

CITY OF EUREKA

Category: PERSONNEL

POLICIES & PROCEDURES

Subject: RECOGNIZED AND
AUTHORIZED TYPES OF
EMPLOYMENT WITHIN THE
CITY AND THEIR STATUS
UNDER THE CITY MERIT
SYSTEM

Date Adopted: January 1, 1976

File 3.61

Date Revised: May 19, 1978

Number

POLICY OBJECTIVE

The clarify the distinction between the various authorized type of employment within the City and to set forth the status of each with respect to recruitment procedures and rights pursuant to the City Merit System; and to set forth the status of such positions for coverage under the Public Employees' Retirement System.

ASSIGNED RESPONSIBILITY

City Manager, Personnel Office, and all Department Heads.

APPLICABILITY

Applicable to any individual employed by the City of Eureka in any position.

PROCEDURES

Pursuant to Sections 701 and 702 of the Charter of the City of Eureka, the following employments are recognized:

A. Permanent Full-Time

1. This type of employment shall include all full-time, budgeted positions in the City service except as excluded herein.
2. All appointments to permanent full-time positions except those positions prescribed in Section 701a and b of the Eureka Charter shall be made following applicable personnel rules and regulations pursuant to the Merit System of the City.

B. Provisional Appointment

1. Pursuant to Section 702 of the Eureka Charter and Section 9.5 of the Eureka Personnel Rules and Regulations, provisional appointment shall mean the temporary employment of an individual in a budgeted full-time position pending the establishment of an eligible list for that position.
2. Provisional appointments shall be made subject to the limitations prescribed in Section 702 of the Eureka Charter and Section 9.5 of the Personnel Rules and Regulations. In light of the limitations prescribed,

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provisional appointments shall be deemed to be exempt from the provisions of the Eureka Merit System.

C. Part-time

1. Part-time employment shall mean employment of an individual on an hourly basis in a position that is not considered to be provisional or seasonal. Part-time employment is generally construed to mean less than the normal work week but need not be. Employment of an individual full-time on a temporary basis shall be treated as a part-time employment situation.
2. Part-time or temporary employment shall come under the provisions of the merit system if the individual in the position, after the appropriate recruitment, is to be employed at least fourteen (14) hours in each of fifty (50) weeks in any twelve (12) consecutive months.
3. Individuals who have met the conditions described in paragraph C-2 and who have been recruited pursuant to merit system principles shall have the following merit system rights and privileges: the right to appeal a dismissal, and the right to participate in promotional opportunities, the right to appeal a dismissal, and the right to file grievances, only while continuously employed as provided in Part 2 of this section. Any break in employment, as outline in Part 2 of this section, will require the individual to establish a new period of eligibility.
4. In addition to the limitation prescribed in Section C-3, part-time/temporary employees shall be subject to a probationary period of 1000 hours of work time.
5. Nothing in this policy shall be construed to extend any additional supplemental benefits to this class of employee beyond those presently authorized.
6. Those positions not expected to meet the conditions prescribed in C-2 shall have a definite termination date indicated on the personnel action form of appointment.

D. Seasonal Employment

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1. Seasonal employment shall mean employment of an individual in a position which is generally required during a particular season or definite time each year, and this period, for the most part, is reoccurring each year. Seasonal employment is generally construed to mean employment of a regular work week. Employees not required to work a regular work week shall be treated as part-time employees as described in Section C of this policy.
2. Seasonal employment shall come under the provisions of the merit system if the individual in the position is to be employed longer than ninety (90) days in any twelve (12) consecutive months and is employed a minimum of eight (8) hours per day in each day worked.
3. Individuals who have met the conditions described in Section D-2 and have been recruited pursuant to the principles of the merit system shall have the following merit system rights and privileges: the right to appeal a dismissal, and the right to file grievances, only while continuously employed as a seasonal employee. Any break in employment as outlined in Part 2 of this section will require the individual to establish a new period of eligibility.
4. In addition to the limitations prescribed in Section D-3, seasonal employees shall serve a probationary period of 1000 hours of work time.
5. Nothing in this policy shall be construed to extend any additional supplemental benefits to this class of employee beyond those presently authorized.
6. Employment of individuals in positions not expected to meet the conditions prescribed in D-2 shall terminate no later than ninety (90) days after the first day of employment. Such individuals upon termination may not be rehired into the position form which they are terminated until twelve (12) months following the first date of employment has elapsed unless said individuals are hired pursuant to merit system principles.
7. The Personnel Officer shall be responsible for determining those positions deemed to be seasonal in nature.

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E. Coverage Under the Public Employees' Retirement System

1. Part-time Employees – Pursuant to Section 20334 of the Government Code of the State of California, any employee who is employed to work less than full-time is excluded from membership in the Public Employees' Retirement System and no contribution shall be made for such membership unless:

- (a) The individual is already a member of the system; or
- (b) His/her part-time employment requires him/her to work at least four (4) hours per day on a regular basis or an average of 87 hours per month; and his/her employment is expected to extend for more than one year; and his/her employment is regular and continuous.

For the purposed of determining eligibility for membership in the Public Employees Retirement System, "full-time" employment shall mean eight (8) hours per day, five (5) days per week in every week of the month.

2. Full-time Employees in Temporary or Seasonal, Work Pursuant to Section 20336 of the Government Code of the State of California, any employee whose employment is seasonal or temporary in nature shall be excluded from membership in the Public Employees' Retirement System unless:

- (a) He/She is already a member of the system; or
- (b) The employment is to be for a continuous term of six (6) months; or
- (c) The term of employment is not fixed and full-time compensation will continue for more than six (6) months.

F. In summary, upon the expression by a department of the need to employ an individual in a part-time/temporary or seasonal position, the Personnel Office shall first determine the status of the employment with respect to the merit system of the City. The guidelines set forth in this policy shall be utilized for making that determination. Secondly, the Personnel Office and Department of Finance shall be responsible for determining the status of the employment under the Public Employees; Retirement System. Such determination shall be guided by the provision of Section E of this policy, and by the applicable sections of State law.