

State of California

M E M O R A N D U M

DATE: October 1, 1998

TO: PERSONNEL MANAGEMENT LIAISONS REFERENCE CODE: 98-046

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers

FROM: Department of Personnel Administration
Classification and Compensation Division

SUBJECT: Classification and Pay Guide, Revision #5

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Attached is Revision #5 for your Classification and Pay Guide. Please duplicate and distribute to all holders of the guide in your department and remind the duplication staff to duplicate front and back when necessary. Be sure to immediately complete your Revision Record located in Section 3. This will ensure that you have an accurate record of sections which are published or revised.

SUMMARY OF CHANGES:

Section 100, Board Items

Revised 2.2 to provide information on the new process for a Staff Calendar Item and added Attachment 20 Staff Item Cover Memorandum.

Updated Attachment 4 - Listing of Automated Board Item Forms to include the Staff Item Cover Memorandum.

Revised Attachment 11B to include standard Peace Officer language for Peace Officer specifications.

Updated Attachment 12C - Exclusive Representatives Contact List to revise the contact for Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21.

Updated Attachment 14A - SPB Item Cover Memorandum to include information needed under each major heading of memorandum.

Section 145, DPA Form 137

Updated reference to the SAM Section 6210.5.

Section 170, Class Specification

Updated Attachment B to include standard Peace Officer language for Peace Officer specifications.

Section 320, Position Allocation

Deleted 8. Servicewide Classes - Special Requirements and Attachments 2 and 3 because information is obsolete.

Section 375, Out-of-Class Assignments

Amended the definition of and approval requirement for Out-of-Class Assignments.

Section 440, Red Circle Rates-Career Executive Assignment (CEA)

Amended to allow departments the discretion to approve 90-day red circle rates for employees who voluntarily terminate their CEA appointment.

FILING INSTRUCTIONS:

Remove

Section 100
Pages 100.1 - 100.7
Attachment 4
Attachment 11B, Pages 1 - 4
Attachment 12C, Pages 1 - 2
Attachment 14A
None

Section 145
Page 145.1

Section 170
Attachment B, Pages 1 - 4

Section 320
Pages 320.1 - 320.8
Attachment 2
Attachment 3

Insert

Section 100
Pages 100.1 - 100.9
Attachment 4
Attachment 11B, Pages 1 - 5
Attachment 12C, Pages 1 - 2
Attachment 14A
Attachment 20

Section 145
Page 145.1

Section 170
Attachment B, Pages 1 - 5

Section 320
Pages 320.1 - 320.8
None
None

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Page 3

Remove

Section 375
Pages 375.1 - 375.8

Section 440
Pages 440.1 - 440.3
Attachment 1

Insert

Section 375
Pages 375.1 - 375.8

Section 440
Pages 440.1 - 440.3
Attachment 1

If you have any questions regarding information contained in this revision, please contact Olivia Hawkins at the above phone number. Inquiries regarding other information contained in the guide should be addressed to your department's Classification and Compensation Division analyst.

Sadako Fujiwara

Sadako Fujiwara
Program Manager

Attachments



GUIDE TO CLASSIFICATION AND PAY POLICIES AND PROCEDURES

<i>MAJOR AREA</i>	<i>SUBJECT</i>	<i>SECTION NUMBER</i>
CLASSIFICATION	BOARD ITEMS	100

100. BOARD ITEMS

1. Introduction

Government Code (GC) Section 18800 provides that: "The board (State Personnel Board) shall create and adjust classes of positions in the state civil service. The classes adopted by the board, shall be known as the Personnel Classification Plan of the State of California. . . ." GC Section 19818.6 provides that: "The Department of Personnel Administration (DPA) shall administer the Personnel Classification Plan, including the allocation of every position to the appropriate class in the classification plan."

Based upon these provisions of the law, DPA is responsible for developing and submitting classification changes to the State Personnel Board (SPB) for adoption. An **Overview Flow Chart** of the Board Item Process is shown as **Attachment 1**. Delegation agreements provide varying degrees of DPA involvement in the technical development and presentation of classification proposals. Each department's delegation agreement will state the specific degree of DPA involvement, and may supersede the process descriptions presented in this Section. The following portions of this Section discuss processing functions which may or may not be delegated to specific departments.

2. General Information

2.1 **Personnel Management Policy and Procedures Manual**

Section 100 of SPB's Personnel Management Policy and Procedures Manual contains detailed information about procedures and requirements of the Board relative to classification proposal development and submission. Departments should review Section 100 in the manual carefully to ensure that direct submission of classification proposals under DPA's delegated authority continue to meet the Board's requirements.

2.2 **Board Meeting Dates and Time Frames**

At the end of each calendar year, SPB distributes via a "Memo To: All State Agencies and Employee Organizations" the Board Meeting Schedule for the upcoming year to each department's personnel office. (SPB prints this memo on Pink paper and it is referred to as a

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“Pinkie.”) (See **Attachment 2**.) It is the responsibility of the personnel officer to be sure that this Pinkie is distributed to everyone in their department who processes Board Items.

The due date for each step in the Board Item process has been calculated for you in **Attachment 3A** (for delegated departments) or **Attachment 3B** (for nondelegated departments).

In December of each year, Attachments 3A and 3B will be updated and sent to each department personnel officer as a revision to the C&P Guide. The update will be sent via a Personnel Management Liaison (PML) memo. Note: A Board meeting date might be changed by SPB during the year. Please verify this date with your Classification and Compensation Division (CCD) Departmental Analyst.

2.3 Consent Calendar

CONSENT: Board action required. A completed Board item package is included in the Board calendar. Items submitted as Consent include:

- Establishment of civil service classes
- Classification proposals identified by SPB staff as important or sensitive
- Changes to class titles or definitions which significantly alter the class concept
- Changes to probationary periods
- Abolishment of classes
- Resolutions affecting the status of individuals

2.4 Staff Calendar

STAFF: Can be approved by SPB staff. No further action by the five-member SPB is required. The effective date is the date the item is approved by SPB staff. A brief summary of the item is included in the SPB Calendar for information only.

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2.4.1 Format

Submit a Staff Item cover memorandum to SPB staff that fully explains and justifies the revision. The memorandum should contain a "Summary of Issues," "Background," "Recommended Change," and "Justification." (See **Attachment 20.**)

Prior to submitting the Staff Item cover memorandum to SPB staff, the representative employee organization must be noticed in writing in accordance with its memorandum of understanding. In addition, a phone discussion with the employee organization is needed to verify that the employee organization is not in opposition to the revision.

The Staff Item cover memorandum must contain a statement that the representative employee organization does not oppose the revision and provide the name and phone number of the employee organization contact for any necessary follow-up.

A copy of the proposed revised class specification, in strikeout and underline format, must be included with the Staff Item cover memorandum. The proposed specification must be typed by DPA support staff before submitting to SPB staff. For delegated departments, submit to your CCD analyst the proposed specification for typing and include a copy of the Staff Item cover memorandum for information.

At the time the Staff Item cover memorandum and proposed specification(s) are submitted to SPB staff for approval, a package containing a copy of the Staff Item cover memorandum, proposed specification(s), completed class data sheet(s), and any other background information must be submitted to DPA's Pay Letter Coordinator.

2.4.2 Examples of Appropriate Classification Revisions for a Staff Calendar Item

- Minor revisions to typical tasks and duties that reflect current usage or updated language. The revisions must not be significant enough to change the class concept.

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- Minor revisions to minimum qualifications such as to broaden the minimum qualifications to enlarge the candidate group; to clarify existing minimum qualifications; to add an early entry feature; to update educational requirements when there has been a change in the required curriculum; or to delete obsolete requirements.
- Changes to knowledge and abilities resulting from the findings of a validation study or current usage in the class, such as classes now using computers that did not use them when the last specification revision was made.

2.4.3 Examples of Inappropriate Classification Revisions for a Staff Calendar Item

- Any revision to which there is known or anticipated opposition by the representative employee organization.
- Any revision requiring a status resolution.
- Any revision which results in a change in the class concept.
- Any revision in which the totality of the changes is significant.
- Any revision involving known controversial or sensitive issues.
- A revision to a servicewide class unless it is required as a result of a validation study or a collective bargaining agreement.

2.5 Hearing Calendar

HEARING: These are classification actions which are contested either by SPB or the union. The cover memo includes a description of the "Reason for Hearing," as well as a discussion of the issues. Delegation agreements may provide for differing degrees of DPA involvement in hearing items; however, typically, DPA should be consulted if a hearing appears imminent.

3. Classification Board Item Process

The following portion of Section 100 provides technical processing information for all classification proposals. Blank forms are included for departments with delegated authority to photocopy and use, and completed examples of these forms are included as instruction for both departmental and

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the CCD staff. Many of these forms are available to departmental staff on diskette in Microsoft Word 6.0 format. CCD and departmental staff may refer to **Attachment 4** for descriptions of DPA computer-generated documents utilized in the Board Item Process. Special notice should be taken of the checklist for Final Board Item Packages shown as **Attachment 5**. This checklist cites all documents necessary for processing a classification item, as well as the distribution of these documents.

In the following discussion, forms and documents in boldface type are arrayed in the order in which they are typically presented during the development and approval of classification proposals. Thus, the concept document is presented and discussed first, as it is the first step in presenting a department's proposal either to DPA or SPB. Instructions on preparation of the Pay Letter and final copying and distribution of class specifications are last, as these are the final actions which bring closure to the classification proposal process.

3.1 **Instructions for Departments That are Delegated the Board Item Process**

In the following: "3.2 Instructions for Processing Board Items," all of CCD staff's responsibilities may be delegated to departments (except approval of the concept, completion of the item schedule sheet to SPB, and typing the final specification). Departments should refer to their delegated agreements with DPA regarding the requirements.

3.2 **Instructions for Processing Board Items**

Department submits Classification Proposal Request (CPR) to DPA for review and approval. Departments may use the prepared form **Part A. Classification Proposal Concept (Attachment 6)** or respond to the questions on typed pages. Each question must be addressed fully. A draft class specification may be submitted with the concept. All submissions of a CPR and other related documentation require completion of the **Classification Proposal Request Transmittal Form (Attachment 7)** with original signatures.

Typing of new class specifications and revisions to existing specifications must be done by CCD support staff. This ensures that correct format is followed, class codes, schematic codes, and alternate range criteria numbers are properly assigned, and a master specification is entered into the specification file.

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The CCD analyst will share the CPR, specification, and other relative information with the appropriate DPA Labor Relations Officer (LRO) for input relative to bargaining considerations and, upon approval of the CPR, class specification, and/or salary analysis by the CCD analyst (typically within two weeks), a DPA approved transmittal form will be returned to the department as indication to proceed with the development of the remaining portions of the Board Item Process.

Upon receipt of the signed transmittal form, the department will complete **Part B. Classification Considerations (Attachment 8)** and submit all related documents to CCD for review and approval. Each question in Part B must be answered fully. If the proposal is to establish a new class, develop a deep class, or is any classification action which impacts salary, **Part C. Salary Analysis (Attachment 9)** (also see **C&P Guide, Section 200**) must also be completed and submitted in conjunction with Part B. New class establishments and other proposals with salary impact also require submission of a properly completed **Form 137 (Attachment 10)** (also see **C&P Guide, Section 145**). If a class specification (**Attachments 11A and 11B**) (also see **C&P Guide, Sections 170 and 171**) has not been submitted with the CPR, it must be submitted with Part B.

CCD staff will send **Preliminary Union Notification (Attachments 12A, 12B, and 12C)** (also see **C&P Guide, Section 160**) letter(s) to the appropriate union(s) for proposals which include establishment of, or revision to, classes whose incumbents are rank and file. A **Courtesy Notification (Attachments 13A and 13B)** letter(s) is sent to interested groups for proposals whose incumbents are not rank and file. Proposals impacting both rank-and-file and excluded incumbents require both types of notification.

Prior to submission of a classification proposal to SPB, CCD staff will prepare an **SPB Item Cover Memo (Attachment 14A)** with required **Recommendations and Resolutions (Attachment 14B)**. "Part B. Classification Considerations" and the class specification are attached to the SPB Item Cover Memo when presented to SPB.

An aid in the development of classification proposals entitled **Checklist for Classification Proposals (Attachment 15)** outlines a

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synopsis of the analytical process required in the development and presentation of all classification proposals. This form may be submitted with other classification documentation if utilized by departmental staff, or may be used by CCD staff as a checklist for review and assessment of proposals submitted by departments. CCD staff will also prepare a **Classification Item Transmittal (Attachment 16)** form for the proposal.

Pay Letter information will be prepared by the CCD analyst utilizing the **Class Data Sheet (Attachment 17A)** (also see **C&P Guide, Section 115**) and related **Analyst Instructions for Pay Letter Process (Attachment 17B)**, **Checklist for Clearance of Class Data Sheet (Attachment 17C)**, and **Class Data Sheet Instructions (Attachment 17D)**. If relevant to the proposal, **Salary Movement Instructions for Status Resolutions (Attachment 17E)**, **Salary Movement Instructions for CBID Changes From Supervisory to Managerial (Attachment 17F)**, or **Salary Movement Instructions for Alternate Range Criteria (Attachment 17G)**, may also be required for appropriate development of Pay Letter information. CCD staff will enter the proposed classification action on the automated **SPB Scheduling Sheet (Attachment 18)**.

CCD will provide a **Final Union Notification (Attachment 19)** (also see **C&P Guide, Section 160**) letter to bargaining unit representatives for all classification proposals impacting rank-and-file incumbents based upon the requirements stated in the appropriate Bargaining Unit Contract.

Prior to adoption of a classification proposal, the CCD analyst, DPA LRO, and departmental personnel office staff will respond to any union inquires related solely to the classification proposal. Based upon bargaining unit agreements, issues relative to salary may not be entertained until after adoption of the classification proposal. Upon adoption of the classification proposal, the CCD analyst, DPA LRO, and departmental staff will determine the appropriate course of action in response to union concerns regarding salary issues.

Upon receipt of the SPB minutes indicating adoption of the classification proposal, CCD support staff will prepare documentation which signifies approval in a Pay Letter, prepare a finalized class

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specification, and send the specification to SPB for duplicating and distribution to using departments.

4. Classification Board Item Attachments

The Attachments listed below are exhibited immediately following:

- Attachment 1 - Overview of Board Item Process Flow Chart
- Attachment 2 - 1998 Board Meeting Schedule
- Attachment 3A - 1998 Due Dates for Board Item Processing for Delegated Departments
- Attachment 3B - 1998 Due Dates for Board Item Processing for Non-Delegated Departments
- Attachment 4 - Automated Board Item Forms
- Attachment 5 - Final Board Item Packages Checklist
- Attachment 6 - Part A. Classification Proposal Concept
- Attachment 7 - Classification Proposal Request Transmittal
- Attachment 8 - Part B. Classification Considerations
- Attachment 9 - Part C. Salary Analysis
- Attachment 10 - Form 137
- Attachment 11A- Specification Format for Single, Series, and Strike/Out and Underline Revised Specs
- Attachment 11B- Quick Reference Guide on Standard Language for Specifications
- Attachment 12A- Preliminary Union Notification Letter
- Attachment 12B- DPA's Labor Relations Officer Bargaining Unit Assignment Listing
- Attachment 12C- Exclusive Representatives Contact List
- Attachment 13A- Courtesy Union Notification Letter
- Attachment 13B- Excluded/Supervisory Employee Organizations
- Attachment 14A- SPB Item Cover Memo
- Attachment 14B- Recommendations and Resolutions
- Attachment 15 - Analyst Checklist for Classification Proposals
- Attachment 16 - Classification Item Transmittal Form and Bargaining Unit Addresses
- Attachment 17A- Class Data Sheet
- Attachment 17B- Checklist for Clearance of Class Data Sheet
- Attachment 17C- Class Data Sheet General Instructions
- Attachment 17D- Analyst Instructions For Pay Letter Process
- Attachment 17E- Salary Movement Instructions for Status Resolutions

Department of Personnel Administration
Classification and Compensation Division

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Attachment 17F-	Instructions for CB/ID Changes from Supervisory to Managerial
Attachment 17G-	Alternate Range Criteria Instructions
Attachment 18 -	SPB Scheduling Sheet
Attachment 19 -	Final Union Notification Letter
Attachment 20 -	Staff Item Cover Memorandum



AUTOMATED BOARD ITEM FORMS

The forms cited below are available on disk in Microsoft Word 6.0 Format. A copy of the disk can be obtained from each DPA/CCD departmental analyst.

<u>Form Title</u>	<u>File Name</u>
• Part A. Classification Proposal Concept	parta.doc
• Classification Proposal Request Transmittal	transpro.doc
• Part B. Classification Considerations	partb.doc
• Part C. Salary Analysis	partc.doc
• Form 137	form137.doc
• Preliminary Union Notification Letter	preunion.doc
• Courtesy Union Notification Letter for Supervisory Classes	cseasup.doc
• SPB Board Item Cover Memo	bdmemo.doc
• Classification Item Transmittal	transmit.doc
• Bargaining Unit Address Checklist (Page 2 of Classification Item Transmittal Form)	transmit.doc
• Analyst Checklist for Classification Proposals	cklistpr.doc
• Classification Data Sheet	cds.doc
• Checklist for Clearance of Classification Data Sheet	cklstcd.doc
• Salary Movement Documentation Instructions for Status Resolutions CBID Change from Supervisory to Managerial Insructions for Alternate Ranges	salmove.doc
• Final Union Notification Letter	unionlt.doc
• Staff Item Cover Memo	staffmem.doc



STANDARD LANGUAGE FOR SPECIFICATIONS



CONTENTS

ACCREDITED DEGREES, CERTIFICATES, OR DIPLOMAS STATEMENT
AFFIRMATIVE ACTION STATEMENT
ALLOCATION GUIDELINES STATEMENT
COMMUNICATE EFFECTIVELY BOTH ORALLY AND IN WRITING
OR READ AND WRITE STATEMENT
DRIVER LICENSE STATEMENT
NORMAL COLOR VISION STATEMENT
PEACE OFFICER STANDARDS
RELATED WORK STATEMENT

QUICK REFERENCE STANDARD LANGUAGE FOR SPECS

ACCREDITED DEGREES, CERTIFICATES, OR DIPLOMAS STATEMENT

- Located under "Minimum Qualifications" Section.

All classes that have minimum qualifications which require accredited degrees, certificates, or diplomas will have the following phrase added:

or equivalent degree (units from an institution) (certificate) (diploma) approved by the Council for Private Postsecondary and Vocational Education under the provisions of California Education Code Chapter 3, Part 59, Division 10.

"Recognized" college - Do Not add statement; "Approved" college - Do Not add statement.

When "accredited college" is mentioned with something like "comparable institution" then Do Not add statement. For example: "accredited college or comparable institution".

AFFIRMATIVE ACTION STATEMENT

- Located under "Knowledge and Abilities" Section.

For supervisory or managerial classes the following statements are suggested to be included at the end of the Knowledge and Abilities section:

Knowledge of: . . . manager's/supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: . . . effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

ALLOCATION GUIDELINES STATEMENT

- Located as a footnote under the Definition section.

Whenever allocation guidelines are developed and issued in a document separate from the class spec, a comment to that effect is to be included in the spec. A footnote indicator (*) should appear next to the "Definition" heading for single class specs, and the "Definition of Levels" heading for series specs. The footnote statement will read:

Additional information regarding functions performed, complexity factors, and scope of responsibility, is contained in a separate document titled "Allocation Guidelines."

COMMUNICATE EFFECTIVELY BOTH ORALLY AND IN WRITING OR READ AND WRITE STATEMENT

- May be located in an existing class specification.

Where the words "communicate effectively both orally and in writing" or "read and write" appear, delete:

"both orally and in writing" or "read and write" and keep or replace with "communicate effectively".

DRIVER LICENSE STATEMENT

- Located under "Minimum Qualifications" and the "Desirable Qualifications" Section.

Only specifications which have "GENERIC" driver license language should be changed. "Generic" means a driver license which does not state the class of the license or the type of vehicle being driven. EXCEPTION: If the specification language calls for a Class C or Class 3 license, then the specification should be considered "Generic" and the language changed. "Generic" driver license language should be replaced with the following:

Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles.

NOTE: If the change is made under the "Minimum Qualifications" section then also include the following:

Applicants who do not possess the license will be admitted to the examination but must secure the license prior to appointment.

In revised specifications where the words "California driver license" appears, *delete "California"*. It is no longer accurate for competing in exams that require a driver license that it be a "California" driver license. For example, candidates taking exams for Caltrans live on the borders of California and come to California to work and then return home.

NORMAL COLOR VISION STATEMENT

- Located under "Special Personal Characteristic" Section.

If Normal Color Vision is required, include the following:

Color vision adequate to successfully perform the job as measured by the Ishihara Pseudo-Chromatic Plate Test or for persons failing the Ishihara, the Farnworth D-15 Arrangement Test.

PEACE OFFICER STANDARDS

The following standard language should be used on all peace officer classification specifications:

PEACE OFFICER STANDARDS

[ALL LEVELS:]

Citizenship Requirement: Pursuant to Government Code Section 1031(a), in order to be a peace officer, a person must be either a U.S. Citizen or be a permanent resident alien who is eligible for and has applied for U.S. Citizenship. Any permanent resident alien who is employed as a peace officer shall be disqualified from holding that position if his/her application for citizenship is denied.

Felony Disqualification: Pursuant to Government Code Section 1029, persons convicted of a felony are disqualified from employment as peace officers except as provided under Welfare and Institutions Code, Division 2, Chapter 3, Article 8, Section 1179(b), or Division 2.5, Chapter 1, Article 4, Section 1772(b). Except as provided for by these statutes, persons convicted of a felony are not eligible to compete for, or be appointed to, positions in this class.

Firearm Conviction Disqualification: Anyone who is restricted for employment-related purposes from accessing, possessing, carrying, receiving, or having under his/her control a firearm or ammunition under all applicable State or Federal laws is ineligible for appointment to any position in this classification.

¹Background Investigation: Pursuant to Government Code Section 1031, persons successful in peace officer examinations shall be required to undergo a thorough background investigation prior to appointment. Persons who have previously undergone a (department name) background investigation may be required to undergo an additional background investigation.

²Background Investigation: Pursuant to Government Code Section 1029.1, persons successful in peace officer examinations shall be required to undergo a thorough background investigation prior to appointment. Persons who have previously undergone a (department name) background investigation may be required to undergo only a partial background investigation.

Medical Requirement: Pursuant to Government Code Section 1031, persons appointed to a peace officer class shall undergo a medical examination to determine that he or she can perform the essential functions of the job safely and effectively.

¹ Language to be used for Department of Justice and/or other departments that use peace officer classifications.

² Language to be used only for either the Department of Corrections or Department of the Youth Authority.

³Drug Testing Requirement: Applicants for positions in (this class, these classes) are required to pass a drug-screening test. (The drug-screening test will be waived for employees who are currently in a designated "sensitive" class for which drug testing is required under State Personnel Board Rule 213.)

⁴Training Requirements: Under provisions of Penal Code Section 832, successful completion of a training course in laws of arrest, search and seizure, and in firearms and chemical agents is a requirement for permanent status in this classification.

RELATED WORK STATEMENT

- Located under "Definition" Section.

The following phrase should appear at the end of each Definition paragraph:

; and to do other related work.

³ Adding drug-testing language to classifications will require a hearing per State Personnel Board Rule 213.

⁴ Language may vary for the Department of the Youth Authority and Department of Corrections classes.



EXCLUSIVE REPRESENTATIVES
Contact List (Rev. 9/98)

CSEA Units 1, 3, 4, 11, 14, 15, 17, 20, 21

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Association of California State Attorneys
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CAHP Unit 5

Jon Hamm, Exec. Manager of Operations
California Association of Highway
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CCPOA Unit 6

Gerrit Buddingh', Chief of Labor
California Correctional Peace Officers
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755 Riverpoint Drive, Suite 200
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CAUSE Unit 7

Alan Barcelona, President
California Union of Safety Employees
2029 "H" Street
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(916) 447-5262 FAX 447-2530

CDFEA Unit 8

Woody Allshouse, President
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EXCLUSIVE REPRESENTATIVES
Contact List (Rev. 9/98)

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Nancy Clifford, Business Agent
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(510) 533-3791 FAX 533-0890

(Board Calendar Date)

TO: STATE PERSONNEL BOARD

FROM: (Analyst Name)
(Department Name)

REVIEWED BY: (Manager Name)
(Department Name)

SUBJECT:

SUMMARY OF ISSUES:

This section must answer two questions: (1) What is the problem leading to the need for the proposed classification action? (2) What will this proposal do to correct the problem? The Summary of Issues Section should not just reiterate or restate information that will be included in the subject line.

CONSULTED WITH:

List the names, titles, and agency names of all persons who were contacted regarding the proposal. Typically, this would include the initiating department's Personnel Officer or Chief of Administration, the Analyst assigned the project, and possibly the Manager whose program is impacted by the proposal; the department's SPB Personnel Analyst and Section Manager; and anyone else who provided input to the proposal.

In accordance with the terms of the DPA/(UNION) contract, (Department Name) has notified the (UNION) in writing of this proposal.

REASON FOR HEARING:

BACKGROUND AND CONSIDERATIONS:

If department's proposal is complete, merely state: "See attached proposal."

If additional information is required, include a statement similar to: "In addition to the information provided in the attached proposal, the following was also considered in recommending its approval."

Follow with a brief summary of the additional information.

RECOMMENDATIONS:

The standard Recommendations and Resolutions appear in the SPB PMPP Manual Section 111 (see Attachment 14B).



1980



State of California

MEMORANDUM

TO: (Name)
State Personnel Board

DATE:

FROM:

SUBJECT: Staff Calendar Item. Classification Changes, (State Agency).

SUMMARY OF ISSUES:

BACKGROUND:

RECOMMENDED CHANGE:

JUSTIFICATION:

(Union) does not oppose the revision. The Union contact person is (Name) and can be reached at (Phone Number), if there are any questions.

Analyst Name
Title

Enclosure: (Proposed Specification)

APPROVAL
(Below To Be Completed by SPB Staff)

SPB Staff Signature:
Title:
Effective Date:

(SPB Staff: Send Original Approved Staff Item to DPA Pay Letter Coordinator, Susan Salata.)



GUIDE TO CLASSIFICATION AND PAY POLICIES AND PROCEDURES

<i>MAJOR AREA</i>	<i>SUBJECT</i>	<i>SECTION NUMBER</i>
CLASSIFICATION	DPA FORM 137	145

145. CERTIFICATION OF CONFORMANCE WITH APPROVED PROGRAM AND ORGANIZATION AND/OR AVAILABILITY OF FUNDS (DPA FORM 137)

The above titled Form 137, must be submitted to the Department of Personnel Administration prior to the establishment of a classification, or revision to a classification which has pay implications, pay differential, hiring above minimum, temporary authorization to pay cash compensation for overtime, alternate range criteria, or allocation of classes to work week groups which authorize cash payment for overtime.

1. **Instructions for Completing**

Refer to the State Administrative Manual Section 6524 and Personnel Management Liaison Management Memo 90-10.

2. **Temporary Authorization to Pay Cash Compensation for Overtime**

Certification of funding only needs to cover the period of authorization, i.e., Form 137 accompanying a request to reallocate a budget office employee for the period April through June should indicate only the amount of payment anticipated during this three-month period.

3. **Revised Form 137**

Insure that the form used has an effective date 8/90. All other versions of this form are obsolete and should be discarded.

4. **Additional Copies**

Additional copies of Form 137 may be obtained from the Classification and Compensation Division files. Departments may copy the attached Form 137.



STANDARD LANGUAGE FOR SPECIFICATIONS



CONTENTS

ACCREDITED DEGREES, CERTIFICATES, OR DIPLOMAS STATEMENT
AFFIRMATIVE ACTION STATEMENT
ALLOCATION GUIDELINES STATEMENT
COMMUNICATE EFFECTIVELY BOTH ORALLY AND IN WRITING
OR READ AND WRITE STATEMENT
DRIVER LICENSE STATEMENT
NORMAL COLOR VISION STATEMENT
PEACE OFFICER STANDARDS
RELATED WORK STATEMENT

QUICK REFERENCE STANDARD LANGUAGE FOR SPECS

ACCREDITED DEGREES, CERTIFICATES, OR DIPLOMAS STATEMENT

- Located under "Minimum Qualifications" Section.

All classes that have minimum qualifications which require accredited degrees, certificates, or diplomas will have the following phrase added:

or equivalent degree (units from an institution) (certificate) (diploma) approved by the Council for Private Postsecondary and Vocational Education under the provisions of California Education Code Chapter 3, Part 59, Division 10.

"Recognized" college - Do Not add statement; "Approved" college - Do Not add statement.

When "accredited college" is mentioned with something like "comparable institution" then Do Not add statement. For example: "accredited college or comparable institution".

AFFIRMATIVE ACTION STATEMENT

- Located under "Knowledge and Abilities" Section.

For supervisory or managerial classes the following statements are suggested to be included at the end of the Knowledge and Abilities section:

Knowledge of: . . . manager's/supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: . . . effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

ALLOCATION GUIDELINES STATEMENT

- Located as a footnote under the Definition section.

Whenever allocation guidelines are developed and issued in a document separate from the class spec, a comment to that effect is to be included in the spec. A footnote indicator (*) should appear next to the "Definition" heading for single class specs, and the "Definition of Levels" heading for series specs. The footnote statement will read:

Additional information regarding functions performed, complexity factors, and scope of responsibility, is contained in a separate document titled "Allocation Guidelines."

COMMUNICATE EFFECTIVELY BOTH ORALLY AND IN WRITING OR READ AND WRITE STATEMENT

- May be located in an existing class specification.

Where the words "communicate effectively both orally and in writing" or "read and write" appear, delete:

"both orally and in writing" or "read and write" and keep or replace with "communicate effectively".

DRIVER LICENSE STATEMENT

- Located under "Minimum Qualifications" and the "Desirable Qualifications" Section.

Only specifications which have "GENERIC" driver license language should be changed. "Generic" means a driver license which does not state the class of the license or the type of vehicle being driven. EXCEPTION: If the specification language calls for a Class C or Class 3 license, then the specification should be considered "Generic" and the language changed. "Generic" driver license language should be replaced with the following:

Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles.

NOTE: If the change is made under the "Minimum Qualifications" section then also include the following:

Applicants who do not possess the license will be admitted to the examination but must secure the license prior to appointment.

In revised specifications where the words "California driver license" appears, *delete "California"*. It is no longer accurate for competing in exams that require a driver license that it be a "California" driver license. For example, candidates taking exams for Caltrans live on the borders of California and come to California to work and then return home.

NORMAL COLOR VISION STATEMENT

- Located under "Special Personal Characteristic" Section.

If Normal Color Vision is required, include the following:

Color vision adequate to successfully perform the job as measured by the Ishihara Pseudo-Chromatic Plate Test or for persons failing the Ishihara, the Farnworth D-15 Arrangement Test.

PEACE OFFICER STANDARDS

The following standard language should be used on all peace officer classification specifications:

PEACE OFFICER STANDARDS

[ALL LEVELS:]

Citizenship Requirement: Pursuant to Government Code Section 1031(a), in order to be a peace officer, a person must be either a U.S. Citizen or be a permanent resident alien who is eligible for and has applied for U.S. Citizenship. Any permanent resident alien who is employed as a peace officer shall be disqualified from holding that position if his/her application for citizenship is denied.

Felony Disqualification: Pursuant to Government Code Section 1029, persons convicted of a felony are disqualified from employment as peace officers except as provided under Welfare and Institutions Code, Division 2, Chapter 3, Article 8, Section 1179(b), or Division 2.5, Chapter 1, Article 4, Section 1772(b). Except as provided for by these statutes, persons convicted of a felony are not eligible to compete for, or be appointed to, positions in this class.

Firearm Conviction Disqualification: Anyone who is restricted for employment-related purposes from accessing, possessing, carrying, receiving, or having under his/her control a firearm or ammunition under all applicable State or Federal laws is ineligible for appointment to any position in this classification.

¹Background Investigation: Pursuant to Government Code Section 1031, persons successful in peace officer examinations shall be required to undergo a thorough background investigation prior to appointment. Persons who have previously undergone a (department name) background investigation may be required to undergo an additional background investigation.

²Background Investigation: Pursuant to Government Code Section 1029.1, persons successful in peace officer examinations shall be required to undergo a thorough background investigation prior to appointment. Persons who have previously undergone a (department name) background investigation may be required to undergo only a partial background investigation.

Medical Requirement: Pursuant to Government Code Section 1031, persons appointed to a peace officer class shall undergo a medical examination to determine that he or she can perform the essential functions of the job safely and effectively.

¹ Language to be used for Department of Justice and/or other departments that use peace officer classifications.

² Language to be used only for either the Department of Corrections or Department of the Youth Authority.

³Drug Testing Requirement: Applicants for positions in (this class, these classes) are required to pass a drug-screening test. (The drug-screening test will be waived for employees who are currently in a designated "sensitive" class for which drug testing is required under State Personnel Board Rule 213.)

⁴Training Requirements: Under provisions of Penal Code Section 832, successful completion of a training course in laws of arrest, search and seizure, and in firearms and chemical agents is a requirement for permanent status in this classification.

RELATED WORK STATEMENT

- Located under "Definition" Section.

The following phrase should appear at the end of each Definition paragraph:

; and to do other related work.

³ Adding drug-testing language to classifications will require a hearing per State Personnel Board Rule 213.

⁴ Language may vary for the Department of the Youth Authority and Department of Corrections classes.



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POSITION ALLOCATION	CLASSIFICATION AND/OR CERT ACTION REQUEST (FORM 625)	320

**320. COMPLETION AND USE OF FORM 625
(CLASSIFICATION/CERTIFICATION REQUESTS) AND
OTHER RELATED DEPARTMENTAL FORMS**

Form 625 (see Attachment 4) is used to request position allocation approval and certification that will be used to make the hire. It serves as documentation and basis for the requested action.

1. The following requests must be forwarded to the Department of Personnel Administration (DPA) for approval unless the department is delegated position allocation decision authority which supersedes this requirement:
 - 1.1 All allocations for positions designated Modified Classification Review (MCR) NONE.
 - 1.2 Initial allocations of positions to classes designated in the Pay Scales as MCR II; refill of vacant positions designated in the Pay Scales as MCR II whenever there has been a change in the duties or reporting relationship since the latest or most recent allocation.
 - 1.3 When there are significant changes in the duties or reporting relationship of a filled position designated MCR II or MCR NONE.
 - 1.4 When the requested effective date is backdated more than 60 work days, regardless of MCR designation.
2. A Form 625 need **NOT** be submitted to DPA for allocations for which the appointing department has delegated authority or for the following specific allocations:
 - 2.1 Initial allocation of positions designated in the Pay Scales as MCR I; or refill of MCR II positions with no change in duties.
 - 2.2 Appointment of Retired Annuitants. However, departments must ensure compliance with Government Code (GC) Section 21153 that the salary of the retired annuitant does not "exceed that paid by the employer to other employees performing comparable duties."

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2.3 Emergency Appointments. GC Section 19888.1 provides the basic authority for making these types of appointments for up to 60 working days in accordance with the State Personnel Board (SPB) Rules 300 through 304.

2.4 Voluntary Experience. Volunteers are not employees since they do not hold positions in the State civil service. Therefore, volunteers may not receive civil service appointments for their volunteer service.

3. **Required Form 625 Package**

All Forms 625 submitted to DPA for review and approval must be accompanied by a current and proposed duty statement, a current and proposed organization chart, and a memorandum of justification. Under MCR or other delegated authority, copies of the duty statements, organization charts, and justification memoranda must be maintained in an orderly and systematic manner by the department and kept on file for audit. Justification of all actions taken is required whether it be a statement describing the change that occurred and the basis for the change or simply completing the appropriate boxes in the 625 Form.

3.1 **Duty Statement**

Duty statements must describe the current duties and include percentages of time and/or frequency breakdowns (if the work varies cyclically). When several positions perform essentially the same duties, descriptions of specific area of responsibility for each position should be included to differentiate one from another.

One duty statement is sufficient when a position is being refilled with no changes in duties. However, if the duties of the position have changed due to a new function, or is upgraded or downgraded in place, "current" and "proposed" duty statements are required.

To the extent possible, ambiguous words such as complex, coordinates, analyzes, reviews, monitors, etc., should be avoided or clearly defined. (What are the factors that contribute to complexity; what are the anticipated results or purpose of the analysis, review, coordination, etc.). Whenever possible, relevant factors to the position

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should be quantified (e.g., size of budget, revenues, number of clients, etc.)

Many allocation guides and class specifications contain specific criteria which positions must meet. The applicable criteria should be addressed in the duty statement. Available allocation guides are listed on Attachment 1.

3.2 Organization Chart

Organization charts must include all changes proposed and be dated and signed by executive-level management or designee. The positions should include all actual budgeted (not future) positions, with full civil service titles, time bases, and indication of whether positions are filled or vacant. Reporting relationships should be displayed. Unit and section names (e.g., Budget Support, Fiscal Systems, etc.) should be indicated. The position to be allocated should be clearly identified (reflecting assigned position number).

One chart is sufficient when a position is being refilled with no change in duties, when the position is assigned to a new function, or when a position is being upgraded or downgraded in place. If the organizational structure is proposed for change, two charts are required: a *current* chart showing the reporting relationships of the position prior to reclassification, and a *proposed* chart showing the reporting relationships of the position subsequent to reclassification.

When reviewing an allocation request, it is necessary to look at the entire organization, rather than just the proposed position. Occasionally, a position may appear to support a requested allocation when viewed in isolation but when the organization is viewed as a whole, the responsibilities and reporting relationships of other positions may be affected by or have an effect on the proposed new allocation.

3.3 Memorandum of Justification

The justification memo is intended to amplify/clarify the duty statement and organization chart. A memorandum of justification

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should provide relevant background information and describe how the proposed position classification satisfies the specification and allocation standards for the class. It should describe how the duties fit into the role of the unit or the mission of the department. For position reclassification or establishment, an explanation of "what has changed" (organizational mission, workload, structure, etc.) should be provided. For servicewide classes, comparisons with other departments or units having similar organizational structure, size, or sensitivity should be included.

4. Number of Copies/Distribution

The original Form 625 and one copy with all attachments should be sent to DPA. Upon approval of the requested action, DPA staff will sign and date both forms, retain the original for DPA files, and return the copy to the department.

5. Effective Date

Form 625 should be submitted in sufficient time, typically ten work days, for DPA staff to make a classification decision prior to the effective date of the appointment. Additionally, departments are urged to submit requests requiring both the Form 607 to the Department of Finance (DOF) and Form 625 to DPA simultaneously.

5.1 Backdated Effective Date

Requested effective dates which are *more than 15 work days* prior to receipt by DPA are considered exceptions. Therefore, backdates of between 15 and 60 work days for classes designated as MCR II (initial allocation or with a change of duties) or MCR NONE require departments to certify in writing (Memorandum of Justification) that the following standards were satisfied as of the requested effective date:

5.1.1 The duties existed and were consistent with the requested class.

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5.1.2 The incumbent was performing the duties of the requested class and would have been reachable on the eligible list or had other eligibility for appointment to the class.

5.1.3 DOF had approved the funding for the subject position.

5.1.4 SPB adopted the requested class.

5.2 In addition to the above justification, departments are required to provide the following information for all *backdates beyond 60 work days*, regardless of the MCR designation:

5.2.1 The circumstances which resulted in the delay of the Form 625 to DPA.

5.2.2 How the employee was notified of the assignment in question (i.e., was the employee given a specific appointment date in writing; did the employee sign and date documents relating to the appointment, etc.).

5.3 **Backdated Promotions**

Higher-level duties must not be assigned until it is known that the employee is eligible and reachable on the promotional list. The specific date of assignment must be documented. Authorization to promote an employee should be obtained from either DPA or the department's personnel office, as appropriate, **prior** to the assignment of higher-level duties. Failure to adhere to the backdating guidelines could result in denial of backdated promotions and out-of-class (OOC) situations.

5.4 **Backdated Career Executive Assignment (CEA) Level Changes**

Backdates which precede either the incumbent's list eligibility or the date DOF authorized funding for the subject position **CANNOT** be approved.

Changes in the level for **existing** CEA positions may not be made on a retroactive basis except: backdates of up to 60 working days *may* be

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approved if the department can clearly demonstrate that the incumbent was performing the higher-level duties on the date requested. An example would be an organizational change which elevated the CEA position to a higher reporting relationship within the department. Backdates for CEA positions cannot be approved when the duties changed gradually over time and there was no point or event that could clearly be identified as impacting the level of the position.

6. Appointment Tenure

The Form 625 must indicate if the position will be filled by either a permanent, Limited Term (LT), or temporary (TAU) appointment; or a Training and Development (T&D) Assignment.

- 6.1 LT appointments are made as the result of reinstatement, transfer, or certification from civil service employment lists to meet various LT staffing needs. Departments are delegated (in accordance to MCR criteria) the responsibility to make one-year LT appointments and may extend them to two years when the statutory requirements clearly have been met. (The two-year maximum may be extended by departments as outlined in SPB pinkie dated June 15, 1995. LT appointments are described in GC Sections 19080 to 19083 and specific SPB rules.)
- 6.2 TAU appointments are made in the absence of an employment list and cannot be in effect for more than nine months in any 12 consecutive months. DPA's responsibility is to review the appropriateness of the position allocation. When proposing TAU appointments, departments must adhere to specific GCs and SPB rules and delegation procedures as instructed by SPB.
- 6.3 T&D Assignments are used to formalize temporary changes of assignment which are intended for training and developmental purpose. The temporary change of assignment may be within a department or to a different department. The purpose must be clearly articulated in the agreement. It should serve to broaden the employee's skills and abilities, prepare him/her for career change, or improve advancement opportunity. Both releasing manager and hiring manager must agree to the T&D Assignment since both are obligated to its provisions.

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Note: Temporary loans or assignment changes that occur within a department which entail the performance of duties and responsibilities of the employee's assigned classification should not typically be recorded or considered as T&D Assignments. Doing so obligates the department to provide the employee a right to terminate the assignment and a right of return to the employee's former position/assignment.

The period of training, temporary loan, or personnel exchange cannot exceed two years for each assignment.

T&D Assignments typically are made on a lateral basis except where a desired occupational change to a higher paying class simply cannot be accomplished without a T&D Assignment. However, the T&D class cannot be in the same class series as the employee's present class and cannot be used to circumvent a promotional eligible list.

6.3.1 Normal MCR and delegation criteria apply to T&Ds. For example, if the position in which the training is to be received is designated MCR NONE or MCR II (initial allocation or with a change in duties), DPA staff must approve the allocation.

7. **Other 625 Actions**

7.1 **Special Consultant Appointment**

This is a nontesting class used to make TAU appointments to meet short-term needs for highly specialized services that cannot be accommodated within the regular civil service classification and examining structure. See Section 340 for additional documentation requirements for Special Consultants.

7.2 **New Programs Consultant**

This class is used for initial TAU appointments to long-term positions *pending the establishment of a permanent* classification. See Section 125 for additional information on New Programs Consultants.

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7.3 Changes in Employee Benefits due to Reclassification Actions

The Benefits Division, DPA, should be notified, in writing, of all reclassification actions where an employee's benefits will be affected. For instance, reallocation of an employee from a management designated class to a supervisory class. See Section 155 of the C&P Guide for additional information.

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375. OUT-OF-CLASS (OOC) ASSIGNMENTS

1. Definition

OOC work is defined as more than 50 percent of the time performing the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. This includes the inappropriate assignment of duties of a higher, lower, or substantially the same classification.

2. Alternatives to OOC Assignments

Whenever possible or practical, temporary staffing needs should be accommodated by the use of civil service alternatives rather than the assignment of OOC work. Managers and supervisors should explore the feasibility of using the following alternatives any time an OOC assignment is being considered:

- 2.1 Limited-Term Appointment
- 2.2 Temporary Reassignment of Work to Appropriately Classified Positions
- 2.3 Rotating Assignments
- 2.4 T&D Assignments
- 2.5 Acting Assignments Under the State Personnel Board (SPB) Rule 302.3 (Compensable up to 60 Work Days)
- 2.6 Compelling Management Need Assignments Under SPB Rule 442 (Noncompensable)

NOTE: SPB Rule 302.3 should not be used when the acting assignment can reasonably meet the OOC provisions in a current Memorandum of Understanding (MOU) agreement or in the Department of Personnel Administration (DPA) Rule 599.810. In addition, SPB Rule 302.3 should not be used in sequence with MOU or DPA Rule 599.810 acting assignments. (See Section 4 on next page.)

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3. **DPA Preapproval**

OOO assignments are inappropriate in the following situations unless approved in advance by DPA:

- 3.1 To Exempt positions or levels.
- 3.2 To supervisory, Career Executive Assignment, and other managerial positions or levels, requiring classification preapproval by DPA [classifications requiring preapproval are identified in the pay scales as NONE under Modified Classification Review (MCR); MCR II classes may also require preapproval if the duties were not previously approved by DPA]. Before considering preapproval in these situations, DPA will require the department to demonstrate that there are no viable alternatives to OOC and that there is a plan to correct the OOC by the end of 120 days.
- 3.3 To positions or levels not authorized in the department's budget. Before considering preapproval in these situations, DPA will require specific written notice from the Department of Finance that funding is available.
- 3.4 Where the employee's class specification provides for the proposed work assignment. An example would be an Assistant Section Chief acting for the Section Chief.

4. **OOO Duties Assigned**

Certain MOU provisions and DPA Rule 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provision or DPA regulation (see below). Before assigning the OOC work, the appointing power should have a plan to correct the situation before the 120-day time period runs its course.

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5. OOC Duties - Represented Employees

MOU provisions for compensating rank-and-file employees for assigned OOC duties are as indicated below:

5.1 All California State Employees Association (CSEA) Bargaining Units (1, 3, 4, 11, 14, 15, 17, 20, and 21) and Bargaining Units 12 and 18

An employee who is required to work in a higher classification for more than 15 consecutive calendar days shall receive a pay differential of 5 percent over his/her normal daily rate for that period in excess of 15 calendar days. If the employee is required to work in a higher classification for 30 consecutive calendar days or more, the employee shall receive a 5 percent pay differential over his/her normal daily rate from the first day of the assignment. If the assignment to a higher classification is not terminated before it exceeds 120 consecutive calendar days, the employee shall receive the difference between his/her salary and the salary of the higher class at the same step the employee would receive if he/she were to be promoted to that class, for that period in excess of 120 consecutive calendar days. The 5 percent differential shall not be considered as part of the base pay in computing the promotional step in the higher class.

5.2 Bargaining Units 6, 7, 9, and 13

The same provisions apply as described for the CSEA Units and Bargaining Units 12 and 18, EXCEPT that employees must be assigned OOC duties in writing. Unit 13 also provides that no employee can be compensated for more than one year of OOC work for any one assignment.

5.3 Bargaining Unit 8

No employee can be involuntarily assigned to work OOC. If the department head or his/her designee requires an employee in writing to work in a higher classification for more than 30 consecutive days (and the employee consents) the employee shall receive a pay differential of 5 percent over his/her normal daily rate of the class to which he/she is appointed for that period in excess of 30 days. If a department head or

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designee requires in writing (and the employee consents) an employee to work in a higher classification for 60 consecutive calendar days or more, the employee shall receive a pay differential of 5 percent over his/her normal daily rate of the class to which he/she is appointed from the first day of the assignment. If the assignment to a higher classification is not terminated before it exceeds 120 consecutive calendar days, the employee shall be entitled to receive the difference between his/her salary and the salary of the higher class at the same step the employee would receive if he/she were to be promoted to the class, for that period in excess of 120 consecutive calendar days. No employee will be assigned to OOC work for more than one year. The differential shall not be considered as part of the base pay in computing the promotional step in the higher class.

5.4 Bargaining Units 10 and 16

An employee may be directed in writing to perform OOC work for 30 consecutive calendar days without any increase in compensation. An employee assigned in writing to perform OOC work in a higher level classification shall receive a one-step salary increase for OOC work performed for more than 30 consecutive calendar days up to 120 consecutive days. If the assignment to a higher classification is not terminated before it exceeds 120 consecutive calendar days, the employee shall receive, if greater, the difference between his/her salary and the salary of the higher class at the same step he/she would receive if promoted to that class for that period in excess of 120 consecutive calendar days provided that the salary increase is equivalent to at least one-step salary increase during the period in excess of 120 consecutive calendar days. An employee may only be compensated up to one step for a maximum of six months prior to filing an OOC grievance.

5.5 Bargaining Units 2, 5, and 19

There are no bargaining agreement provisions allowing the assignment of OOC work. Bargaining Unit 19 states that an employee shall not be assigned duties of any class other than that to which his/her position is allocated (see Section 8.2).

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6. **OOC Duties - Nonrepresented Employees**

Confidential, supervisory, and excluded employees are eligible to be compensated for OOC assignments based on provisions established by DPA Rule 599.810. NOTE: Individuals designated as managerial and exempt are not covered by specific provisions governing OOC assignments and, therefore, are not eligible for OOC assignment pay; and, furthermore, no authority exists to assign such individuals OOC work. [However, managerial employees who believe they have performed OOC duties may file a claim in accordance with Government Code (GC) Section 19818.16.]

In accordance with DPA Rule 599.810, confidential, supervisory, and excluded employees are eligible to be compensated for OOC assignments subject to certain provisions. Employees performing in a higher class for more than 15 consecutive work days shall receive a 5 percent differential or the differential the employee would receive if promoted to the higher class, whichever is greater. Assignments must be made in advance and in writing. Payments will be made for the entire duration of qualifying assignments. Assignments may exceed 120 calendar days with a proper certification of need statement filed with DPA (see Section 7 below).

7. **Justification for OOC Assignments Which Exceed 120 Days**

All OOC assignments which exceed 120 days must be reported to DPA no later than day 130 of the assignment, unless delegated to the department. DPA will not normally accept the department's failure to complete an examination as a basis for continuing the OOC assignment beyond 120 days. Extensions may be granted when the examination is in process and virtually completed. For assignments to exceed 120 calendar days, the appointing power or his/her chief deputy must file a statement with DPA on DPA Form PMS 232 (see Attachment 1) certifying that the additional OOC work is required to meet a need that cannot be met through other civil service or administrative alternatives.

8. **OOC Grievances vs. OOC Claims**

Employees who were not formally assigned OOC duties, but who believe they have been and/or are performing OOC work may file either an OOC grievance or an OOC claim as described below.

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8.1 OOC Grievances

As stipulated in their MOUs, all represented employees (except in Bargaining Units 2, 5, and 19) may file grievances concerning any disputes arising from OOC assignments in accordance with the respective bargaining unit grievance procedure. The grievance process begins with the employee preparing an OOC grievance form as specified in the contract. In order for a department to approve and pay an OOC grievance, it must be reviewed and responded to at the third level. Grievances which are denied at the third level of review, may be appealed to DPA, the fourth and final level of review.

If an OOC grievance has been approved at the first three levels within the department, it is no longer required that the grievance be sent to DPA for a fourth and final level of review.

8.2 OOC Claims

Represented employees in Bargaining Units 2, 5, and 19 and nonrepresented employees who believe that they have been assigned OOC duties may file an OOC claim within 30 days of the completion of the alleged OOC duties. Nonrepresented employees may file an Excluded Employee Grievance Form 631 (see Attachment 2).

The department's third level will respond within 30 calendar days of receiving the OOC claim. The claimant may appeal the response to DPA within 30 days. OOC claims must be reviewed and approved by DPA as a final level of review before they can be processed for payments. Reimbursement payments are calculated based on applicable bargaining unit OOC payment provisions and DPA Rule, respectively.

9. Timelines - Filing of OOC Grievances and Claims

An OOC grievance or claim must be determined to be timely in order to be reviewed. The grievance/claim must be dated and must be filed in writing at the first level. For **grievances**, the appropriate contract must be referenced for filing requirements (most MOUs, including CSEA, require that the grievance be filed within 14 days of the last day of the alleged OOC work). OOC

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claims must be filed within 30 days of the cessation of the alleged OOC duties (DPA Rule 599.904).

10. One-Year Limitation on Retroactive OOC Grievances/Claims

In accordance with the provisions of GC Section 19818.16 (a), retroactive payment of an OOC grievance or claim shall be awarded for a period no greater than one year preceding the filing of the grievance or claim.

11. OOO Grievances/Claims - Standards of Review

11.1 General Standards

In determining whether or not the assigned work is in a higher classification, the kind and variety of duties performed, and the relative amount of time which the employee spent performing these duties must be evaluated in the same way that a position reallocation request is evaluated. An employee will be found to be working in a higher classification only when he/she is performing the full range of duties of the higher class on a regular and consistent basis (at least 50 percent of the time) and the position meets all of DPA's classification allocation guidelines to warrant allocation to the higher class.

11.2 Specific Standards

An employee is not considered to be working OOC if he/she meets any one of the criteria below:

11.2.1 He/she is performing the full range of the duties described in the employee's class. In other words, an employee who is performing the duties of his/her class the majority of the time is not considered to be working OOC even though these duties may substantially overlap those of another class at the same or higher level.

11.2.2 The employee is performing the prescribed duties on a compelling management need assignment, a T&D Assignment, in an apprenticeship or other training classification, or when performing duties different from the

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employee's regular duties because of injury, illness, or return-to-work program.

- 11.2.3 If DPA approves a change in allocation standards and an employee claims that he/she was working in a higher classification prior to the effective date of the change in the standards.
- 11.2.4 SPB establishes a new class which describes duties that were previously properly allocated to another class and an employee claims that he/she was working in a higher class prior to establishment of the class.
- 11.2.5 The claim is based upon alleged accelerated movement in a deep class series (e.g., Staff Services Analyst, Ranges A, B, and C) or from the trainee to/through journey level of a class series.

12. Board of Control (BOC)

Employees should not be advised to pursue OOC claims through BOC. The proper recourse is for employees to follow the administrative process associated with OOC grievances and claims as described above. If the employee is represented by a bargaining unit contract and the contract specifies that DPA is the final level of review in OOC, then the decision rendered by DPA is the final decision.

13. Payment of Grievances/Claims

- 13.1 For OOC grievances where departments are authorized to approve and pay direct (as specified in the bargaining unit contracts), payment can be made via the Form 674 process.
- 13.2 For grievances and OOC claims which must be reviewed and approved by DPA as the final level of review, reimbursements are paid through the Controller's Premium Pay Unit. When DPA certifies approval of a specific time period for OOC work, the "Release of All Claims" form and the payment form are initiated by DPA and sent to the personnel office in the employee's department for calculation of the correct amount for the OOC payment.

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440. RED CIRCLE RATE - CAREER EXECUTIVE ASSIGNMENT (CEA)

This is a rate of pay authorized to facilitate an employee's adjustment to a lower salary. A red circle rate may be authorized to (1) a former CEA appointee who is reinstating to a civil service classification, or (2) a CEA appointee who is being reduced to a lower CEA salary rate.

1. Legal Authority

1.1 The Department of Personnel Administration (DPA) Rule 599.988 mandates a red circle rate for an employee who has ten years of State service, one of which is under a CEA appointment(s) and who is terminated from a CEA, if the termination was not voluntary nor based on unsatisfactory performance. DPA Rule 599.988 also allows the permissive granting of a red circle rate to an employee who meets the preceding criteria and who voluntarily terminates the CEA appointment. The red circle rate is based upon CEA salary rate received from which termination occurs, less 5 percent.

1.2 Government Code Section 13332.05 describes the intent of the Legislature in granting funds for CEA red circle rates:

"No funds may be encumbered for paying a civil service employee a salary which is above the maximum of the salary range of the employee's present classification for a period of more than 90 calendar days following termination of a career executive assignment appointment. The intent of the Legislature in permitting payment above the maximum of the salary range for the 90-day period is to facilitate the employee's adjustment to a lower salary level. The provisions of this section shall not apply with respect to an employee who accepted any career executive assignment appointment on or after June 20, 1976, and before July 1, 1977, and any employee meeting that requirement, who is otherwise eligible, shall receive a salary rate pursuant to the provision of Rule 548.25, adopted by State Personnel Board on May 18, 1976, based upon the highest career executive assignment level held by the employee during that period."
[Note: State Personnel Board Rule 548.25 was repealed August 28, 1985 and renumbered Department of Personnel Administration Rule 599.988.]

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2. 90-Day Red Circle Rate

2.1 A 90-day red circle rate is 90 calendar days and applies to an employee being terminated from a CEA appointment, or who is being reduced to a lower CEA salary rate, and who does not have a bona fide CEA appointment within the "window period" of June 20, 1976 through June 30, 1977.

The employee must meet the criteria listed below:

- a. Have at least ten years of total State service; and
- b. Have at least one year of total CEA service. CEA time served immediately before and after an exempt or a civil service appointment shall be qualifying for meeting the one-year requirement. However, time served in an exempt appointment shall not count towards the one-year total CEA service requirement.

2.2 An employee who meets the above criteria shall be eligible for a salary rate above the maximum of the class to which the employee is mandatorily reinstated. The red circle rate is based upon the last CEA salary rate received from which termination occurs, less 5 percent. The department to which the employee is reinstated requests and pays for the red circle rate.

2.3 If the employee has not had a year of service at the CEA salary rate from which termination occurs, but has a cumulative year of CEA service, the red circle rate shall be 5 percent less than the lowest CEA salary rate for which service is being counted.

3. Extended Red Circle Rate

3.1 An extended red circle rate applies to an employee being terminated from a CEA appointment where any CEA appointment was accepted within the "window period" of June 20, 1976 through June 30, 1977. The employee must meet the criteria listed below:

- a. Termination is not voluntary nor is it based on unsatisfactory performance; and
- b. The employee had a bona fide appointment during the "window period" of June 20, 1976 through June 30, 1977; and

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- c. CEA service has been continuous since the qualifying "window period" appointment.
- 3.2 An employee who meets the above criteria shall be eligible for a salary rate above the maximum of the class (red circle rate) to which the employee is being mandatorily reinstated. The red circle rate is based upon the highest CEA held by such employee during the "window period," less 5 percent. The extended red circle rate will be in effect until absorbed by any salary changes.
- 3.3 The eligibility for an extended red circle rate based on any "window period" appointment may be used only once. An employee who received a "window period" appointment, and who has since received an appointment to a regular civil service class no longer qualifies for an extended red circle rate.

Documentation

Departments with delegation must document requests for red circle rates based on the criteria stated above and file for audit purposes. Documentation should include: 90-Day Red Circle Rate Request (Attachment 1), Request for Verification of State Service (Attachment 2), Notice of Termination/Reinstatement Letter, and a copy of Employment History (after the Position Action Request has been processed).

Departments without delegation must submit requests for 90-Day Red Circle Rates based on the criteria stated above to your department's Personnel Management Technician at DPA. This includes a memo requesting the red circle rate and a copy of the Notice of Termination/Reinstatement Letter.



90-Day Red Circle Rate Request

Employee Name: _____

Special CEA Class Title or indicate "CEA BAND": _____

Current CEA Salary Rate: \$ _____

Minus One Step: \$ _____

Date of Termination (COB): _____

Pursuant to Department of Personnel Administration (DPA) Rule 599.988, a 90-day red circle rate is approved for the above employee based on the following criteria:

1. The employee has at least ten years of total State service; and
2. The employee has at least one year of total CEA service.

The 90-day red circle rate is five percent below his/her current CEA salary.

Approved: _____
(Signature) (Date)

