

**Air Resources Board (ARB)
Intermittent Employees
Frequently Asked Questions (FAQ)
July 24, 2013**

Q. What is an intermittent appointment?

A. Intermittent employment is irregular or recurring, hourly employment that is less than full time each year. It is used to provide a trained work force available on an “on-call” basis to supplement a department’s full-time staff in handling peak workloads.

An intermittent appointment is appropriate when the varying nature of the work schedule makes it impractical to use a full-time or part-time (fractional) appointment with a fixed number of working hours every pay period.

Intermittent employees are paid by the hour and there is no absolute guarantee of a total number of hours of work to be made available. The amount of work an individual intermittent employee may receive is contingent on availability of work and funds, the employee’s skills or knowledge of the particular assignment, and the employee’s availability for work.

An intermittent employee may work and/or use leave for up to 1,500 hours in any calendar year beginning on January 1 and ending December 31.

Q. When are time reports due for intermittent employees?

A. Time reports should be completed by employees on their last day worked in the pay period and submitted to their supervisor for signature. Division Liaisons will collect all intermittent employee time reports and submit them to the Personnel Specialist by the third (3rd) working day of the month?

Q. When will intermittent employees be paid?

A. According to all SEIU bargaining unit contracts, intermittent employees shall be paid by the 15th of each month; however, typically ARB strives to issue all intermittent pay by the 10th of the following month. If you haven’t received your paycheck by the 10th of the month, contact your Personnel Liaison.

Q. Do intermittent employees who are enrolled in direct deposit receive a pay stub?

A. Yes, employees who are enrolled in direct deposit will receive a Direct Deposit Advice Notice that includes a Statement of Earnings and Deductions.

Q. What deductions will be made from intermittent employee paychecks? What is the percentage for each deduction?

A. Per the State Controller's Office (SCO), mandatory deductions are deductions that are legally required to be made. Mandatory deductions include Federal and State taxes, retirement with related survivor benefit or Social Security, Medicare, State Disability Insurance (if applicable), fare share deduction, union dues (if applicable), and assignment of wages or garnishment/levy (if applicable).

Deduction and percentages vary for each employee. You can use the [Paycheck Calculator](#), located on the SCO website as a tool to estimate your deductions.

Q. Is there a limit to the number of hours an intermittent employee can work per week?

A. The number of hours scheduled each week is based on the operational needs of the Section. The hours for an intermittent employee shall not exceed 1,500 hours per calendar year.

Q. Is there an accepted standard for down to the minute calculations?

A. All hours reported on a time report must be calculated to the nearest 15 minute increment, as stated in the chart below:

| CONVERSION CHART | |
|-------------------------|---------------------------|
| Minutes | Fraction of a Hour |
| 0-15 | 0.25 |
| 16-30 | 0.50 |
| 31-45 | 0.75 |
| 46-60 | 1.0 |

Q. What are break/lunch period times?

A. An employee may be granted a rest period on State time not to exceed 15 minutes each four (4) hours of his/her work shift and not to exceed 30 minutes each workday. Rest periods may not be accumulated nor may they be used to "make-up" time.

Employees working more than five (5) hours per day, but less than eight (8) hours per day shall be entitled to a meal period of at least 30 minutes on the employees' own time.

Q. If an intermittent employee is limited to work 1500 hours per calendar year, then is working 40 hours per week permissible?

A. Yes, working 40 hours per week is permissible; however, all hours worked are based on the operational needs of the Section and advance approval by your supervisor, pending available funding. Working 40 hours per week may limit the number of hours you will be allowed to work later in the calendar year.

Q. Can intermittent employees work more than eight (8) hours per day as long as they do not work more than 40 hours for the week?

A. Per Government Code Section 19100, intermittent employees may work and/or use leave, up to 1,500 hours in a calendar year. The number of hours and schedule of work shall be determined based upon the operational needs of each Section. If an employee works more than eight (8) hours in a day, but less than 40 hours in the same week, they will not receive overtime compensation.

Q. Can intermittent employees work overtime?

A. Yes, pursuant to the Federal Labor Standards Act any hours physically worked in excess of 40 hours in a workweek qualify as overtime. Overtime must be approved in advance by your supervisor.

Q. Can intermittent employees work an Alternate Work Week (AWW) Schedule?

A. No. In order to be considered for participation in an AWW schedule, an employee must have a permanent, full-time appointment.

Q. What types of leave credits are available to intermittent employees? How are they earned and used?

A. An intermittent employee who enrolls in the Sick Leave/Vacation Program and who has completed 160 hours will receive eight (8) hours of sick leave credit on the first day of the following month. Sick leave may be requested and used in 15 minute increments.

An intermittent employee who enrolls in the Sick Leave/Vacation Program will be eligible for 42 hours of vacation leave credit on the first day of the month following the completion of 960 hours of work. Thereafter, an intermittent employee who has completed 160 hours will receive seven (7) hours of vacation credit on the first day of the following month.

Q. Where can an intermittent employee find the number of hours they have accrued for annual or sick leave?

A. Accrued leave balances will be reflected on the bottom of your pay warrant or you can contact your Personnel Specialist.

Q. How are paid holiday hours determined? For example, there are three (3) holidays in November; if an intermittent employee is scheduled to work approximately 125 hours in the pay period, how many hours of holiday pay will they receive?

A. Intermittent employees are eligible for holiday pay on a prorated basis, based on the total number of hours worked, plus any accrued leave taken during the pay period for observed holidays in accordance with the following chart.

| Hours on Pay Status During Pay Period | Holiday Compensation in Hours for Each Holiday |
|---------------------------------------|--|
| 0-10.9 | 0 |
| 11-30.9 | 1 |
| 31-50.9 | 2 |
| 51-70.9 | 3 |
| 71-90.9 | 4 |
| 91-110.9 | 5 |
| 111-130.9 | 6 |
| 131-150.9 | 7 |
| 151 or over | 8* |

*Notwithstanding any other provision, an employee can only accrue up to eight (8) hours of holiday credit per holiday.

In the above example, an intermittent employee who worked 125 hours in November would be compensated for six (6) hours for each holiday, for a total of 18 hours of holiday pay for the month of November.

Q. How should holidays be coded on the time report?

A. Under the "Hours Worked" column on the time report, an 'H' should be coded on the date of the holiday. The Personnel Specialist will calculate the number of holiday hours the employee is eligible for.

Q. Can you please advise how an Intermittent Employee should use Personal Leave Program (PLP) 2012 credit? Should it be used every month, every other month, etc.? Which is most beneficial? Lastly, how is it calculated?

A. Intermittent employees' PLP 2012 credit shall be prorated based upon the number of hours worked, plus any previously accrued leave taken in the pay period as stated in the chart below.

| Hours Worked During Pay Period | PLP 2012 Credit in Hours |
|--------------------------------|--------------------------|
| 0-10.9 | 0 |
| 11-30.9 | 1 |
| 31-50.9 | 2 |
| 51-70.9 | 3 |
| 71-90.9 | 4 |
| 91-110.9 | 5 |
| 111-130.9 | 6 |
| 131-150.9 | 7 |
| 151 or over | 8 |

Full-time employees use their PLP 2012 hours in the same month it is earned. Since intermittent employees are hourly employees and their PLP hours are earned based on their hours worked in the pay period, Human Resources (HR) recommends intermittent employees use their PLP 2012 hours in the month after it was earned. For example, in November if you worked 125 hours, you would have earned six (6) hours of PLP to use in the December pay period.

Q. PLP hours are based on the previous month's number of hours worked. How and when would an intermittent employee include the PLP hours earned on the last month of employment?

A. Upon separation, you should plan to use any current month's PLP, as well as any existing PLP, within the month of separation. In the event it is not possible to use those hours prior to separation, your separation date will be adjusted accordingly and the PLP will be included in your final pay.

Q. What are Professional Development Days (PDDs) and how are they calculated for intermittent employees?

A. Employees in Bargaining Units 1, 4, 9, 10 and 11 are entitled to two (2) PDDs per fiscal year for activities such as professional association activities, professional and/or personal development seminars, etc., to promote professional and/or personal growth and to enhance professional and/or personal goals. These activities are at the employee's expense and therefore the choice of activity is at the employee's discretion.

Intermittent employees will be eligible for PDDs on a pro-rated basis, based on hours worked during the pay period of usage. The pro-ration shall be based on the chart below:

| Hours Worked During Pay Period | PDD in Hours for each PDD |
|--------------------------------|---------------------------|
| 0-10.9 | 0 |
| 11-30.9 | 1 |
| 31-50.9 | 2 |
| 51-70.9 | 3 |
| 71-90.9 | 4 |
| 91-110.9 | 5 |
| 111-130.9 | 6 |
| 131-150.9 | 7 |
| 151 and over | 8 |

PDD hours should be credited prior to holiday hours. An Intermittent employee may only use up to a maximum of eight (8) hours per PDD, regardless of the number of positions the employee holds within State service.

Q. How should PDD be coded on the time report?

A. When using PDD, the leave code 'PT01' should be indicated in the 'Leave Credits, Code' column and the total hours used in the 'Leave Credits, Hours' column.

Q. When can PDD be used?

A. PDD is available for use on the date of hire and may be used before other leave types. PDD must be used within the fiscal year it is granted.

Q. Can you use two (2) PDDs in the same month?

A. Yes, employees may take two (2) PDDs in the same month.

Q. When intermittent employees take a PDD does it decrease the total amount of hours they are allowed to work?

A. Yes, PDD is also counted towards the 1,500 hour maximum that intermittent employees can work in the calendar year.

Q. If a limited term intermittent employee requests extended time off, is a Request for Personnel Action (RPA) needed to put them on a leave of absence?

A. A limited term intermittent position is one in which the employee is to work periodically or has a fluctuating schedule, therefore, a RPA to place an employee on a leave of absence is not needed.

The employee must request the leave of absence from their supervisor and receive approval before leave is taken.

Q. What is the recruitment process for intermittent employees?

A. The recruitment process is the process in which the Divisions work with HR to advertise, interview, and ultimately fill a position with a qualified applicant that has successfully competed for that position. The recruitment process is the same when filling any position regardless of the time base.

Q. Are intermittent employees subject to a probationary period?

A. Permanent intermittent (PI) employees are subject to a probationary period. During the prescribed calendar length of the probation period, a PI employee's probation period continues until both the required calendar time and the required hours are worked as follows:

- 840 hours if serving a six-month probationary period; and
- 1,680 hours if serving a twelve-month probationary period.

Limited-term intermittent employees are not subject to a probationary period. Per the California Code of Regulations, Title 2 provides that no time served in a limited-term appointment may be used to complete probation or to otherwise qualify for permanent or probationary status. Limited-term appointees do not serve probationary periods.

Q. What is the maximum number of years an Air Resources Technician (ART) can be employed?

A. If the appointment was limited-term, per Government Code Section 18530 a "limited-term employee" is an employee whose appointment is a result of reinstatement or certification from an employment list that shall not exceed two (2) years, as specified by Section 19080.3.

If the appointment was permanent, per Government Code Section 18528 a "permanent employee" is an employee who is lawfully retained in the position after completion of the probationary period.

There is no maximum number of years an ART can be employed if an individual has permanent status in the ART classification, however a limited term intermittent ART appointment cannot exceed two (2) years.

Q. Can this employment term be extended for a limited-term intermittent employee?

A. If a limited term intermittent employee was hired on a one (1) year limited-term appointment, their term may be extended 1 year, up to a maximum of two (2) years total. However, it cannot be extended beyond 24 months total.

Q. When will a limited term intermittent employee know if their contract will be renewed?

A. A limited-term appointment is not contract employment and there is no contract to extend. Rather, management will assess whether the position needs to continue to exist based on operational needs and notify staff accordingly.

Q. If a limited term intermittent employee offer letter states that they can work until September of the following year, and if they are not offered another year of employment will they automatically be terminated on the last day?

A. The standard maximum duration for a limited-term appointment is one (1) year. However, such appointments may be extended 1 year, for a period of up to two (2) total years when departments are able to document that use of a permanent appointment would likely lead to a need for layoff, demotion, or mandatory transfer. In the event the term of your limited term is not extended beyond its current expiration date, your appointment will automatically be terminated.

Q. If a limited term intermittent employee is offered another year of employment, will the 1500 maximum hours restart as of the date on the offer letter?

A. The 1,500 hours restarts each January 1. Intermittent employees may work up to 1,500 hours in a calendar year based upon Government Code Section 19100. The calendar year begins on January 1 and ends December 31.

Q. Is there a difference between the “traditional” ART classification that Office Technicians strive for versus the “student assistant” ART that ARB recently provided for students?

A. There is no difference. There are two (2) classifications in the ART Series:

Air Resources Technician I

This is the entry and working level. Positions are permanently allocated to this level when a major portion of the functions inherent in the position do not include the more responsible, varied and difficult assignments found at the full journeyman level.

Air Resources Technician II

This is the full journeyman level. Incumbents are assigned the more complex and difficult paraprofessional air pollution and vehicle emissions control work.

Q. Who can supervise ARTs? Can Air Pollution Specialists (APSs) or Air Resources Engineers (AREs) be project leads as long as they do not perform supervisory roles; for example; signing timesheets, authorizing time off, or personnel/disciplinary items?

A. Yes, APSs and AREs can take on lead responsibilities over ARTs. However, while lead employees can assign work they cannot perform supervisor duties, for example, sign time reports or approve requests for time off. Leads can discuss and provide factual input into an employee's performance appraisals, but only supervisors can complete and sign the annual appraisals or probation reports. Below are some general lead responsibilities that are found in the Bargaining Unit 1 contract. While the ARTs do not fall under this bargaining unit contract, this listing is helpful and can be used as a guide. This is only a basic summary, not a complete listing.

Leads can:

- Provide basic on the job training;
- Assign work;
- Provide factual input regarding an employee's performance as it relates to probation reports, annual appraisals, MSAs, promotions, etc.;
- Review completed work for quality;
- Attempt to resolve conflicts as a result of workflow or procedures; and
- Provide input as to who would benefit from training.

Leads cannot:

- Initiate corrective actions such as attendance restrictions;
- Prepare and sign probation reports or annual appraisals;
- Counsel employees on attendance or work related problems or refer employees to EAP;
- Approve or deny MSAs and range changes;
- Discipline employees either formally or informally;
- Approve or deny the use of sick leave, vacation, etc.;
- Approve overtime;
- Sign time reports; or
- Set work hours.

Q. Will ARTs be allowed to interview for an APS/ARE position after two (2) years?

A. To be appointed as an APS you must meet the minimum qualifications to take the exam. You must have two (2) years of experience in the California State service in a position comparable in level, duties, and responsibilities to an ART II or equivalent to graduation from college with a major in the physical, biological, or environmental sciences, mathematics, engineering, or a related field. Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment. The two (2) years of experience is based on working 40 hours per week.