

**TEMPORARY EMPLOYEE POLICY AND PROCEDURES**

**Policy**

Departments and Offices may make temporary appointments to fill non-permanent, short-term vacancies that arise due to an emergency situation, cyclical work, an immediate need in the absence of an eligible list, or to backfill for a leave of absence of a certified employee. [Civil Service Rule 12](https://www.stpaul.gov/departments/human-resources/labor-relations/civil-service-rules/12-temporary-employment) does not permit temporary employees to work in excess of 1040 hours within any fiscal year unless the HR Director has approved an extension. Trades (Unclassified/Represented) positions and Unclassified Non-Represented group positions are exempt from this policy. The City of Saint Paul is an Affirmative Action Equal Opportunity Employer who values a diverse workforce that represents the City of Saint Paul.

**MN Statute 179A.03 Definition of a Public Employee:** See statute for details. In summary, a public employee works more than 67 days a year or 100 days a year when under the age of 22 and a fulltime student, or works more than 14 hours per week.

**Earned Sick and Safe Time:** Temporary employees are eligible for earned sick and safe time. Independent Contractors, employees covered by a Trades collective bargaining agreement, and Tri-Council Highway Heavy temporary employees are excluded from this policy. See policy.

**Affordable Care Act:** Only non-seasonal temporary employees expected to work 30 hours a week or more are eligible for health insurance under the Affordable Care Act. Contact Benefits at 651-266-6492or 651-266-6500 if you have questions.

See companion document: ***Temporary Employment Employee Acknowledgement Form*** within the [[New Employee Packet](https://stpaulmn.sharepoint.com/Forms/HR%20Forms/New%20Employee%20Packet.pdf)](https://stpaulmn.sharepoint.com/Forms/Documents/New%20Employee%20Packet.pdf?csf=1&e=9Ojpvv&cid=19a3c279-77bc-488b-8150-ccb3d5b49f25) to be signed by temporary employees.

**Temporary Employment is further defined in the following:**Civil Service Rule 12, MN Statute 179A.03 Definition of a Public Employee, Earn Sick and Safe Time (ESST) policy, Collective Bargaining Agreements, PERA, and Phased Retirement Options Information.

**Procedure**

**Requisition/Hiring Process:** Follow the steps below and contact your Human Resources Consultant to discuss options for filling the temporary position. If an eligible list is available, the Office of Human Resources can provide you with names of those interested in temporary employment, post the position online, or refer you to a contracted temporary agency, if needed. Complete the following for a temporary hire:

* Submit and get Infor requisition approval, follow hiring best practices, complete an offer letter, ensure pre-employment checks are complete, and onboard new employee.
* **New Employees:** Complete the [New Employee Packet](https://stpaulmn.sharepoint.com/Forms/HR%20Forms/New%20Employee%20Packet.pdf) to include the Temporary Employment Information Form, review the City of Saint Paul Earned Sick and Safe Time Policy, and complete the City of Saint Paul Earned Safe and Sick Time Policy Acknowledgement Form. Complete the Employee Wage Notification form. Ensure supervisor and employee understand the documents in the packet and the employee receives a copy. Submit completed documents to Payroll **10 days** prior to the start date to allow payroll to make them an official employee which allows OTC to meet technology needs for the first day on the job.
* **Temporary/Seasonal Employees returning from T2 status**: Upon the return of a temporary/seasonal employee, the department designee must submit the Reactivation Packet to Payroll **10 days** prior to the start date.
* **Retirees:** Retirees that return as a temporary employee must be separated from the City for at least 1 month. A returning retiree accrues *Earned Sick and Safe Time (ESST)* when returning as a temporary employee. See ***Phased Retirement Option Information*** within [Policies](https://www.stpaul.gov/departments/human-resources/policies-procedures-rules-and-guidelines).

**Offboarding:** HR must be notified of employee’s last day of temporary employment. Before employee’s last day, department must complete and sign the [Offboarding (Separation) form](https://stpaulmn.sharepoint.com/SitePages/Off-Boarding.aspx) then submit completed form to Payroll. See sample form below. Check one of the following:

* **Separation of Temporary Employee (T2 Status**)**:** This temporary/seasonal employee is interested in returning to employment. This status allows temporary employees to be rehired up to 1 year from the date last worked. The employee must agree to work within the following year, and this must be authorized by the department representative. Employee will be terminated if they do not return within the 1 year. This status does not guarantee future employment. If the employee returns within 1 year from date last worked, the department only needs to complete a reactivation packet and not the full New Hire Packet. Packets are found in the Managers Toolbox on the Hiring Page.
* **Termination of Temporary Employee (T3 Status):** The temporary/seasonal employee is not expected to return to work in the next year.

**AFSCME Clerical, Technical, and Legal temporary positions are covered by collective bargaining agreements** and the union may ask them to pay union dues, however, they are not required to pay dues. The City makes no recommendation regarding union membership. Once requested, HR will implement union dues as a payroll deduction.

**AFSCME Clerical and Technical temporary employees are eligible for holiday pay** after being employed for 67 calendar days. After this time period, the employee qualifies for holiday pay as a certified employee would.

**Qualifying for Public Employees Retirement Association (PERA):** Participation in **PERA is mandatory** (unless they qualify for PERA exclusions)onceatemporary employee works six (6) months and earns more than $5100.00 annually.

* Exceptions may apply to full time students and positions represented by Trades positions listed below.
* See PERA’s website (www.mnpera.org) for further information.

**PERA Eligible Trades Positions include:** Pipefitters, Fire Sprinkler Inspectors, Sheet Metal Workers and Elevator Constructors.  **As of July 1, 2020, all new Trades employees are excluded from PERA.**

* The rate for a temporary employee who exceeds the six months or is anticipated to work for more than six months will become eligible for PERA and should be changed to the *with PERA* rate. The *with PERA* rate is lower due to employer’s PERA contribution for the employee.

**Floating Holidays:** Temporary employees are not eligible for floating holidays.

**Temporary Employees Can Never Work In an “Out of Title” Position:** Temporary employees can NEVER work out of title in another position and are only authorized to work in their official title(s). A temporary employee can hold more than one title within the same department. (Snow taggers are an exception.)

**Monitoring 1040 Maximum:** **(per fiscal year per CSRs):** Department directors or their designee are responsible for ensuring hours are monitored and action is taken to ensure policy is followed. (Run Hours Worked per Date report using TASS analytics.)

* **1040 Hours 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. At the beginning of a new payroll year, the employee starts over on the 1040 hour restriction even if there are more hours left on the previous year’s temporary appointment.
* **Requesting approval over 1040 max hours per fiscal year:** Submit an email to the HR Director or HR Manager requesting approval for an employee to work more than 1,040 hours in a year. Include the reason the employee needs to work more than 1040 hours, the expected end date, the number of hours the person has already worked in the year, and if the employee is expected to return the following year. Approval must be given by Human Resources for the employee to continue working beyond 1040 hours.

**If you have any further questions regarding this policy, please contact:**

Human Resources (651) 266-6500

Revised: 5/28/21