



OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

Human Resources Division

Title:	Temporary Appointments	HR_440_08
Supersedes:	HR_440_08, dated September 1, 2009	
Applicability:	All temporary employees where not in conflict with an applicable collective bargaining agreement	
Reference:	State Policy 40.025.01, ORS 238.082 (PERS) and ORS 240.309 (Temporary Appointments)	
Effective Date:	May 15, 2012	Approved: 

I. PURPOSE

To establish the criteria for temporary appointments including pay, termination and complaint resolution.

II. POLICY

- A. The Department of Fish and Wildlife (ODFW) may make temporary non-status, noncompetitive appointments to meet workload needs that are emergency, nonrecurring, or short-term when the use of existing positions, or establishing new positions, is not appropriate or feasible.
- B. Supervisors shall document the need for a temporary appointment, identify the classification of work, certify that funding is available, identify the funding source and obtain the approvals of the Human Resources Administrator, using the Request for Hire (RTH) form.
- C. Temporary employees shall meet the minimum and special qualifications for the classification of work being performed.
- D. Temporary appointments shall first be offered to persons on applicable ODFW layoff list(s) who meet the minimum and special qualifications for the job. If no qualified person is on the layoff list(s), the supervisor may use other recruitment sources, including applicant and reemployment lists as referenced in Policy HR_440_02, as determined to be appropriate and consistent with affirmative action practices.
- E. Temporary employees shall normally be paid at steps 1 or 2 of the salary range of the work being performed unless an exception is appropriate and warranted. Managers may request a higher salary in accordance with HR Policy 420_02, Pay Practices. A former permanent employee who performs duties in the same classification under a temporary appointment may be paid the equivalent salary as that of the employee's permanent job.

Duration of Temporary Appointments

- 1. A temporary employee, other than one filling in behind an employee on approved leave, may not work beyond six (6) calendar months for the same workload need. The department's Human Resources Administrator may extend a temporary

appointment beyond six (6) calendar months (not to exceed 1040 hours) for the same emergency workload need when all of the following conditions are met:

- a. The original emergency continues to exist;; and
 - b. No other reasonable means exists to meet the emergency; and
 - c. Using an existing position or establishing a new position is not appropriate or feasible; and
 - d. A limited duration appointment in a permanent position is not appropriate or feasible; and
2. Employment of a temporary employee for different workload needs may not exceed the equivalent of six calendar months (1040 hours) in a 12-month period.
 3. A temporary appointment may be made to fill in behind an employee on approved leave. Such an appointment may continue beyond six months only when the temporary employee is replacing a single employee on approved leave and an extension has been approved by the department's Human Resources Administrator. A temporary appointment made to fill in behind an employee on approved leave may not exceed the period of the approved leave.
 4. A request for extension must be approved in a timely manner for uninterrupted continuation of coverage for the same workload need in order to retain the same employee.
- F. The supervisor shall provide written notice to the temporary employee of the Conditions of Temporary Employment at the time of appointment and obtain the employee's understanding and signature on the attached form (Attachment A). When a temporary appointment is approved for extension, the supervisor shall provide to the temporary employee a copy of the signed Temporary Appointment Extension form (Attachment B). The originals of both forms shall be maintained in the employee personnel file.
- G. At the time of appointment, the appointing authority or designee provides written notice to the employee of the right to file a complaint alleging violations of ORS 240.309. Written notice is contained on the Conditions of Temporary Appointment form (Attachment A). Providing the employee a copy of this form fulfills the written notice requirements for the employer.
- H. A temporary employee who believes the department has violated any provision of ORS 240.309 may file a written complaint with the Employment Relations Board within 30 calendar days after the employee knew or should have known of the action being appealed. For SEIU-represented temporary employees, grievances alleging violations of ORS 240.309 may be submitted only by the Union, directly to the Department of Administrative Services level for full and final review.

III. POLICY CLARIFICATION

- A. For purposes of retirement, retired state employees are generally limited to 1039 hours of temporary employment per calendar year. ORS 238.082 provides exceptions to this general rule including; state work in a correctional institution or State Police work located in a county with less than 75,000 inhabitants or where the retired member is employed to temporarily replace an employee serving in the National Guard or in a reserve unit of the United States

Armed Forces who is called to federal active duty. However, temporary appointments of retirees made pursuant to 238.082 still must comply with ORS 240.309 and Section (II)(A) of this policy and may not exceed the equivalent of six calendar months (1040 hours) in a 12-month period unless filling in behind an employee on an approved leave.

- B. Emergency need is a sudden and unanticipated workload need. Nonrecurring need means a special one-time project that requires additional staff. Short-term workload need refers to covering workload for a duration of less than six months.
- C. For employment of less than fulltime, temporary employees may not exceed the equivalent of six calendar months (1040 regular hours) in a 12-month period.
- D. A temporary employee who suffers an injury on the job, files for workers' compensation and seeks to return to temporary employment upon release, only has return rights that extend only to the period of appointment which remains on the written notice provided at time of appointment.
- E. An employee who has worked the equivalent of six calendar months in a 12-month period (i.e., the "temp year") may work again as a temporary employee of the State during subsequent 12-month periods from the initial date of appointment. (The 12 month "temp year" period is based on the employee's initial date of temporary appointment; this 12 month period renews every year on this same date unless there is a break of over 2 years). For purposes of temporary appointments the State is considered one employer. A temporary employee may not work more that the equivalent of six calendar months in a 12-month period for any single or combination of State agencies except for temporary appointments made to fill in behind an employee on approved leave.
- F. Temporary employees shall be paid at an hourly rate (for FLSA non-exempt work) or salary rate (for FLSA exempt work) equivalent to an appropriate step within the range for the classification of the work performed.

- Attachment A Conditions of Temporary Appointment
- Attachment B Request to Extend a Temporary Appointment

Conditions of Temporary Employment (continued)

17. NOTIFICATIONS:

- Your temporary appointment in no way implies or assures a subsequent appointment to any permanent, seasonal or limited duration position with this agency.
- You will be notified if your termination date is earlier than the date above. You may be terminated at any time at the discretion of the appointing authority.
- Any time away from work must, unless otherwise provided by ODFW Policy HR_420_04, Fair Labor Standards Act, or collective bargaining agreement (if applicable) be taken as leave without pay.
- In accordance with Section (II)(G) of ODFW Policy HR_440_08, Temporary Appointments, you have the right to file a written complaint with the Employment Relations Board if you believe that the terms and conditions of your temporary employment in any way violate ORS 240.309. The written complaint must be filed with the Employment Relations Board within 30 days after you knew or should have known of the alleged violation. For SEIU represented temporary employees, grievances alleging violations of ORS 240.309 may be submitted only by the Union, directly to the Department of Administrative Services level for full and final review.

18. SIGNATURES:

TEMPORARY EMPLOYEE SIGNATURE	DATE	PHONE NUMBER
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SUPERVISOR SIGNATURE	DATE	PHONE NUMBER
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APPOINTING AUTHORITY	DATE	PHONE NUMBER
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Original: Employee Personnel File
 Copy: Employee



OREGON DEPARTMENT OF FISH AND WILDLIFE

Request to Extend a Temporary Appointment

(Attach original Conditions of Temporary Appointment Form)

AGENCY USE ONLY:														
1. TEMPORARY EMPLOYEE NAME:	2. EMPLOYEE ID Number:													
3. CLASSIFICATION TITLE/NUMBER/REP.CODE:	4. TEMPORARY POSITION NUMBER:													
5. AGENCY NUMBER AND NAME:	6. DIVISION/SECTION/UNIT:													
7. # OF HOURS WORKDE TO DATE IN THIS APPOINTMENT:	8. REQUEST TO EXTEND UNTIL (mm/dd/yyyy):													
<p>9. REASON FOR REQUESTING AN EXTENSION (check all that apply):</p> <p>Original Emergency Workload Need Continues to Exist. Explain how the original workload continues to be an emergency (unanticipated) and why other alternatives (e.g. Limited Duration appointment, use of permanent position) are not appropriate:</p> <p><input type="checkbox"/> Temporary employee is part-time and has not worked for the State the equivalent of six calendar months (1040 hours) in the previous 12 months.</p> <p><input type="checkbox"/> Temporary appointment was made to fill in behind an employee on approved leave and the employee on leave has not returned. It is anticipated that the employee on leave will return on _____. Agency requests this temporary appointment be extended to this date.</p> <p>Other:</p>														
<p>10. NOTIFICATIONS:</p> <ul style="list-style-type: none"> Your temporary appointment in no way implies or assures a subsequent appointment to any permanent, seasonal, or limited duration position with ODFW. Any time away from work must, unless otherwise provided by ODFW Policy HR_420_04, Fair Labor Standards Act, or collective bargaining agreement (if applicable) be taken as leave without pay. In accordance with Section (II)(G) of ODFW Policy HR_440_08, Temporary Appointments, you have the right to file a written complaint with the Employment Relations Board if you believe that the terms and conditions of your temporary employment in any way violate ORS 240.309. The written complaint must be filed with the Employment Relations Board within 30 days after you knew or should have known of the alleged violation. For SEIU represented temporary employees, grievances alleging violations of ORS 240.309 may be submitted only by the Union, directly to the Department of Administrative Services level for full and final review. 														
<p>11. SIGNATURES:</p> <table style="width: 100%; border-collapse: collapse;"> <tr style="border-top: 1px solid black; border-bottom: 1px solid black;"> <td style="width: 60%; padding: 5px;">TEMPORARY EMPLOYEE SIGNATURE</td> <td style="width: 20%; padding: 5px;">DATE</td> <td style="width: 20%; padding: 5px;">PHONE NUMBER</td> </tr> <tr style="border-bottom: 1px solid black;"> <td style="padding: 5px;">SUPERVISOR</td> <td style="padding: 5px;">DATE</td> <td style="padding: 5px;">PHONE NUMBER</td> </tr> <tr> <td style="padding: 5px;"> <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED </td> <td style="padding: 5px;"> _____ APPOINTING AUTHORITY SIGNATURE </td> <td style="padding: 5px;"> _____ DATE </td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">DATE</td> <td style="padding: 5px;">PHONE NUMBER</td> </tr> </table> <p>Original: Employee Personnel File Copy: Employee</p>			TEMPORARY EMPLOYEE SIGNATURE	DATE	PHONE NUMBER	SUPERVISOR	DATE	PHONE NUMBER	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	_____ APPOINTING AUTHORITY SIGNATURE	_____ DATE		DATE	PHONE NUMBER
TEMPORARY EMPLOYEE SIGNATURE	DATE	PHONE NUMBER												
SUPERVISOR	DATE	PHONE NUMBER												
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	_____ APPOINTING AUTHORITY SIGNATURE	_____ DATE												
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