

City of Mission Viejo

Personnel Policy

Subject: CATEGORIES OF EMPLOYMENT

Statement of Intent:

To define the various categories of employment used in the City of Mission Viejo Personnel Policies and within the administration of the personnel system.

Policy:

1. For purposes of salary administration, employment, benefits and other personnel matters, it is necessary to classify employees and positions in certain categories. The terms which identify these categories are used throughout City personnel policies. Unless otherwise specified, wherever they are used, their meaning will be as follows:
 - a. PROBATIONARY EMPLOYEE: An employee hired into a budgeted position, as included in the Authorized Position Schedule adopted by City Council, who has completed less than twelve (12) months of service in his/her position. Newly hired probationary employees are not part of the competitive service and are not entitled to any rights or benefits of Regular Employees except as expressly set forth under these personnel policies. (See Probation Period policy)
 - b. PROMOTIONAL PROBATIONARY EMPLOYEE: A promoted Regular Employee who has not completed six (6) months of service in his/her new position. Promotional probationary employees are not part of the competitive service and are not entitled to any rights of Regular Employees except as expressly set forth under these personnel policies. (See Probation Period policy)
 - c. REGULAR EMPLOYEE: An employee who is hired to perform duties, which under normal business conditions, are needed on an on-going basis as determined by the City. A Regular Employee is hired for an indefinite term into a budgeted position as included in the Authorized Position Schedule, which is regularly scheduled to work no less than one thousand forty (1,040) hours per year and has successfully completed the probationary period. Regular Employees are recruited on the basis of a formal recruitment (see Recruitment policy). The City reserves the right to determine the need for the services of Regular Employees.
 - i. FULL-TIME EMPLOYEE: An employee hired into a budgeted position that is normally scheduled, but is not guaranteed, to work forty (40) hours per week.

- ii. **PART-TIME EMPLOYEE:** An employee hired into a budgeted position that is normally scheduled, but is not guaranteed, to work no less than one thousand forty (1,040) hours per year. Part-time employee hours are scheduled at the convenience of the City. Part-time employees are entitled to benefits only as expressly set forth under these policies.
- d. **HOURLY/SEASONAL/TEMPORARY (HST) EMPLOYEE:** An employee hired into a position that is not included in the Authorized Position Schedule to work either:
 - i. On a regularly scheduled basis, but less than one thousand (1,000) hours in the fiscal year;
 - ii. Periodically and intermittently, but primarily in the summers, holidays, or peak periods of time in which extra staffing is needed;
 - iii. During a vacancy, leave of absence, or other short-term staffing need; or
 - iv. For a specific project that has a completion date.

Hourly/Seasonal/Temporary Employees are at-will employees and scheduled at the convenience of the City. Hourly/Seasonal/Temporary Employees are not part of the Competitive Service and are not entitled to any rights or benefits of Regular Employees except as expressly set forth under these policies. An Hourly/Seasonal/Temporary Employee who works equal to or greater than one thousand (1,000) hours in the fiscal year or continuously works forty (40) hours per week in excess of six (6) months, may be required to participate in the California Public Employees' Retirement System (CalPERS) for retirement benefits. An Hourly/Seasonal/Temporary Employee can be appointed at any time, within the budget constraints of the City, with or without a formal recruitment. Hourly/Seasonal/Temporary Employees serve at the will of the City Manager and may be released at any time for any reason. The Discipline policy does not apply to an Hourly/Seasonal/Temporary Employee.

- e. **MANAGEMENT EMPLOYEE:** An employee who is designated by City Council Resolution through the establishment of a classification plan to have responsibility for managing or directing a department or other major organizational unit, developing, implementing and administering City policies, and/or advising a manager of such a unit on significant policy issues. A management employee serves at the will of the City Manager and may be released at any time for any reason. The Discipline policy does not apply to a management employee.
- f. **SUPERVISORY EMPLOYEE:** An employee designated by the City

Manager or a designee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

- g. STAFF EMPLOYEE: An employee who does not have on-going management or supervisory responsibilities.
- 2. h. EXEMPT AND NON-EXEMPT EMPLOYEES: The Fair Labor Standards Act is a federal law, administered by the U. S. Department of Labor, which specifies wage and overtime requirements for employees considered to be non-exempt from its provisions. Employees who are not covered by the law, as determined by the type of work they perform and/or their earnings level, are considered exempt from its provisions. Generally, an exempt employee is a person who holds an executive, administrative or professional position and who spends over 80% of his/her time on duties which require the exercise of independent judgement and discretion as defined by the law. A list of exempt and non-exempt positions is maintained in the Personnel Office.

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 “Personnel System”, this Personnel Policy is deemed not to have a direct financial impact on the City. The City Manager may implement and amend this policy subject to prior City Attorney legal review and approval, and City Council review.

- Adopted: By City Council - September 11, 1989 - Res. No. 89-92.
- Amended: By City Manager, November 2006.
- Amended: November 4, 2013. (Reviewed by City Council – November 4, 2013 – Resolution No. 13-62.)