3.03 TYPES OF APPOINTMENTS

Rule

The appointing authority is authorized to fill vacant positions, subject to Civil Service rules and in accordance with the terms of the Charter and Human Resources Administrative Rules of the City of Portland.

A budgeted position is not authorized to be filled until Classification/Compensation has established the position and it is declared a vacancy by the appointing authority. The appointing authority has the right at any time to withdraw the declaration of a vacancy and to leave any position in his or her bureau or office unfilled. While a position remains unfilled under this delegation of authority, it shall not be considered a vacant position.

No person shall be appointed or promoted to a position in the classified service unless certified as qualified by the Bureau of Human Resources, except on a temporary basis as provided in the Administrative Rules on Temporary Appointments. For the purpose of this Administrative Rule, qualified means those candidates whose names appear on an eligible list.

An employee may be assigned a full-time or part-time schedule of work in any appointment category.

Initial Permanent Appointment

A permanent appointment is an appointment from a certified list of eligibles to an established budgeted position following an examination process. An employee attains regular status in a classification only upon successful completion of the probationary period. See Administrative Rule on Probationary Periods.

Employees with a permanent appointment receive vacation and sick leave, holiday pay, service credit, retirement and health benefits, and when applicable, priority reemployment consideration. Permanently appointed employees maintain bumping rights under the Administrative Rule for Layoff & Recall.

Regular part-time employees who serve at least 40 hours but less than 72 hours each pay period are eligible for pro-rated (based on percentage of full-time work) vacation and sick leave, service credit, and health benefits after 80 hours of continuous part-time service. Regular part-time employees are eligible for holiday pay upon hire.

See Administrative Rules for permanent appointments resulting from a training plan, demotion, deep classification or reclassification.

Limited Duration Appointment

A Limited Duration appointment is an appointment to:

1. an identified classification through the Civil Service Process; and

2. to a permanent budgeted position that is vacant due to the incumbent's leave of absence and when the replacement employee's services will be needed for a period of two years or less; or

3. a Limited Term position identified for a project with a defined time frame. For purposes of this Administrative Rule, a project is defined as a specific work assignment intended for a limited term with an identifiable end point not to exceed two years. See Limited Term Positions below.

Limited duration appointments are not to exceed 24 months. With showing of good cause, however, the Director of Human Resources may extend a limited duration appointment.

Limited duration employees may be released at any time without a showing of just cause.

This type of appointment is distinguished from a temporary appointment by the longer length of time and appointment through the Civil Service Process, and from a permanent appointment by its limited duration and status. Employees with a limited duration appointment receive the same vacation and sick leave, holiday pay, service credit, retirement and health benefits as regular employees. Limited duration employees are not eligible for reemployment under the Administrative Rule on Reinstatement or Layoff and Recall and do not have bumping rights.

Limited duration employees shall be compensated in the same manner as regular employees.

A limited duration appointment may not result in the replacement of a regular employee. If an employee in a limited duration appointment is subsequently permanently appointed to the classification, seniority begins the date of the permanent appointment although credit may be given for all accumulated limited duration service in that classification in the previous three (3) years for the purpose of determining salary range and anniversary date.

Permanent appointment of a limited duration employee requires approval by the Human Resources Director or designee. (Use "BHR Personnel Action Request" form.) A limited duration employee who becomes permanent must serve a probationary period as prescribed in the Administrative Rule on Probation, unless waived by the Director of Human Resources.

See attached "Guidance for HR Administrative Rule 3.03 Limited Term Positions and Limited Duration Appointments".

Appointment to Job Share

A job share is an appointment to 50% of a full-time budgeted position. Job Share employees receive pro-rated (50%) vacation and sick leave, holiday pay, service credit, retirement and health benefits, and when applicable, priority reemployment consideration. Job share employees maintain bumping rights in accordance with the Administrative Rule for Layoff & Recall.

Temporary Appointments

A temporary appointment is an appointment not to exceed one (1) year to a budgeted or non-budgeted position. See Rule for Temporary Appointments.

Trainee

A Training Plan is a tool that bureaus can use to promote permanently appointed City employees through satisfactory completion of training, education and career development factors in lieu of the regular examination process. See Administrative Rule on Training Plans.

Appointment to Limited Term Positions

A limited term position is a position that has been approved and established by the Bureau of Human Resources for a specific and finite period of time to allow coverage for specific needs related to grants, one-time funds, and special projects. A limited term position shall not exceed two (2) years except for the extension of grants or funding from outside sources. Upon showing of good cause, the Director of Human Resources may extend a limited term position.

Limited Term positions may be filled with limited duration employees or temporary employees only (if the limited term will not exceed the one year maximum for temporary employees) except when the limited term position is filled with a regular City employee. Regular employees temporarily assigned to a limited term position shall have the right to return to their former position upon conclusion of the limited term position. If that former position has been abolished, the bureau shall follow the Administrative Rule for Layoff & Recall to place the employee. Regular employees temporarily assigned to limited term positions in a different class shall accrue seniority in their previous class for the duration of the appointment. Regular employees continue to accrue vacation and sick leave at their current accrual levels.

Regular employees who are appointed to a limited term position through a recruitment process do not retain rights to return to their former position at the conclusion of the limited term position.

Bureaus are responsible for monitoring limited term positions. If the position has not been extended by the Director of Human Resources, the employee shall be removed at the end of the limited term authorization. If a limited term position is filled with a limited duration or temporary employee, or a regular employee who obtained the limited duration appointment through a recruitment process, the employee shall be released from City employment at the conclusion of the limited term authorization.

Approval of limited term positions shall be through a classification request form containing the following:

1. The title of the requested classification
2. The requested duration of the position
3. A description of the work to be performed
4. The funding source and authorization for the position
5. The reason for the requested position
6. Effective date of the position

The classification request shall be reviewed and approved/denied by the

Bureau of Human Resources and the Bureau of Financial Planning. See the Classification/Compensation Procedures Manual for authorization of funding sources. See Attached "Guidance for HR Administrative Rule 3.03 Limited Term Positions and Limited Duration Appointments".

Casual/Casual Other Appointments

Casual/Casual Other appointments are used for positions that occur, terminate, and recur periodically or regularly. Casual/Casual Other employees serve at-will and do not accrue status in the class to which they have been appointed and have no appeal rights upon demotion, suspension or termination from employment.

Casual/Casual Other employees do not accrue vacation or sick leave, service credit, and are not eligible for health benefits. Casual/Casual Other employees generally are not eligible for retirement benefits unless they have worked at least 600 hours in a calendar year in a qualified position. Full-time Casual/Casual Other employees are eligible for holiday pay if they were hired at least two weeks prior to the holiday and are in pay status the day before and the day following the holiday. Part-time Casual/Casual Other employees are not eligible for holiday pay.

Casual/Casual Other employees are not eligible for reemployment under the Administrative Rules on Reinstatement or Layoff & Recall and do not have bumping rights. Casual/Casual Other appointments are limited to 1400 hours per calendar year.

Working out of Classification

See Administrative Rule on Working out of Classification.

Appointments to Under-fill/Over-fill/Lateral-fill Positions

Employees may be appointed or moved to under-fill, over-fill and laterally-fill positions at a job classification level other than that to which the position was originally allocated and recorded in position management. Generally, under-fills, over-fills and lateral-fills will not be authorized in lieu of properly reclassifying a position.

Under-fills, over-fills and lateral-fills of positions for less than 30 days do not require approval by the Director of Human Resources. Under-fills, over-fills and lateral-fills of positions expected to last more than 30 days must be approved in writing by the Director of Human Resources in advance of the appointment and the appointment must not exceed a six-month time period, unless requested in conjunction with another appointment which has been approved for a longer period of time, such as a temporary or working out of class appointment or position double-fill.

Under-fills, over-fills and lateral-fills of positions are allowed under certain conditions:

1. To meet non-recurring or short term work load needs; or
2. For training or in preparation for the implementation of an adopted budget. The Bureau of Human Resources must have approved the classification change prior to the appointment of the employee; and
3. The classification to which the employee is appointed must accurately

reflect the type and level of duties to which the employee will be assigned and be within the job series of the position unless otherwise approved by the Director of Human Resources.

No employee can be on the layoff or injured worker list for the classification for which the under-fill, over-fill or lateral-fill is requested.

Requests from bureaus for approval to under-fill, over-fill or lateral-fill a position must be submitted in writing to the Director of Human Resources prior to filling the position. The request must contain the following information:

1. The reason for the request (training or change in work load need);
2. The title of the classification of the budgeted position;
3. The title of the classification of the under-fill, over-fill or lateral-fill;
4. A description of the duties to be assigned to the position;
5. The period of time the under-fill ,over-fill or lateral-fill is expected to last;
6. A formal request to reclassify the budgeted position, if the change in work need is permanent.

Upon showing of good cause, the Director of Human Resources may extend the six-month time period.

Appointments to Double-fill Positions

A double-fill appointment may be used to fill a budgeted position with two employees at the same time. Bureaus may double-fill a position for a short period of time to:

1. fill in for an employee on extended leave; or
2. to permit a training period when replacing a key employee who is leaving a position and has given written advance notice; or
3. to provide for increased staffing levels in the event of a natural disaster, local or regional emergency or other extenuating circumstances as approved by the Director of Human Resources.

Employees appointed to double-fill a position shall not be given a permanent appointment unless the purpose of the appointment is to replace an employee who has given advanced written notice of leaving.

Double-filling a position must be approved in writing by the Director of Human Resources prior to the appointment and meet the following criteria:

1. The employee appointed must be assigned work appropriate to the classification of the position unless otherwise approved by the Director of Human Resources.
2. The employee must be appointed to the classification to which the budgeted position has been allocated unless otherwise approved by the Director of Human Resources.
3. The double-fill of the position must not exceed a one-year time period or the time period specified in an approved training plan.

Work-Study Students

See Administrative Rule on the Work-Study Program.

Retirees	See Administrative Rule on Employment of Retirees.
Volunteers	A volunteer is one who performs hours of service for a bureau for civic, charitable or humanitarian reasons without promise or expectation of compensation. An individual shall not be considered a volunteer if the person is otherwise employed by the city to perform the same type of services as those the person proposes to volunteer.
Probationary Period	See Administrative Rule on Probation.
Full Time/Part Time	Full time employees are scheduled to work at least nine-tenths of the normal working hours of a biweekly payroll period (72 hours). Part time employees work 40 hours or more during a biweekly payroll period but less than full time.
At-Will Employment	At-will employment appointments refer to those employees not permanently appointed under the Civil Service System including, but not limited to, those positions exempt from the classified service under Chapter 4 of the City Charter.
Premium Pay Assignment	Premium Pay assignments are made at the sole discretion of a bureau director, are outside the civil service process and do not require a competitive recruitment. Employees so assigned may be removed from the position (but not from City employment) without a statement of cause and shall have no appeal rights concerning the premium pay assignment or removal from the assignment. Employees removed from a premium pay assignment, unless dismissed from City service for cause, shall be returned to the last classification in their bureau where they held civil service status and where a vacancy exists.
Anniversary and Appointment Dates	See Administrative Rule on Compensation for rules on Anniversary Dates and Adjustments to Appointment Dates.
All Hires Through Central Human Resources	Bureaus are responsible for administering a pre-employment crosscheck through the City's Human Capital Management system (HCM). All prospective new hires are subject to the crosscheck. Completion of the crosscheck must be verified before an offer of employment is extended. The following items, verified through the crosscheck, may eliminate the candidate from further considerations: 1. a settlement agreement or other severance package that limits or waives the candidate's right to re-employment with the City; or 2. prior discharge from City service; or 3. resignation in lieu of discharge from City service.
Administrative Rule History	Adopted by Council March 6, 2002, Ordinance No. 176302 Effective April 5, 2002

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Revised November 4, 2011

Guidance for HR Administrative Rule 3.03

Limited Term Positions and Limited Duration Appointments

Revised November 4, 2011

Issue

Ensuring use of appropriate Employee Group codes for employees appointed to Limited Term positions.

Definitions

See BHR Administrative Rules 3.03 - Types of Appointments: Sections on Limited Term positions and Limited Duration appointments.

Limited Term Position:

> A limited term position is a position that has been approved and established by the Bureau of Human Resources for a specific and finite period of time to allow coverage for specific needs related to grants, one-time funds, and special projects. A limited term position shall not exceed two (2) years except for the extension of grants or funding from outside sources.

Limited Duration Appointment:

> A Limited Duration appointment is an appointment to:
>
> 1. an identified classification through the Civil Service Process; and
> 2. to a permanent budgeted position that is vacant due to the incumbent's leave of absence and when the replacement employee's services will be needed for a period of two years or less; or
> 3. a Limited Term position identified for a project with a defined time frame. For purposes of this Administrative Rule, a project is defined as a specific work assignment intended for a limited term with an identifiable end point not to exceed two years.

Please note: “limited term” describes a type of position, and “limited duration” describes a type of status for an employee and an employee group.

~~A~~pplication of Rules – Use of SAP Employee Groups

Initial Appointments:

In order to comply with Chapter 3.03 of the BHR Administrative Rules, Section on Limited Duration appointments, applicants hired to fill limited term positions in a *non-represented* classification as their initial appointment can only be appointed as employee group 5 – Limited Duration or 7 – Temporary*. Applicants hired to fill limited term positions in *represented* classifications as their initial appointment may be appointed as employee group 1 – Regular or 7 - Temporary*, with the exception of appointments to COPPEA-represented positions. The COPPEA contract allows for specific COPPEA "limited duration" appointments for initial appointments in City service.

Initial appointment as City of Portland employee to limited term position through Civil Service Exam process:			
Description Group	**Non-Rep Positions**	**COPPEA Positions**	**Other Represented Positions**
Employee Group	5 – Limited Duration	1 – Regular or 5 – Limited Duration	1 – Regular

*Temporary appointments may be made to limited term positions per HR Administrative Rule 3.04 on Temporary Appointments, or applicable bargaining contract. Temporary appointments should be used to fill limited term positions with a term of one year or less.

Bureau to process a New Hire action for an employee not in SAP or a Rehire action for an employee already in SAP. Open link to view the Action-Reason code description http://saprwd.rose.portland.local/gm/folder-1.11.38901?originalContext=1.11.31177.

~~Application of Rules~~ – Use of SAP Employee Groups

Appointment of Current Employees:

Represented employees who have permanent status in a classification, and are appointed to limited term positions in *represented* classifications should be appointed as employee group 1 – Regular. In SAP, Bureau to process a Regular Action with the appropriate Reason Code for this appointment.

Represented or Non-represented employees who have permanent status in a classification, and are being appointed through a recruitment process to fill limited term positions in *non-represented* classifications should be appointed employee group 5 – Limited Duration. In SAP, bureau to process a temporary/limited duration appointment action with the appropriate Limited Duration Appointment Reason Code as shown in Chart A.

Appointment to limited term position of City of Portland employee with permanent status in same or different class through Civil Service Exam process:		
Description Group	**Non-Rep Positions***	**Represented Positions***
Employee Group	5 – Limited Duration	1 – Regular

* When appointing a COPPEA represented employee who has regular status in a classification to fill a limited term position in a different COPPEA represented classification, bureaus should do so as a temporary appointment. This ensures the employee continues to accrue seniority in their permanently appointed classification and prevents unintended bumping when the limited term positions ends.

Bureaus should contact their BHR Site Team representative for additional assistance with specific cases.

Chart A – Action / Reason codes for Limited Duration Appointments to Non-Represented classifications

Action Type	**Action Code**	**Reason Code**	**Reason Code Text**	**Reason Code Type**
Temporary/Limited Duration Action	U1	04	Limited Duration Appt - Promo	Promotional Limited Duration appointment to a Non-Represented classification. No seniority is earned in new class. Seniority in base class cancels for DCTU employees and freezes for other unions and non-represented employees.
Temporary/Limited Duration Action	U1	05	Limited Duration Appt - Demotion	Limited Duration demotion appointment to a Non-Represented classification. No seniority is earned in new class. Seniority in base class cancels for DCTU employees and freezes for other unions and non-represented employees.
Temporary/Limited Duration Action	U1	06	Limited Duration Appt - Lateral	Lateral Limited Duration appointment to a different a Non-Represented classification. No seniority is earned in new class. Seniority in base class cancels for DCTU employees and freezes for other unions and non-represented employees.

Additional Information--Employee Group Code Descriptions

1 – Regular
Permanently appointed to an authorized regular or limited term position if the employee is represented, in accordance with HR Administrative Rules and/or applicable collective bargaining agreement. Eligible for City-paid benefits. Maintains layoff rights under Administrative Rule for Layoff & Recall and/or applicable collective bargaining agreement.
(Non-Represented regular employees and COPPEA regular employees temporarily assigned to Limited Duration appointments maintain layoff rights under Administrative Rule for Layoff & Recall or the COPPEA labor agreement in their base classification.)

5 – Limited Duration
Appointed to an authorized permanent or limited term position as a limited duration employee in accordance with HR Administrative Rules and/or applicable collective bargaining agreement. (Not to exceed 24 months without prior BHR approval for extension, (36 months for COPPEA).) Not eligible for reemployment under the Administrative Rule on Reinstatement or Layoff and Recall, and/or applicable bargaining agreement, and does not have bumping rights, serves at-will. Eligible for City-paid benefits.