

# City of Mission Viejo Personnel Policy

**Subject:**     **ACTING APPOINTMENTS**

**Statement of Intent:**

As a result of a vacancy, leave of absence, or for other reasons, it may be necessary to temporarily appoint an employee to a vacant higher level classification to perform the duties of that position on an interim basis. When such assignments require the employee to assume significant additional duties for an extended time period, which are outside the scope of his/her regular assignment, it may be appropriate to adjust the employee's salary to reflect the interim changes. This policy allows the City to recognize those additional duties by authorizing acting appointments and corresponding pay increases while also adhering to Government Code section 20480.

**Policy:**

1. With the approval of the City Manager, an employee may be temporarily appointed to a higher level classification to perform additional duties on an interim basis provided that:
  - a. the higher level position is a newly approved authorized position, or a position that is vacant as a result of a reclassification, retirement, termination, leave of absence, or promotion; and,
  - b. the duties of the higher level position are clearly outside of the scope of the employee's current classification as determined by the City Manager, or a designee; and,
  - c. the position is expected to remain vacant for at least thirty (30) calendar days, but not longer than six (6) months. However, subject to the 960-hour limitation of paragraph 3 below, when a vacancy is a result of approved leave of absences for a period of longer than six (6) months where there is an expectation that the employee will return from the leave (e.g. Military, Medical or Personal), or when a vacancy is prolonged beyond six (6) months as a result of a recruitment that does not result in an appointment, the City Manager may extend the acting appointment for up to three additional months.
2. When the City becomes aware that a vacancy will extend beyond the six- or nine-month acting appointment limit indicated above, the City will attempt to rotate the acting appointment among employees that are interested and qualified. Subject to the 960-hour limitation of paragraph 3 below, if the City determines that there are no other employees both interested and qualified, an

employee may serve in the acting appointment beyond the pertinent six- or nine-month limit until the position is filled.

3. In addition to the six and nine month time limits discussed above, an employee placed in an Acting Appointment on or after January 1, 2018, shall not work more than 960 hours per fiscal year in any single Acting Appointment. However, this 960 hour limit shall not apply to employees in an Acting Appointment due to an employee on a leave of absence.
  - a. Payroll shall report the hours worked by an employee in an Acting Appointment to CalPERS no later than thirty (30) days after the end of the fiscal year in which the employee worked the hours.
4. Except as otherwise set forth below, the salary of an employee in an Acting Appointment shall be increased by five (5%) percent or to the minimum rate of the temporary classification, whichever is greater, for the period of the Acting Appointment. However, the salary of an employee in an Acting Appointment shall not exceed the maximum rate of the temporary classification and any increase may be less than 5% if necessary to comply with this limitation.

The salary of an employee in an Acting Appointment whose regular classification is subject to the overtime requirements of the Fair Labor Standards Act and whose temporary classification is exempt from the overtime requirements of the Fair Labor Standards Act shall be increased by eleven (11%) percent or to the minimum rate of the temporary classification, whichever is greater, for the period of the Acting Appointment. However, the salary of an employee in an Acting Appointment shall not exceed the maximum rate of the temporary classification and any increase may be less than 11% if necessary to comply with this limitation.

5. Acting Appointment pay may or may not be reportable to CalPERS. Reporting depends on the type of Acting Appointment and the whether the employee is a classic member of CalPERS.

**Administration:**

1. In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

Adopted: By City Council - September 11, 1989 - Res. No. 89-92.  
Revised: By City Council – July 6, 2010 – Res. No. 10-39.  
Revised: By City Council – February 13, 2018 – Resolution 18-09.