

## **ARTICLE 3 POSITIONS**

### **A. CAREER APPOINTMENTS**

1. Career appointments are established at a fixed or variable percentage of time at fifty percent (50%) or more of full-time and are expected to continue for one (1) year or longer.
2. Beginning January 1, 2001, a career appointment may be established by conversion from a limited appointment pursuant to §B.3., of this Article.

### **B. LIMITED APPOINTMENTS**

1. Limited appointments are established at any percentage of time, fixed or variable, during which a nurse is expected to be on regular pay status for less than a thousand (1,000) hours in a twelve (12) month period.
2. New graduate nurses shall not be hired into limited appointments when career CN I appointments are available in that unit.
3. If a limited appointment nurse attains 1,000 hours of qualifying service within 12 consecutive months without a break in service of at least 120 consecutive calendar days, s/he shall convert to career status following attainment of 1,000 hours of qualifying service.
  - a. Qualifying service includes all time on pay status in one or more limited appointments at the campus/laboratory/hospital. Pay status shall not include on-call or overtime hours.
  - b. Such career conversion shall be effective on the first day of the month following attainment of 1000 hours of qualifying service.
  - c. Any break in service of 120 days or longer shall result in a new 12-month period for purposes of calculating the 1000-hour requirement.
4. Nurses in Limited Appointments may be terminated or have their time reduced at the sole discretion of the University and without recourse to the grievance and arbitration procedures of this Agreement. A nurse who is appointed to a limited appointment is automatically terminated as of the last day of the appointment unless there is an earlier separation or a formal extension of the appointment.

### **C. PARTIAL-YEAR APPOINTMENTS**

1. Partial-year appointments are career appointments established with regularly scheduled periods during which the incumbents remain nurses but are not at work. These scheduled periods during which nurses are not at work are designated as furloughs and are without pay. Furlough periods are not to exceed a total of three (3) months in each calendar year. Partial year career appointments may be established as nine-, ten-, or eleven-month appointments.
  - a. When calculating time in pay status during a calendar year the University shall include any period of time for which a nurse receives pay for time worked, including compensatory time off, or for time on paid leave. Paid leave time includes sick leave, extended sick leave, vacations, holidays, or military leave with pay. The one month's pay for extended military leave and lump-sum payments for terminal vacation do not represent time on pay status.
  - b. Whenever it appears that a nurse will be unable to achieve nine (9) months on pay status in a calendar year, the University shall attempt to assign the nurse to perform additional work according to classification and skills in an attempt to achieve nine (9) months on pay status. Once a nurse has reached her/his appointment rate, additional scheduling will occur in accordance with the needs of the University and the qualifications of the nurses. Annually, upon the request of the Association, the University will meet with CNA regarding furlough schedules and procedures for each Student Health Center. Each side shall approach this meeting with a sincere desire to resolve outstanding issues, and agrees to

meet and discuss the issues in good faith. Nurse representatives from the Student Health Center shall receive paid release time for such meetings.

2. Nurses with partial-year career appointments may choose either to receive paychecks during pay periods worked only, or to distribute their pay so that they will receive twelve, or the biweekly equivalent, paychecks throughout the year. Nurses who occupy partial-year career positions and who elect the pay over twelve months option must occupy the partial-year career position at least nine months or the biweekly equivalent before receiving pay during the furlough period.

3. **Benefits**

A nurse in a designated partial year career appointment shall be provided the University's contribution to the cost of University-sponsored life, medical, optical, dental, and disability while s/he is on furlough for a maximum of three (3) months in a calendar year where the nurse's earnings are insufficient to otherwise generate the University's contribution. For medical plans which require a nurse contribution, nurses on furlough must remit to the University the amount of the nurse's contributions for the plan to remain in force.

4. **Effect of Furlough on Seniority and Leave Accrual**

Time on furlough is not qualifying time for vacation leave, sick leave, or holiday pay when furloughed absences exceed twenty (20) days in a month. Time spent in furlough status is not a leave of absence.

**D. REASSIGNMENT**

The reassignment of a nurse in a full-time career appointment to a partial-year appointment or to a part-time appointment at a fixed or variable percentage of time shall be considered a reduction in time and must be carried out in accordance with the provisions of Article 23, Layoff and Reduction in Time.

**E. LAWRENCE BERKELEY NATIONAL LABORATORY**

The definitions of career, limited, term and rehired retiree appointments that currently are in effect at the laboratory shall remain in effect.