

## **EMPLOYMENT OF LIMITED TERM EMPLOYEES**

**PURPOSE:** To provide departments with guidance, procedures and general rules in filling positions with limited term appointments.

**SCOPE:** This policy applies to all County departments who fill a position with limited term appointments.

**POLICY STATEMENT:** Clackamas County departments may have a special need to fill positions requiring the services of an employee for an assignment of limited duration. Applicants should be advised of the limited nature and scope of these assignments and departments must understand the policy and collective bargaining considerations in contemplating such assignments.

Departments may budget for limited term positions to assist with projects that will exist only for a definite period of time. Limited term appointments are defined by the County Personnel Ordinance (County Code 2.05) as “an appointment to a position which has been budgeted and allocated for a limited duration not to exceed two (2) years, but which is in excess of the time requirements for temporary positions.” By definition, limited term appointments shall not exceed one consecutive two-year period in the same position. Limited term positions are not appropriate for positions where funding is limited or uncertain which are not otherwise limited by length of project. Limited term is also not appropriate as a primary means for a department to test position responsibilities prior to filling a position as regular status.

Limited term positions are to be used for employees working half time or greater. Less than half time positions should be filled with a temporary appointment. Applicants for limited term assignments shall undergo a screening of qualifications by either the Department of Employee Services or the appointing authority prior to employment.

The Personnel Ordinance and individual collective bargaining agreements govern the employment of limited term employees. Any individual occupying a limited term position is an unclassified employee as defined by the Personnel Ordinance, but may be included within a collective bargaining group. Limited term appointments may only be used for bargaining unit positions where the union has authorized the use of limited term positions. Such authorization would either be included in the collective bargaining agreement or through separate Memorandum of Understanding.

### **GENERAL RULES GOVERNING LIMITED TERM EMPLOYMENT**

1. The appointing authority may only make a limited term appointment with prior authorization from the Director of Employee Services and establishment of a budgeted, allocated position designated as limited term. If the position is a represented position, prior agreement must be secured from the union to designate the position as limited term. (See Procedures for filling a Limited Term Position #1).
2. Applicants must undergo screening of qualifications by one of two methods: 1. The appointing authority or the Director of Employee Services or 2. Through an open competitive recruitment process administered by the Department of Employee Services.
3. If the applicant initially competes in an open recruitment for the limited term position, the department may request a waiver of the recruitment process and continuation of the employee to regular status if the position converts to a regular position. Any waiver of the recruitment process is subject to the criteria outlined on the attached request form (attachment A). If an open competitive recruitment was not administered by the Department of Employee Services when filling the limited term vacancy, an open competitive recruitment will be required if the position is converted to regular status.
4. Departments are encouraged to hire for limited term positions through the established County recruitment process when initially filling limited term positions if there is a possibility that such position will later be changed to regular status.
5. Limited term employees are eligible for the following.
  - County Benefits
  - PERS or OPSRP Contributions
  - Vacation
  - Sick Leave
  - Holiday Pay
  - Union representation, if applicable
  - All provisions of the applicable collective bargaining agreement except Seniority and Layoff.
  - Eligibility to compete in internal/promotional recruitments, only if the limited term employee was hired through an open-competitive process administered by DES for the limited term position and meets other criteria established for eligibility to compete in an internal recruitment.
6. Limited term employees are not eligible for the following:
  - Seniority accrual for layoff purposes
  - Layoff and Recall rights, including bumping of regular status positions
  - Transfer to other regular status positions
  - Eligibility to compete in any internal/promotional recruitment if the limited term employee was hired directly by the department and did not compete in an open-

competitive process administered by DES which included external advertising sources.

7. An applicant offered employment as a limited term employee shall receive an offer letter that explains the terms of employment, status and the end date of the assignment. An example of an offer letter is attached to this EPP (attachment B).
8. If a limited term employee resigns or is terminated prior to the end of the limited term assignment, the length of the limited term position remains as it was originally established and may not be extended. Any second new hire to the same limited term assignment will serve the remainder of the term of the assignment. If the position remains vacant for over 1 month, the length of the limited term position may be extended by the amount of time the position was vacant.
9. A limited term "assignment" may include internship positions that have a term of less than two years but are filled by different incumbents each term.
10. All limited-term employees must be dismissed by a Personnel Action when their limited-term assignment has ended. Dismissal may be due to lack of work, completion of project or fulfillment of the 2-year maximum length. A "layoff" is not appropriate for limited term employees, as layoff implies certain rights and privileges which are not extended to limited term employees.
11. Any regular status employee who accepts a limited term position will become unclassified and will be subject to the policies surrounding limited term appointments, including separation without layoff rights once the limited term assignment is complete. A limited term employee who was regular status prior to accepting a limited term assignment may request reinstatement to his/her former position/classification within the former department subject to the following: only if a vacancy exists during their employment as a limited term employee, or becomes available within six months of separation from the limited term position. Reinstatement is subject to approval by the Department Director.

## **PROCEDURES FOR FILLING LIMITED-TERM POSITIONS**

1. Limited Term positions must be established through the normal process for establishing regular status positions. All procedures outlined in EPP # 21, Position Requisition and Allocation Procedures, must be followed. When creating a limited term position a department should submit the following to the Personnel Division:
  - A signed "Request for New Position or Reclassification of Vacancy" form (available from DES Intranet site)
  - A completed Position Classification Questionnaire (PCQ)

- A budget cover sheet (Form 100-B) and other appropriate budget forms as designated by the budget cover sheet (if a department is creating a new position outside of the annual budget process)
  - Authorization from the County Administrator to add an allocated position to your budget
  - A memo to the Director of Employee Services requesting establishment of a limited term position and explaining the limited duration of the project. This memo should outline why a limited term position is preferred over establishing a regular status position. If the position is to be represented by a union, the Department of Employee Services will use this information in preparing a memo to the union requesting agreement to establish the position as limited term
2. If a classification is not established, the Personnel Division will follow procedures to establish a new classification and salary grade.
  3. Once the County Administrator, Budget Office, and Employee Services grant final approval, the department will be notified that the limited term position is established and an allocated position number is available. The department may then fill the position either by requesting recruitment by Employee Services or by direct hire with a screening of qualifications by the appointing authority or the Director of Employee Services. Limited term recruitments shall be clearly designated as “limited term” on any job announcement.
  4. Appointments to limited term positions may only take place after final approval from Budget and Personnel. Appointments may not be retroactive prior to this approval. If a competitive recruitment process has occurred, no appointment may take place until a certification list is generated and certified eligibles have been interviewed. Appointments shall be processed through a Personnel Action form and sent to the Personnel Division.
  5. When submitting a Personnel Action to appoint a person to a limited term position; use the same job code and union code as for a regular status position. Limited term employees working within an established classification shall be paid at a rate within the range established for that classification. Personnel Action forms on all limited term appointments must show the number of hours worked per week and the expected date of termination (not to exceed 2 years from appointment).
  6. All limited term employees must be dismissed by a Personnel Action when their assignment has ended due to lack of work, completion of project, or fulfillment of the maximum length. (“Dismissal” on a Personnel Action form for these employees will not be construed negatively by this office when reporting employee information). A “layoff” is not appropriate for limited term employees, as layoff implies certain rights and privileges only afforded to regular employees.

## **CONVERTING A LIMITED TERM POSITION TO REGULAR STATUS**

1. A limited term position may be converted to regular status through the annual budget process or through securing approval from the County Administrator outside of the budget cycle.
2. A department shall have the option to call for an open competitive recruitment or request waiver of the recruitment process. A waiver of the recruitment process when a limited term position is converted to a regular status position may be requested only if all the following criteria are met:
  - The regular position is the same classification as the limited term position with substantively the same duties and responsibilities. (A PCQ may be required to establish the regular status position and to compare with the limited term position).
  - The limited term employee was appointed following a standard, open competitive recruitment process administered by the Department of Employee Services. A certification of eligibles was made following the current County Personnel Ordinance policy regarding referral from eligibility registers.
3. If there was a written agreement between the employee, the County and the union at the time the employee was hired as limited term, the County will notify the union in the event the employee is being transitioned to regular status.

## **STATUS ACCRUALS FOR REGULAR STATUS EMPLOYEE TRANSITIONED FROM LIMITED TERM**

1. Generally, an employee's seniority begins to accrue on the date s/he is appointed to a regular status position. Exception: an employee may receive seniority retroactive to the date of hire to limited term status if the employee is transitioned to regular status from limited term and initially competed for the limited term position in an open competitive recruitment administered by DES. No seniority accrues during limited term employment for purposes of layoff/recall, unless provided for in a collective bargaining agreement. No seniority may accrue or be granted retroactively during limited term employment prior to a competitive selection procedure.
2. Time toward vacation and longevity may include time spent in limited term status if the employee is transitioned to regular status through a waiver of the recruitment process (subject to criteria in Appendix A), or if the employee successfully competes through an open competitive process for regular employment for the same classification/position, and has a rehire date within 90 days of the end date of the limited term assignment.
3. An employee will retain the same pay rate and pay step if transitioned to regular status in the same classification/position within 90 days of the end date of the limited term. The employee's merit month will be adjusted in accordance with the eleven-

day rule<sup>1</sup> for any gap in employment provided it is less than 90 days. Any limited term employee competing for a different position (even if it is within the same classification as the limited term) in an open recruitment will be subject to the entrance salary policy for a new hire.

4. If the limited term position is converted to a regular status position and the employee is transitioned to regular status, the employee will not serve a new probationary period if s/he successfully served a one-year probationary period in the limited term position. A limited term employee not completing a one-year probationary period in the limited term position will be required to finish the remainder of the probationary period in the regular status position.
5. A limited term employee who competes and is appointed to a different position in an open recruitment will be required to serve a new one-year probationary period.
6. An employee who is transitioned to regular status or who competes for another County position and is hired within 90 days of the end date of limited term employment shall not be required to serve a new benefit waiting period. Reinstatement of benefits after a gap in employment is subject to Employment Policy and Practice #45 on Reinstatement.

#### **INTERNET LINKS**

County Ordinance (<http://www.clackamas.us/code/documents/title2.pdf>)

#### **Attachments:**

Request to waive recruitment

Offer letter for limited term employment

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<sup>1</sup> The eleven-day rule adjusts an employee's service date (for increased longevity and vacation accrual) and the employee's merit month one full month for any month in which the employee is not in paid status at least half the working days of a month (typically 11 days for employees on a 5 day week schedule).

**APPENDIX A**

**REQUEST TO WAIVE RECRUITMENT FOLLOWING CONVERSION OF A LIMITED TERM POSITON TO A REGULAR POSITION.**

Classification of Limited Term Position: \_\_\_\_\_

Date Position Filled: \_\_\_\_\_ End of Limited Term: \_\_\_\_\_

Employee Name Who has Filled Limited Term Position: \_\_\_\_\_

**Request to Waive Recruitment:**

I have submitted a request to convert a limited term position to regular status. If approved I am requesting a waiver of the selection process and appointment of the current limited term employee to the regular status position. In accordance with County procedures as outlined in Employment Policy and Practice #49, I certify that all of the following are true:

1. The limited term position is being converted to a regular status position under the same classification title and with substantively the same duties and responsibilities.
2. The Limited term employee was appointed following an open competitive recruitment (advertised externally) that was administered by the Department of Employee Services.
3. Job Requisition # when Limited Term employee was appointed: \_\_\_\_\_ .
4. The limited term appointment was made from a certification list that included applicants who were assessed and placed on an eligibility register by the Department of Employee Services.

\_\_\_\_\_  
Signature of Supervisor                      Date

\_\_\_\_\_  
Signature of Appointing Authority      Date

**For Personnel Use Only:**

Waiver of Recruitment Granted

Waiver of Recruitment Denied

If Denied, Explanation:

\_\_\_\_\_  
**Director of Employee Services                      Date**

## APPENDIX B

### SAMPLE OFFER LETTER FOR LIMITED TERM POSITIONS

Date

Name

Address

City State Zip

Dear Name:

This will confirm our recent conversation regarding employment with Clackamas County in the Department of (department name). We are pleased to offer you an appointment as a (Position Name -Limited Term) with an effective start date of (start date) at (start time). Our office hours are (office hours and days of the week) with a 37.5 (or 40) hour work week. As we agreed you will receive a starting salary of \$(salary) bi-weekly (\$ yearly). There is a two (2) month waiting period for insurance benefits such as medical, dental, life and disability insurance. We welcome you to our organization and trust that our employment relationship will be mutually satisfying.

The Limited Term (Position Title) is established for a period of 2 years (or alternate time) and will end on (end date). Limited Term positions are provided under the County's Personnel Ordinance and collective bargaining agreements. Employees occupying these positions do not have seniority, layoff or recall rights.

Within the first two months of employment with the County, you will be invited to attend a new employee orientation, where you will learn specifics of your benefit package, terms and conditions of employment, selected policies, and about the County in general. Attached is a summary of the benefits that apply to your employee group

All employees are expected to conform with general rules and conditions contained in the applicable collective bargaining agreement, County Personnel Ordinance and department work rules. These are available from your supervisor or the Personnel Division. We urge that you review these policies, as they govern employment conditions during your tenure with Clackamas County.

We are pleased that you have accepted employment with us and look forward to having you as a valued employee.

Sincerely,

Department Director

Enclosure: Benefits Information Summary [Available on the DES Intranet site]