

Temporary Staffing-Unclassified**3.1.3****PURPOSE**

This section covers the process for hiring employees into the Unclassified Service for the purpose of performing duties of a temporary or intermittent nature for a period not to exceed two years. The classification of Temporary Employee (Unclassified) is intended to help departments meet employment needs of a temporary nature without increasing the number of permanent classified employees, and to meet the changing staffing needs of the City in a cost-effective manner.

In particular, the Temporary Employee class is to be used to hire employees for special projects, seasonal, short-term, or experimental work to supplement the regular Civil Service workforce. It is *not* to be used to circumvent the Civil Service testing and hiring process for positions that should appropriately be filled through an appointment in the classified Civil Service.

AUTHORITIES

San Jose City Charter, Section 1101 (a), as amended through Measure F in November, 1996:

- (4) Temporary Employment
 - b. Persons temporarily employed to fill positions for a period of time not to exceed two (2) years, where there exists a need to perform duties of a temporary nature or where duties may be required on an intermittent basis.

POLICY

1. Two-year Limits

Each temporary appointment will be for a specified period of time to be determined by the start and end dates of the assigned project or assignment. Appointments are limited by City Charter to a maximum term of two (2) calendar years.

2. Consecutive Temporary Appointments

There must be a minimum of one-month break in service before reappointment as a temporary unclassified employee.

3. Budget Office Approval

Any proposal for appointment of a temporary employee that covers a period of more than two (2) weeks must be approved in writing by the Budget Office.

4. Determination of Salary and Benefits

Departments will be asked to include a proposed salary and benefits status as part of the package that initiates a temporary unclassified appointment. Departments should provide justification for the proposed salary level by indicating the comparable classification or showing a calculation of comparable work. The Human Resources Department will review the salary

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and benefits proposal for consistency with the City's overall compensation program, and may modify if appropriate.

The options for pay and benefit levels are as follows:

Class #	Class Name	Benefit Level	Rep. Unit	Pay Range
9985	Temporary Employee U PT	Unbenefited	81	\$10.15 - \$150.00/hr
This level must be used for assignments of less than one year. It is not appropriate to increase the salary rate in lieu of benefits.				
9986	Temporary Employee U NMB	Non-Management Benefited	084	\$10.15 - \$ 46.23/hr
This level may be used for assignments of more than one year or when the intent is for the work to become permanent, but the classification has not yet been created.				
9988	Temporary Employee U MB	Management Benefited	994	\$14.259195 - \$111.261255/hr
9989	Temporary Employee U Mgt Unben	Management Unbenefited	994	\$14.259195 - \$111.261255/hr
These levels should be used for assignments of more than one year where the scope of work is defined as management-level.				

The pay rate for a Temporary Employee U Mgt Unben may exceed the salary range for the comparable classification if there are extenuating circumstances, subject to the approval of the City Manager.

Retired employees in the Federated City Employees' Retirement System returning for temporary part-time assignments must be employed as Temporary Employee Retiree U (9984). Retired employees in the Police and Fire Department Retirement Plan may be employed in a temporary capacity to perform non-sworn functions as Temporary Employee U PT (9985) subject to the same time limits as a Temporary Employee Retiree and paid at a rate commensurate with the duties being performed. See Chapter 3.1.5 – Reemployment of Retirees.

5. Benefits Received by the Employee

The benefits received by a temporary employee are determined by the employee's class, with each class being assigned to one of three (3) units—Unit 81, 084 or 99. The employee generally receives the same benefits as those received by other employees in the representation unit. For instance, the part-time employees in Unit 81 are unbenefited; the full-time employees represented by Unit 99 receive the same benefits as other management employees, with the exception that Temporary employees do not participate in the Professional Development Program. All of the temporary unclassified classifications are excluded from the Federated Retirement Plan.

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There is no movement to higher steps based on time in grade. For employees in Units 81 or 84, salary increases within the range may be requested by the employee's Department Director, based on a demonstration of acceptable job performance, and subject to approval by the Director of Human Resources.

Temporary employees in Unit 99 are not covered by the Management Performance Program.

General increases shall be provided to Temporary Employee classifications.

7. Pre-employment Requirements

Prospective temporary employees should complete a City job application form to provide Human Resources with the essential information needed to initiate employment. In addition, prior to beginning work, temporary employees who have supervisory or disciplinary authority over minors in the course of their work for the City are required to be fingerprinted for a criminal history record check, in compliance with state law. All temporary employees are required to comply with Immigration Reform and Control Act requirements by completing an I-9 form and showing the proper documents to Human Resources staff. In addition, some temporary employees who are to perform safety-sensitive or physically demanding work, may be required to pass a City medical exam prior to beginning work. Some employees may also be required to complete child abuse reporting disclosure forms.

8. Eligibility for Permanent Appointment

Temporary employees can only attain a permanent appointment through applying and competing for a position in the classified service. Retired employees in either the Federated City Employee Retirement System or Police and Fire Department Retirement Plan must un-retire in order to be considered for permanent part-time or full-time appointments.

9. Status and Seniority

Temporary unclassified employees are at-will and therefore subject to termination at any time. Temporary employees will automatically be terminated after the last date of their term or two (2) years, whichever is earlier. There is no seniority credit associated with the unclassified temporary employment, except that permanent City employees who accept appointments as temporary unclassified employees will continue to accrue citywide seniority while they are temporary.

10. Recruitment

Generally, departments will be expected to conduct their own recruitment efforts; however, Human Resources may assist if requested by posting information on our Internet job recruitment site. When additional recruitment is warranted, departments are responsible for ensuring that appropriate measures are taken to ensure open outreach to all potential candidates.

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When the temporary employee leaves employment with the City, the department should submit a completed Notice of Separation form for the employee.

12. Departments are Responsible for Avoiding Nepotism

The administration of this method of hiring has been minimized as much as possible to give departments flexibility to handle their unique temporary staffing needs. Therefore, it is essential that departments ensure that job-related criteria are used in all temporary employee staffing decisions. Discrimination, favoritism, political interference, and nepotism are strictly prohibited in the selection and use of these employees.

13. Revolving Door Implications

The City's Revolving Door Ordinance prohibits employees who are in designated positions from working on any matter on which they worked during the year before they left the City. This ordinance applies to employees who wish to assume a position as Temporary Unclassified employees.

PROCEDURES

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| Department Director or Designee | 1. Prepares "Request to Hire Temporary Employee (Unclassified)" form, which includes a description of the scope of work, recommended salary and benefits, justification for salary rate, and source of funding, and submits to Human Resources. Use one form for each FTE position. |
| Human Resources | 2. Reviews information on Request form. Verifies that the scope of work is appropriate for a Temporary Employee (U). Approves or adjusts salary and benefit status. If approved, signs form and forwards to Budget Office. If disapproved, advises departments of other hiring alternatives. |
| Budget Office | 3. Reviews proposal for spending authorization. Returns form to the requesting Department. |
| Department Director or Designee | 4. Upon receiving HR & Budget approval, makes offer to candidate. Sends HR a Transmemo and completed job application form for the candidate. |

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Human Resources

- 5. Prepares documents for hiring, assigns Position Control Number and schedules the new employee for orientation.

See the [HR Intranet Forms Page](#) for the [Request to Hire Temporary Employee Form](#).

Approved:

/s/ Jennifer Schembri
Director of Employee Relations

September 12, 2016
Date

Approved for posting:

/s/ Jennifer Maguire
Senior Deputy City Manager

September 12, 2016
Date