for tracking LT appointment end dates for their respective programs. Beginning January 2023, the following processes and system features will be implemented to assist programs in tracking LT appointment end dates:

- HRMS will send automated End Date Warning Emails to managers/supervisors and HR Liaisons 90, 60, and 35 days prior to an LT end date.
- The Classification and Recruitment (C&R) Unit will review LT appointment end dates monthly. If a Request for Personnel Action (RPA) has not been submitted at least 35 days prior to the LT appointment end date to either extend the LT appointment or transition the employee to permanent, the C&R Unit will contact the manager/supervisor and HR Liaison with instructions to complete the Exit Clearance to separate the employee.
- Managers/supervisors and HR Liaisons will have access to LT appointment end dates in [HRMS](#) by selecting "Position Control" > "Positions" and searching for the position number using the instructions below.

1. Enter the position number



2. Review the *End Date* column

The screenshot shows the 'Positions' table in the HRMS system. The table has columns for Position Id, Position Number, Position Tenure, Position TimeBase, Position Status, Appointment Status, Create Date, Class Title, Employee Name, End Date, and Organization. The 'End Date' column is highlighted with a red box. The search bar at the top right contains the text '565-011-1303-905'.

Position Id	Position Number	Position Tenure	Position TimeBase	Position Status	Appointment Status	Create Date	Class Title	Employee Name	End Date	Organization
6262	565-011-1303-905	Limited Term	Full Time	Active	Filled	11/14/2022	Personnel Specialist	[Redacted] Lisa	11/13/2023	Human Resources
5796	565-011-1303-905	Limited Term	Full Time	Active	Filled	5/23/2022	Personnel Specialist	[Redacted] Jennifer A	5/23/2023	Transactions

Managers/supervisors and HR Liaisons must submit RPAs to extend an LT appointment or transition an LT employee to a permanent appointment at least 30 days prior to the appointment end date in HRMS. HRMS will not allow RPAs to extend an LT appointment to be submitted if the appointment end date is less than 30 days. Instead, managers/supervisors and HR Liaisons will be redirected to their C&R Analyst and may be required to submit the RPA via email.

Additionally, it is critical for managers/supervisors and HR Liaisons to ensure that RPAs to transition an LT employee to a permanent appointment or extend their LT appointment are submitted timely to avoid potential issues with the employee's pay and/or benefits. The State Controller's Office (SCO) payroll system prohibits pay from generating for an employee with an issue date after the appointment end date.

For example, if an LT employee's appointment end date is November 23, 2022, **no pay** for the November 2022 pay period will generate because the warrant issue date is November 30, 2022. HRB is unable to process any pay for the employee through the SCO payroll system until an RPA is approved by the C&R Unit to extend their LT appointment or transition them to a permanent status. This would result in a delay to the employee's pay and often requires the employee to wait for a salary advance to be issued by the Accounting Services Branch (ASB).

**Mandatory Reinstatement**

An employee with permanent civil service status prior to accepting an LT appointment, with no break in service due to a permanent separation, has the right to reinstate to their former position upon the termination of an LT appointment. Reinstatement must be requested by the employee within 10 business days of the LT appointment termination date to their former department's Human Resources Chief. CDFW employees who wish to request reinstatement after an LT termination must send an email to [PersonnelOfficer@Wildlife.ca.gov](mailto:PersonnelOfficer@Wildlife.ca.gov).

If the returning employee's position has already been backfilled with an LT employee, the current employee's LT appointment will be terminated, and the returning employee will be reappointed to their prior position. If the position was backfilled on a permanent basis behind an employee who accepted a subsequent LT appointment, the employee shall be returned to a vacant authorized position in the program the employee came from.

Refer to the [Mandatory Reinstatement](#) section below for more information.

### **Termination of Appointment**

An LT appointment may be terminated at any time by either the employee or the program, except for Limited Examination and Appointment Program (LEAP) candidates competing in an examination appointment by way of an LT appointment.

When terminating an LT appointment, the program must provide oral or written notice of the termination to the employee. It is CDFW's general practice to provide written notice at least 30 calendar days prior to the effective date of the termination. Programs must notify their assigned C&R Analyst when considering a termination of the LT appointment. An LT employee whose appointment has been terminated (no-fault) has no right of appeal. The C&R Analyst will provide a template LT Termination letter for the program to utilize.

If an LT employee is terminated for cause (e.g., performance issues), the program must provide written notice to the employee, on or before the date of separation, indicating the reason(s) for the termination. An LT employee whose appointment has been terminated for cause has a right of appeal and programs must consult with the Performance Management Unit **prior to** the termination of an LT appointment for cause.

For termination of a LEAP candidate, programs must contact the CDFW Equal Employment Opportunity Office.

### **RPA Process**

Below is information on how to submit RPAs related to LT appointments and the required documents for each type of request:

#### New LT Position

Programs may submit an RPA in [HRMS](#) to request to fill a new LT position by selecting "Workflow" > "Request for RPA" > "Temp Help" and submitting the following documents:

1. [Hiring Justification Request \(DFW 499\)](#)
2. [Duty Statement \(DFW 242A\)](#) (proposed)
3. Organization Chart (current and proposed)
4. [Job Control/Advertisement Template \(DFW 1072\)](#)
5. [Application Screening Criteria Template \(DFW 1092\)](#)
6. Tentative Offer Letter

The [DFW 499](#) must properly justify the temporary nature of the work that needs to be performed. Requesting an LT position due to a lack of available authorized positions is not an appropriate justification and the RPA will not be approved.

### Appointment Extension

Programs may request to extend an LT appointment for up to a maximum of 24 months if properly justified and approved by HRB through the RPA process. Programs requesting to extend an appointment end date, must submit an RPA at least 30 days prior to the current LT appointment end date. HRMS will not allow Appointment Extension RPAs to be submitted if the appointment end date is in less than 30 days. Additionally, failure to submit the RPA timely could negatively impact the employee's pay and/or benefits.

RPAs to extend an LT appointment end date are submitted in [HRMS](#) by selecting "Workflow" > "Request for RPA" > "Appointment Extension" and submitting the following documents:

1. Justification Memo – a brief memo outlining the business need for the extension and how the use of a permanent appointment would likely cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need
2. [Duty Statement \(DFW 242A\)](#) (current)
3. Organization Chart (current)

Programs must refrain from notifying an employee that their LT appointment is being extended until HRB has approved the RPA.

### Transition Employee LT to Permanent

If a permanent position becomes available and the program determines the employee is performing satisfactorily, they may elect to transition the employee to a permanent appointment.

Programs requesting to transition an LT employee to a permanent appointment, must submit an RPA at least 30 days prior to the current LT appointment end date. Failure to submit the RPA timely may result in the RPA being denied and/or could negatively impact the employee's pay and/or benefits.

The RPA must be submitted as one PDF document via email to their assigned C&R Analyst and include the following documents:

1. [RPA Cover Sheet \(DFW 242\)](#)
2. Justification Memo – a brief memo detailing that a position has come available and briefly discuss the LT employee's job performance
3. [Duty Statement \(DFW 242A\)](#) (current and proposed)
4. Organization Chart (current and proposed)
5. Tentative Offer Letter

Programs must refrain from notifying an employee that they are being transitioned to a permanent appointment until HRB has approved the RPA.

### Mandatory Reinstatement – Employee Returning to CDFW From a LT Appointment

If HRB is notified of an eligible employee's intent to return to their former position with CDFW, the C&R Unit will contact the program to confirm the authorized position the employee will be reappointed to.

In some cases, previous employees will contact their prior CDFW manager/supervisor to notify them of their intent to return to their prior position with CDFW. If contacted, the manager/supervisor must immediately contact the C&R Unit for further direction.

Once the authorized position the returning employee will be appointed to is identified, the C&R Unit will initiate the required RPA.

**Contact**

If you have any questions or need additional information, please contact your assigned [C&R Analyst](#).