

SUBJECT: Limited Duration Appointments	NUMBER: 40.025.02
DIVISION: Chief Human Resources Office	EFFECTIVE DATE: 2/01/2019

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: An agency may appoint employees for a limited duration for a study, project, workload need or when position reduction is anticipated.

AUTHORITY: ORS 240.145 and ORS 240.250

APPLICABILITY: All classified unrepresented, unclassified and management service limited duration appointments

ATTACHMENTS: Sample Limited Duration Agreement

DEFINITIONS: Refer to State HR Policy 10.000.01, Definitions

Limited duration position: a position established in either administratively or an agency's budget for a study, project or workload need not to exceed two years, unless grant funded.

Limited duration employee: an employee hired into a non-status appointment for a limited period of time.

POLICY:

- (1) Limited Duration Appointments:
 - (a) A limited duration appointment is a non-status appointment. The employee does not attain regular status or serve a trial service.
 - (b) Appointments made when position reduction is anticipated shall not exceed the end of the current biennium or current season that ends prior to the end of the biennium.
 - (c) Appointments made for workload need shall be for a period not to exceed two years.
 - (d) Appointments made for grant, study or project shall not exceed the duration of the grant, study or project but may be continued, with approval by the agency director, as long as the appointment remains in the same classification and is for the purpose it was initially funded.
 - (e) Individuals hired into a temporary appointment under State HR Policy 40.025.01 Temporary Appointments are not limited duration appointments.
 - (f) Limited duration employees do not receive formal performance appraisals. Agencies are encouraged to provide timely and meaningful performance feedback to limited duration employees.

- (g) Limited duration employees are eligible to apply for any statewide position or agency promotional opportunities.
- (h) Limited duration employees receive the same vacation and sick leave, holiday pay and health benefits as permanent employees. Limited duration employees are responsible for verifying eligibility for PERS retirement benefits.
- (i) Limited duration employees do not have layoff or bumping rights, but are eligible for reemployment rights.
- (j) If an agency makes a limited duration appointment to permanent position because it anticipates position reduction due to funding curtailment, the agency may change the appointment type back to permanent, after notifying the affected employee, if funding becomes available for the permanent position. Agencies must also provide notice if the employee is required to serve a trial service, if applicable, pursuant to State HR Policy 40.065.01.

(2) Limited Duration Recruitment

- (a) An agency follows all applicable rules and State HR policies to recruit or fill a limited duration position.
- (b) The recruitment will clearly state the appointment is limited duration and the anticipated end date.
- (c) If a limited duration position subsequently receives permanent funding, an agency may move the employee into the permanent position without a subsequent recruitment only when the original recruitment stated “may become permanent depending on funding”.
 - i. If the position is in the classified unrepresented or management service, the employee shall serve a trial service upon appointment into the permanent position per State HR Policy 40.065.01 Trial Service Period and ORS 240.316.
 - ii. Time worked in a limited duration appointment counts towards an employee’s recognized service date for the purposes of vacation leave accrual and layoff service date. It is the employee’s responsibility to verify PERS eligibility and qualifying time for retirement benefits.

(3) Limited Duration Agreements

- (a) The agency must inform an applicant or employee accepting a limited duration appointment of the conditions of the appointment, including employee status when the appointment terminates. The applicant or employee will acknowledge, in writing, acceptance of the conditions.
- (b) Agencies shall require employees appointed as limited duration to sign a limited duration agreement that includes the following:
 - i. The reason for the limited duration appointment (i.e., special study, project or workload need);
 - ii. The duration of the appointment;
 - iii. Benefits;
 - iv. The conditions of the appointment;
 - v. The status at the termination of the appointment.

A template for a limited duration agreement is attached to this policy.

- (c) An agency must work with the Chief Human Resources Office and, at times, the Department of Justice (at the agency's expense) prior to making substantive modifications to the limited duration template agreement.
- (4) Limited Duration Return Rights
 - (a) Permanent employees who accept a limited duration appointment do not retain rights to their former position upon termination of the limited duration appointment unless negotiated and agreed upon during the hiring process and noted in the signed limited duration agreement.
 - (b) Current limited duration or temporary employees accepting a limited duration appointment have no rights to a previous limited duration or temporary appointment.
- (5) Salary and Benefits
 - (a) The salary for a limited duration appointment must be consistent with State HR Policy 20.005.01 General Compensation and 20.005.05 Merit Pay System and appropriate procedures to determine equal pay as outlined in State HR Policy 20.005.10, Pay Practices.
 - (b) If an existing employee accepts a limited duration appointment, the agency follows the appropriate procedures for promotion, demotion or lateral transfer as outlined in State HR Policy 20.005.10 Pay Practices.
 - (c) Generally, a limited duration employee is eligible for PERS retirement benefits, medical and dental (where qualified), vacation, sick leave and personal business leave.
- (6) Termination or End of Limited Duration Appointments
 - (a) The agency or the employee may end an employee's limited duration appointment at any time, for any reason.
 - (b) This policy does not grant an individual appointed as limited duration layoff or restoration rights to a former position unless provided by a collective bargaining agreement or negotiated as part of the hiring process and noted in the signed limited duration agreement.
 - (c) Limited duration appointments are not subject to State HR Policy 70.000.02 Management Service Discipline or State HR Policy 70.005.02 Classified Unrepresented Discipline and Dismissal.