

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL & LABOR RELATIONS  
STANDARD OPERATING PROCEDURE

## Nonpermanent Positions in the Classified Service DOPLR-09-VIII

### I. Requesting a Nonpermanent Position

#### A. Purpose

The purpose of this Standard Operating Procedure (SOP) is to provide guidelines, references, and procedures for establishing a nonpermanent position.

#### B. Scope

This SOP applies to all nonpermanent position requests for the classified service using the Online Position Description (OPD) System. It does not include the procedure to request an Emergency Hire.

#### C. Authority

An appointment may not be made to a nonpermanent position unless the position has been approved by the Director of the Division of Personnel and Labor Relations (DOPLR). **Prior approval from the Director is required** per Alaska Statute 39.25.195 and Personnel Rule 2 AAC 07.165 (b).

Statutory provisions for nonpermanent positions are found in AS 39.25.195-200.

Collective Bargaining Agreements (CBA) may have provisions for the duration and representation of nonpermanent positions.

The Office of Management and Budget (OMB) Revised Program (RP) Manual outlines required approval levels for non-permanent position establishment

#### D. Types of Nonpermanent Positions

1. There are four types of statutory nonpermanent positions. The following defines the type and duration of each:
  - a. Normal – appointment for an immediate and specific work assignment of less than 120 calendar days in a 12-month period. The creation and duration of the position may vary depending on the needs of the agency and the governing CBA.
  - b. Project – appointment for work which is not a regular and continuing function of the agency, may require more than 120 calendar days to complete, and has an established end date for completion.

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- c. Program (Interns) – appointment to a position created to enhance the employee’s skills. High school, college and graduate interns are in this category. The student performs work assignments pertinent to both the student’s educational goals and the agency’s needs, and is not a regular and continuing function of the department. A planned internship program may require more than 120 calendar days to complete and has an established end date. State of Alaska (SOA) Internship Program Guidelines are available on the DOPLR website.
  - d. Substitute – appointment to a position temporarily vacated by a permanent employee on approved leave, limited to the period of absence or an earlier date specified by the agency and typically does not exceed a 12-month period, and the job class must be the same as the permanent position. Note: On-call Substitute appointments are authorized under some CBAs and are defined as nonpermanent positions whose incumbents are sporadically scheduled, or called to work to temporarily substitute for other employees of the bargaining unit.
- 2. Nonpermanent positions are established and allocated for specific work assignments; consequently, nonpermanent positions cannot be reclassified.
  - 3. Flexible staffing is only allowed for Program (Intern) nonpermanent positions or if a bona-fide emergency exists where normal recruitment may not yield an applicant pool in a timely manner to preserve life and safety. Example: Earthquake causing significant damage to highly populated areas of a city needing to be addressed quickly.

**E. Status Type for Nonpermanent Positions**

- 1. Status Type - The GGU, SU, and CEA CBAs authorize the establishment of short-term and long-term nonpermanent positions. Nonpermanent positions in other unions within the Executive Branch are authorized under the provisions in AS 39.25.195 and are not distinguished by short-term or long-term status. Note: Refer to current and applicable CBA provisions when requesting to establish a nonpermanent position.
  - a. Short-term nonpermanent positions in the GGU, SU, and CEA can be established for a period of 120 calendar days or less.
  - b. Long-term nonpermanent positions in the GGU, SU, and CEA can be established for a period of more than 120 calendar days.
  - c. All other bargaining units’ nonpermanent positions are subject to AS 39.25.195. Positions can be established for a period of 120 calendar days or more if the appointment is for a program (intern), project, or substitute position. If the appointment is for work that is a regular and continuing function of the agency

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(normal) the position may be established for a period of 120 calendar days or less, per AS 39.25.195(g).

- d. Substitute nonpermanent positions are typically limited to the duration of the absence of the permanent incumbent, and do not exceed a 12-month period.

#### F. Establishment of a Nonpermanent Position

1. A nonpermanent position must be established prior to the appointment of a nonpermanent employee.
2. A non-permanent position is established only after a request for authorization is approved by the DOPLR Director with the required departmental authorization from the department Administrative Services Director (ASD). The ASD and authorized department personnel are functioning as the certifying officer(s) for the nonpermanent position requested in OPD.

As a certifying officer, they are certifying that they have read and understand statutes AS 39.25.195-200, along with verifying the stated reason for requesting the position is true and accurate, and adequate funds are available for the anticipated duration of the position. A false certification can subject a certifying officer to civil and criminal penalties.

3. It is strongly recommended that an agency submit the request a minimum of **6 working days** in advance of the intended start date for timely processing. To submit a request to establish a nonpermanent position, the agency creates a submission through OPD. Guidance on how to request a nonpermanent position through OPD can be found in the user guides on the OPD homepage at:  
<http://doa.alaska.gov/dop/classification/opdOverview/>

#### G. Review and Approval by the Division of Personnel and Labor Relations

1. Requests to establish nonpermanent positions are reviewed by DOPLR. Approval will be granted if:
  - a. The Department certifies that the need for the position could not have been reasonably anticipated or appropriately met through a new or existing permanent position.
  - b. The request is complete and accurate.
  - c. The requested job class series, pay grade/range or lower, and location listed in the nonpermanent request submission matches the position information the Department has authorized.

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2. In the event a nonpermanent request is disapproved, the OPD submission will be returned to the agency with an explanation.
3. Upon approval, DOPLR will close out the nonpermanent submission and complete the email notification section of the OPD submission. The email notification will be automatically sent to the Originator, Supervisor, Division Approver, Department Approver, and appropriate HR staff with the new “nonpermanent” position control number (PCN), approved start and end dates, and other general information regarding the nonpermanent position. Classification staff will enter the position information into the State Payroll system **typically within 3 business days**. Before proceeding with appointment, department hiring staff must make note of all the information provided in the email, as it may differ from the request.

#### **H. Recruiting and Appointments for a Nonpermanent Position**

1. After the non-permanent position establishment approval email from OPD has been received by the department, the hiring manager must coordinate with department HR recruitment staff to utilize the appropriate recruitment method to fill the vacancy. The appointment should be made from the recruitment method selected in Section 1.2 (Recruitment Method) on the OPD submission. Appointments may be made from Workplace Alaska (WPA), job service, union dispatch, or rehire.
2. All nonpermanent appointments must meet the minimum qualifications for the job class.
3. Appointments to positions established as long-term nonpermanent under the GGU, CEA and SU CBAs must be recruited for through WPA. Exception: Transfers and rehires may be appointed to long-term nonpermanent positions. Department HR staff are responsible for ensuring the applicant meets applicable provisions for either rehire or transfer status. Department HR staff will certify that minimum qualifications are met.
4. The incumbent’s appointment date cannot precede the start date approved on the submission request and department HR hire approval.

#### **I. Termination, Extension, and Conversion of Nonpermanent positions**

1. Nonpermanent appointments must be terminated as required by statute or collective bargaining agreements. All nonpermanent positions are time restricted by statute. Note: DOPLR provides nonpermanent position report access to the department ASDs or their designee. The report lists all the department nonpermanent positions to monitor and take timely action for separation or extension requests.
  - a. Termination - Nonpermanent employees may be terminated at any time prior to the end date of the position. However, they must be terminated no later than the established end date. No incumbent may be employed in the position beyond the end

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date of the position. It is the **employing department's responsibility to monitor** all nonpermanent appointments and originate timely separation personnel actions on or before the date the employment authority has expired. DOPLR staff will inactivate all non-permanent positions in the Classified Service that have expired.

- b. Extension - Extensions for nonpermanent positions are requested through OPD and are reviewed and approved by DOPLR for appropriateness and conformance with CBA or statutory requirements. In all cases extensions must be requested in advance of the established end date. Requests for an extension should be submitted to the DOPLR at least **10 days prior** (or sooner if the need is known) from the ending date of the position. The request must specify a new end date and the reason(s) why the position was unable to complete the work on the original established end date. To submit a request to extend a nonpermanent position, the agency creates a submission through the OPD. The procedures to request an extension through OPD can be found on the OPD homepage at <http://opd.doa.alaska.gov>.
- c. Long-term nonpermanent (normal & project) positions approved by the department ASD for more than one year can be established for up to three years. If the duration is beyond three years, another extension request will be required at the end of the three-year period. It is the responsibility of the ASD or certifying officer to annually review long term nonpermanent positions to ensure adequate funds are available and the work still exists.
- Extension requests for long-term (GGU, SU, CEA) nonpermanent or statutory nonpermanent positions established for more than 120 calendar days must have the original budget authorization attached (Position Approval Form or authorized memorandum).
  - In the event a GGU, SU, or CEA long-term nonpermanent employee works for longer than 12 months, DOPLR will coordinate and review the reasonableness for establishing a permanent position with the department, except where the initial departmental authorization exceeded one year.
  - The duties for the extension must be the same as the original submission. A new nonpermanent position must be submitted for changes in duties.
  - DOPLR will approve location, home unit or supervisor changes for extensions requests.
- No extensions of a short-term (GGU, SU, CEA) nonpermanent or statutory nonpermanent position established for 120 calendar days or less, will be authorized by the DOPLR Director as it has significant personnel and payroll implications. In extenuating circumstances, an exception may be approved by DOPLR if the request and extenuating circumstances are thoroughly documented. The requestor must first

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obtain department budgetary approval.

- Upon approval of the extension request, DOPLR will close out the nonpermanent submission and complete the Email Notification section of the OPD submission. The email notification will be automatically sent to the Originator, Supervisor, Division Approver, Department Approver, and appropriate HR staff with the “nonpermanent” (PCN), original start and approved new end date, and other general information regarding the nonpermanent position. Classification staff will enter the position information into the State Payroll system, **typically within 6 business days**. If applicable, before proceeding with the appointment, department hiring staff must make note of all the information provided in the email, as changes may have been made to the extension request.
  - In the event a nonpermanent extension request is disapproved, the OPD submission will be returned to the agency with an explanation.
- d. Conversion – The GGU, SU, and CEA CBAs have specific provisions regarding short-term nonpermanent appointments extended beyond the contractual established time periods. Extensions should not be requested as they have significant personnel and payroll implications. Very few exceptions will be approved by DOPLR. On the rare occasion an extension is approved, the position itself will retain the status of a short-term non-permanent position. Following department and DOPLR approval to extend, the incumbent who has continued to work in the position beyond the initial time duration provided in the applicable CBA may be eligible to be converted into long-term status for benefit purposes only. The incumbent becomes benefit eligible, not the position. In most cases the benefits are retroactive back to the date of appointment. The conversion of the incumbent’s benefit status from short term to long term will depend on the length of employment or days worked by the incumbent in the position. Department HR staff are responsible for determining if the incumbent of the position is eligible for retroactive benefits. Department level approval will be required for short-term nonpermanent conversions.
- e. If a position has been established as a short-term position and the individual appointed to the position separates from the position prior to the end date, the position remains a short-term and any subsequent hires will be appointed as a short-term nonpermanent employee.
- f. The GGU CBA has a provision for the conversion of on-call nonpermanent substitute personnel who remain in pay status for a specific duration. Departments are responsible for monitoring the duration in pay status for on-call staff; Department HR staff should be engaged if an on-call employee meets the threshold criteria for conversion.

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**Addendum A – Position (Time Status) Type Code Chart**

CODE	DESCRIPTION	BARGAINING UNIT	DURATION
TJCL	Short-term project	(1) GGU, CEA (2) SU	(1) 120 days total maximum (2) 120 days total maximum
TTCL	Short-term normal	(1) GGU, CEA (2) SU	(1) 120 days total maximum (2) 120 days total maximum
PJCL	<i>Long-term project</i>	(1) GGU, CEA (2) SU	(1) 121+ days (2) 121+ days
PSCL	Long-term substitute	(1) GGU, CEA (2) SU	No minimum number of days
PTCL	Long-term normal	(1) GGU, CEA (2) SU	(1) 121+ days (2) 121+ days
OSCL	On-call	GGU	As needed NOTE: LTC and CEA require a letter of agreement.
NGCL	Program/Intern	All classified except GGU, SU, CEA	As needed (Interns; EE and program service aides)
NJCL	Project	All classified except GGU, SU, CEA	121+days for program (interns), project, or substitute position. <u>AS 39.25.195(g)</u>
NSCL	Substitute	All classified except GGU, SU, CEA	121+days for program (interns), project, or substitute position. <u>AS 39.25.195(g)</u>
NTCL	Normal	All classified except GGU, SU, CEA	Regular and continuing function of the agency – 120 days total maximum <u>AS 39.25.195(g) unless approved by DOPLR Director.</u> NOTE: Approval for 120+ days is delegated to ASD.