

LIMITED DURATION FAQs

This FAQ was created as a guide to assist in the application of State HR Policy 40.025.02, Limited Duration Appointments; however, agencies should not rely solely on this document. **Please note the FAQs apply to LD appointments in the management service, unclassified service or classified unrepresented ONLY. Refer to any applicable collective bargaining agreement for specific information regarding represented limited duration appointments.**

Contact the Department of Administrative Services, Chief Human Resources Office (DAS or CHRO) or the Department of Justice's (DOJ) Labor and Employment Section with any additional questions or guidance.

1. *What PPDB code is used to reflect non-status for LD appointments?*

An LD appointment is coded as "A" status. This allows LD appointees to apply for statewide and agency promotion recruitments and receive additional benefits including (but not limited to) sick and vacation leave accrual, personal leave, special day of leave, PEBB health benefits and PERS contributions if they are otherwise eligible.

2. *Previously LD appointments were only coded as non-status if they were appointed to an LD in the unclassified service. The remaining LD appointments were coded as TS or Regular status. What happens to those employees?*

A programming change in PPDB will allow users to code management service and classified unrepresented limited duration employees as non-status ("A" code). The PPDB group will complete a mass update to update management and classified unrepresented LDs to the "A" code. All future LD management service and classified unrepresented appointments will default to non-status upon hire.

3. *What about classified represented LD appointments?*

There is no change at this time; however, the Labor Relations Unit will notify staff should any changes occur.

4. *Can an agency and employee negotiate an agreement to restore the employee to their previous permanent/seasonal position at the end of an LD appointment?*

After consulting with CHRO or DOJ, an agency may modify the Limited Duration Agreement to include an agreement to return the employee to their previous position, as long as that position is available and the action does not conflict with a collective bargaining agreement or cause a layoff. The salary for a restored employee will return to the same step the employee would have reached taking into account annual merit increases had the employee not left the previous classification. If changed, the former salary eligibility date is restored. Agencies can consider doing job rotations as an alternative. When employees accept an LD appointment, their status will be entered into PPDB as "A" (non-status). Once they return to their prior position, agencies will need to will restore to either "T" (trial service to finish out their trial service) or "R" (regular status) in PPDB. For ease of reference, it is suggested agencies put a note in PPDB stating this is a restorative LD.

5. Why do agencies have to go through CHRO or DOJ when modifying the agreement?

While agencies adjust to the new policy, we want to ensure employee and agency rights are protected.

6. Does the time as an LD count towards an employee's recognized service date (for purposes of vacation accrual) and layoff service date?

Yes.

7. What is the difference between an appointment for a "study", "project" or "workload"?

Agencies use LDs for a study or project for the continuation of a grant, contract, award or legislative funding for a specific purpose/project of uncertain or limited duration. Agencies use LDs for workload for short-term or transitional assignments such as legislative directive, reorganization, unanticipated workload needs or anticipated position reduction.

8. If an LD appointment transfers into a permanent position in the same classification and service type (management service or classified unrepresented), does the employee have to serve a trial service period?

Yes.

9. Does any of the time the employee served in their LD position count towards trial service?

No.

10. Do regular status employees who accept a LD appointment lose return rights?

Unless provided by a collective bargaining agreement or specified in the limited duration agreement at the time of appointment, a regular status employee in a permanent or seasonal position accepting a LD management, unclassified, or classified unrepresented service appointment will not have layoff or restoration rights to their prior permanent/seasonal employment. Agencies can consider doing job rotations as an alternative.

11. Do all state HR policies apply to LD employees?

Many state HR policies apply; however, since LDs are a non-status appointment, any policy or portion of a policy that applies to trial service, restoration or regular status does not apply. Additionally, State HR Policy 50.035.01 Performance Management Process does not apply. The CHRO Policy Unit is reviewing current policies to determine which applicability statements need to be revised to exclude LD employees.

12. Are LD appointments at-will?

The LD appointment may be terminated by the agency or employee at any time, for any reason except for reasons protected by law.

13. Are LD appointments subject to progressive discipline? Do normal disciplinary processes apply to LD employees?

No. LD appointments may be terminated at any time for any reason, except for reasons protected by law. Accordingly, strict progressive discipline is not required. If an agency wishes to discipline an LD employee but does not wish to terminate the LD appointment, the agency has

discretion to implement discipline as it deems appropriate for the situation. Note the disciplinary formats agencies use for employees with other types of appointments may not apply in the case of disciplines for LD employees. Agencies should consult with CHRO or DOJ's Labor & Employment Section when they consider discipline for an LD employee.

14. *Why aren't formal performance appraisals provided?*

LD appointees are not given formal performance appraisals; however, agencies should provide timely and meaningful informal performance feedback.

15. *Are LD appointments subject to investigations?*

By law, an employer has to investigate several types of personnel complaints such as whistleblower and discrimination, and may choose to investigate allegations of other policy violations. If an LD employee makes a complaint, is the subject of a complaint or a witness to alleged behavior, the agency is obligated to complete an investigation. If agencies have specific questions related to investigations, please contact the CHRO or DOJ's Labor & Employment Section.

16. *How do I terminate an LD appointment in the system?*

The termination code 592 should be used to terminate all LD appointments.

17. *If an LD appointment terminates prior to the end of the project or funding, can I recruit to fill the position again?*

Yes.

18. *What is the difference between an LD appointment vs LD position?*

The LD appointment is the person filling the position. The LD position is what the legislature or DAS approves to create the actual position.

19. *Is a person in an LD appointment eligible for reemployment rights?*

Yes.

20. *Can agencies do a job rotation for an employee to place them in an LD position?*

Yes. The employee will retain whatever rights they are entitled to in their base position. If the LD goes from a represented position into a supervisory role, the agency shall follow the procedures similar to that in work out of class situations when a represented employee enters a supervisory role. Please contact either the CHRO Labor Relations Unit or Policy Unit if you have questions.