

CALIFORNIA STATE PERSONNEL BOARD

Date of Issue: April 1, 1993

MEMO TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: Extension of Limited Term Appointment

SPB File Reference: Personnel Management Policy and Procedures Manual (PMPP). Should be kept and filed in PMPP Manual Section 331, Limited-Term Appointments.

It has been brought to our attention that some departments are still trying to extend limited term appointments under the provisions of Government Code Section 19080.4, although this Section was repealed as of January 1, 1993.

Government Code Section 19080.3 states "Limited term appointments shall be made only for temporary staffing needs and shall not individually or consecutively exceed one year, provided that the board may authorize limited term appointments of up to a total of two years' duration when a permanent appointment would be likely to cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need. Limited term appointments may be extended within the time limits prescribed by this section without making an additional appointment." The authority for making and extending limited-term appointments which meet the provision of G.C. 19080.3 and the guidelines provided in Personnel Management and Procedures Manual Section 331 has been delegated to departments, subject to Personnel Board post-audit.

Government Code Section 19080.4 states "The board may authorize limited term appointments to be extended for up to two years beyond the time limits specified in Section 19080.3 when the extension is needed to complete major work still in progress or to prevent disruption of significant state operations. This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1993, deletes or extends that date (emphasis added). The Government Code goes on to say that the repeal of Section 19080.4 shall not affect the term of any limited-term appointment that was extended while the section was in effect, even if the extension was to a date that is later than the January 1, 1993 repeal date.

The authority for making limited-term extensions under Government Code Section 19080.4 and PMPP Section 331 was delegated to departments. However, this Code Section did expire on January 1, 1993. Therefore, since January 1, 1993, there has been no authority to extend a limited-term appointment beyond the two year maximum limitation provided in G.C. 19080.3. Those limited-term appointments that were extended under the provisions

of G.C. 19080.4 prior to January 1, 1993, may continue until the adjusted expiration date. Since the law expired on January 1, 1993, all extensions beyond the original 2 years provided by G.C. 19080.3 must have been made prior to January 1, 1993 and, under no circumstances, will the extended expiration date be later than December 31, 1994.

Any personnel transaction authorized prior to January 1, 1993, which extended a limited-term appointment under the provisions of Government Code 19080.4 and which was not processed prior to January 1, 1993, will require SPB approval prior to sending to the Controller's Office for processing. If you have such a transaction, please send a memorandum explaining the circumstances along with proof that the authorization was made prior to the expiration of the law, to Marion Rutkauskas - Mail Station 55 - State Personnel Board. If the extension meets the criteria of the law and was authorized prior to January 1, 1993, the extension will be approved. This approval must then be included with the transaction documents sent to the Controllers Office for processing. All transaction documents received by the Controllers Office without SPB approval will be returned to the department. If the extension is not approved by SPB because it does not meet the criteria of the law, the extension will be illegal and the appointment will have to be canceled pursuant to Government Code 19257.5.

Questions concerning this memorandum should be directed to Marion Rutkauskas on 657-2485, CALNET 457-2485 or TDD 653-1498.

/s/  
DUANE D. MORFORD, Chief  
Departmental Services Division