



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 permanent 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](#).

Permanent 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. Permanent 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 permanent 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 permanent employees.

A limited duration appointment may not result in the replacement of a permanent 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 "Request for Pre-Approval of Limited Duration to Permanent Appointment" form.](#))

See attached ["Guidance for HR Administrative Rule 3.03 Limited Term Positions and Limited Duration Appointments"](#).

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.

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 permanent City employee. Permanent employees appointed 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. Permanent employees temporarily appointed to limited term positions in a different class shall accrue seniority in their previous class for the duration of the appointment. Permanent employees continue to accrue vacation and sick leave at their current accrual levels.

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, 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”.

Seasonal Appointments

Seasonal appointments are used for positions that occur, terminate, and recur periodically or regularly. Seasonal 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.

Seasonal employees do not accrue vacation or sick leave, service credit, and are not eligible for retirement or health benefits. Full-time seasonal 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 seasonal employees are not eligible for holiday pay.

Seasonal employees are not eligible for reemployment under the Administrative Rules on [Reinstatement](#) or [Layoff & Recall](#) and do not have bumping rights. Seasonal appointments are limited to 860 hours per calendar year. After working 860 hours, a seasonal employee must have a break in service of at least ninety (90) days before they may be reemployed.

Working out of Classification

[See Administrative Rule on Working out of Classification.](#)

Under-fill/Over-fill

Under-fill and over-fill appointments may be used to fill a budgeted position at a job classification level other than that to which the position was originally allocated and recorded in position control. Generally, under-fill and over-fill appointments will not be authorized in lieu of properly reclassifying a position.

Under-fill and over-fill of positions for less than 30 days do not require approval by the Director. Under-fill and over-fill 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 meet all the following criteria:

1. The appointment is 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.
2. The classification to which the employee is appointed must accurately reflect the type and level of duties to which the employee will be assigned.
3. The classification must be within the job series of the budgeted position unless otherwise approved by the Director of Human Resources.
4. The appointment must not exceed a six-month time period.
5. No current active eligible list may exist for the classification of the budgeted position and no employee can be on the layoff or injured worker list for the classification.

Requests from bureaus for approval to under-fill or over-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);
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2. The title of the classification of the budgeted position;
 3. The title of the classification of the under-fill or over-fill;
 4. A description of the duties to be assigned to the position;
 5. The period of time the under-fill or over-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.

Double-fill

Double-fill appointments 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.
 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.
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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.

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 pre-employment crosscheck database. 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.
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Administrative Rule History

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised October 15, 2002
Revised July 28, 2003
Revised July 1, 2004

Guidance for HR Administrative Rule 3.03
Limited Term Positions and Limited Duration Appointments
June 8, 2004

Issue

Ensuring use of appropriate Limited Duration status and employment codes (PSTATs) for employees appointed to Limited Term positions. Appointments to Non-Rep limited term positions must be limited duration. For represented positions the collective bargaining agreement applies.

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.

To underscore, "limited term" describes a type of position, and "limited duration" describes a type of status for an employee.

New employment codes (PSTATs)

In late 2003, new employment codes were implemented. The revised PSTAT structure included specific codes to enable provisions of the BHR Administrative Rules to be put into practice. **NOTE: COPPEA has a "limited duration" description from their labor agreement which differs from the BHR Administrative Rule description.** The current "Limited Duration" PSTATs are:

Full-time Limited Duration:

- PSTAT 22-for a full-time, limited duration employee (in an authorized permanent or limited term position).
- PSTAT 24-for a full-time limited duration employee who has status in the same or a different classification (in an authorized permanent or limited term position).
- PSTAT 26-for a full-time limited duration COPPEA employee (in an authorized permanent or limited term position).

Job Share Limited Duration:

- PSTAT 36-for a Job Share (50/50) limited duration COPPEA employee (in an authorized permanent or limited term position).

Part-time Limited Duration:

- PSTAT 78-for a part-time, limited duration employee (in an authorized permanent or limited term position).
- PSTAT 74-for a part-time limited duration employee who has status in the same or a different classification (in an authorized permanent or limited term position).
- PSTAT 76-for a part-time limited duration COPPEA employee (in an authorized permanent or limited term position).

Application of Rules – Use of appropriate PSTAT

Initial appointment as City of Portland employee to limited term position through Civil Service Exam process:			
<u>Description Group</u>	<u>Non-Rep Positions*</u>	<u>COPPEA Positions*</u>	<u>Other Represented Positions*</u>
Full-time	Limited duration	Permanent or Limited Duration-COPPEA	Permanent
	PSTAT 22	PSTAT 11 or 26	PSTAT 11
Part-time or Job Share	Limited duration	Permanent or Limited Duration	Permanent
	PSTAT 78	PSTAT 71, 36 or 76	PSTAT 31 or 71

Appointment to limited term position of City of Portland employee with permanent status in same or different class :		
<u>Description Group</u>	<u>Non-Rep Positions*</u>	<u>Represented Positions*</u>
Full-time	Limited duration	Permanent
	PSTAT 24	PSTAT 11
Part-time or Job Share	Limited duration	Permanent
	PSTAT 74	PSTAT 31 or 71

***Temporary appointments may be made to limited term positions per HR Administrative Rule 3.04 on Temporary Appointments, or applicable bargaining contract.**

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 a limited duration or temporary employee. Employees who have permanent status in a classification, and are being appointed to fill limited term positions in either the same or a different *non-represented* classification should also be appointed as limited duration or temporary. Such employees will continue to accrue seniority in their previous/permanent classification.

Applicants hired to fill limited term positions in *represented* classifications as their initial appointment may be appointed as permanent or temporary employees, with the exception of appointments to COPPEA-represented positions. The COPPEA contract allows for specific COPPEA “limited duration” appointments. Temporary appointments should be made to fill limited term positions with a term of one year or less. Employees who have permanent status in a classification, and are appointed to limited term positions in *represented* classifications may be appointed as permanent or temporary.

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