TEMPORARY EMPLOYEE POLICY AND PROCEDURES

Policy

Departments and Offices are allowed to make temporary appointments to fill non-permanent, short-term vacancies that arise due to an emergency situation, cyclical work, or the absence/illness of a certified employee. The City of Saint Paul is an Affirmative Action Equal Opportunity Employer. Therefore, we encourage a diverse workforce.

This policy is limited by Civil Service Rule 12 and adheres to MN Statute 179A.03 Definition of a Public Employee.

Procedure

- To post temporary job openings on the City's website, email Lisa McKeown, Human Resources Manager. If an eligible list is available, the Office of Human Resources can provide you with names of those interested in temporary employment.

- **Yellow Temporary Permits:** When someone is hired as a temporary employee, a yellow Temporary Permit is completed. A signed Temporary Employment Information form is to be attached to the Temporary Permit and a copy is provided to the employee. If it is a returning employee, a new permit is completed and the "Rehire" box should be checked on the top. The Payroll Auditor will maintain the Temporary Permits and signed Temporary Employment Information forms. Departmental Payroll staff will monitor the number of hours worked.

- If the temporary appointment does not work out, immediately cancel the temporary permit. Do not keep a temporary employee on the job unless you plan to work with the employee to resolve any problems.

- **1040 Hours Yearly Maximum:** The 1040 hour limit for temporary employees includes regular working hours PLUS any overtime hours. The 1040 hours is Citywide so all hours worked in the same payroll year for any and all departments are included in this 1040 hour total. A note will start to appear on the Payroll Register when the hours worked by a temporary employee go over 700.

  At the beginning of a new payroll year, the employee starts over on his/her 1040 hour restriction even if there are more hours left on the previous year's permit.

  A department director can request an extension for a temporary employee. This request is e-mailed to the Director of Human Resources or designee (currently this is Lisa McKeown) when the employee is near his/her 1040 hour limit. Please include employee name, employee title, and reason for requested extension. Temporary employees in Special Employment EG #99 positions and Parks Worker I (Occ code 131B and 222B) do not require extension approval.

- **Qualifying for Public Employees Retirement Association (PERA): Participation in PERA is mandatory (unless they qualify for other PERA exclusions) once a** temporary employee works six (6) months and earns more than $425.00 in any calendar month. The original date of hire determines the 6 months when the pension deduction should start. If there was a break in service

longer than 30 days due to a termination, the employee would need to re-qualify by working another six (6) months unless the Employee indicates they wish to be left in PERA or they are a Retiree.

In some cases, a temporary employee could be enrolled in PERA right when they start. PERA does not recognize the termination if the same employee returns year after year. Omitted deductions would be due if the employee returned to the same department to the same title working 1040 hours each time.

- **Working from One Year Into The Next Without A Break In Service:** In the beginning of a new IRS payroll reporting year, a temporary employee can work a full 1040 hours for the new year. If there is no break in service, the previous years' months do count however toward determining when an employee qualifies for PERA. (Example: An employee worked three (3) months in 1999 (300 hours for example) up to the end of that payroll yearThe three (3) months count toward PERA qualification but the 300 hours are not part of the 1040 hours the employee can now work in the new payroll year.) Also, if there is no break in a temporary employee's service from one year to the next, and the employee has qualified for PERA pension in the first year, they continue to pay PERA.

  See PERA's website (www.mnpera.org) for further information.

- **Temporary Employees Can Never Work In an "Out of Title" Position:** Temporary employees can NEVER work out of title in another position. They are only authorized to work in the title listed on their temporary permit. A temporary employee can, however, hold more than one title on one temporary permit.

  Trades Positions: Benefits for a new trades employee, whether appointed or temporary, are provided by their union. The only difference between the two employee types is their PERA. The rate for a temporary employee who exceeds the six months and becomes eligible for PERA should be changed to the certified rate. The certified rate is lower due to employer's PERA contribution for the employee.

  Trades employees include: Bricklayers, Carpenters, Cement Finishers, Electricians, Painters, Pipefitters, Plumbers, Fire Sprinkler Inspectors, Sheet Metal Workers and Elevator Constructors.

  Note that due to a state law change in August of 2000, Electricians, Plumbers, Bricklayers, Cement Masons, Painters, and Carpenters no longer participate in PERA. As a result, new temporary employees that belong to one of these six trades are NOT eligible for PERA after 6 months.

- **Union Dues & Holiday Pay for AFSCME Clerical, Technical, and Legal Temporary Employees Only:** As required by the collective bargaining agreements, after 67 consecutive days of work, an AFSCME Clerical, Technical, or Legal (bargaining units 01, 02 and 19) temporary employee is required to pay union dues (or pay "fair share" dues if they do not want to join the union). The 67 days are to be counted as any regular work day (an overtime day would not count). Any portion of time worked in a day (2 hours, 4 hours, etc.) will count as one day.

  Upon hiring, a temporary employee that is expected to work longer than 67 days, must be reported for union membership immediately.

AFSCME Clerical and Technical temporary employees are also eligible for holiday pay after working 67 consecutive days. Unpaid holidays and "no pay" days that fall in the 67 day period are also counted. After this time period, the employee must qualify for the holiday the same way a certified employee would.

- **Retirees:**
  Retirees can return as temporary employees in the title they left at or a previously held lower title (not at a higher title or pay step). Retirees are annuitants and can only earn so much each year. Deductions into FICA, however, must be paid even by basic, Police and Fire pension retirees. A returning retiree does not earn sick or vacation when returning as a temporary employee.

- **Floating Holidays:**
  Temporary employees do NOT earn floating holidays.

- **Health Insurance Benefits:**
  Temporary employees NEVER qualify for City health insurance benefits.

IF YOU HAVE ANY FURTHER QUESTIONS REGARDING THIS POLICY, PLEASE CONTACT:

The payroll person in your department or Human Resources (651) 266-6500

Revised: 1/06/12