

State of California

M E M O R A N D U M

TO: PERSONNEL MANAGEMENT LIAISONS **DATE:** September 26, 2003
REFERENCE CODE: 2003-035

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Employee Relations Officers

FROM: Department of Personnel Administration
Policy and Operations Division

SUBJECT: Classification and Pay Guide, Revision #11

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This revision contains changes to the Out-of-Class Section 375 of the Classification and Compensation Manual. These revisions reflect the most current information involving out-of-class procedures that is contained within the Memorandum of Understanding between Employee Organizations and the State of California.

Please duplicate and distribute the changes to all holders of the Classification and Pay Guide in your department. The revision record in Section 3 should be completed after insertion of the changes.

FILING INSTRUCTIONS:

REMOVE

Page 375.3
None

INSERT

Page 375.3
Attachment 4

If you have any questions regarding information in this revision, please contact your Policy and Operations analyst.

Bob Painter, Chief
Policy and Operations Division

Attachment

GUIDE TO CLASSIFICATION AND PAY POLICIES AND PROCEDURES

<i>MAJOR AREA</i>	<i>SUBJECT</i>	<i>SECTION NUMBER</i>
POSITION ALLOCATION	OUT-OF-CLASS ASSIGNMENTS	375

the appointing power should have a plan to correct the situation before the 120-day time period runs its course.

5. OOO Duties - Represented Employees

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

5.1 Bargaining Unit 17

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, not to exceed the maximum of the "to" class, (see DPA Rule 599.671). 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 1, 2, 3, 4, 11, 14, 15, 18, 20, and 21

An employee may be temporarily required to perform out-of-class work by his/her department for **“up to 120 calendar days in any 12 consecutive calendar months.”** However, employees in Unit 14 may work up to “120 days calendar days” in a fiscal year. When an employee is assigned OOC work for two consecutive weeks or more, they shall receive the rate of pay they would have received pursuant to Title 2 Cal. Code of Regs Section 599.673, 599.674, or 599.676 if appointed to the higher classification. OOC pay shall not be considered as part of the employee's base pay when computing the rate due upon promotion to the higher level. All of these bargaining units, with the exception of Units 14 and 18, also limit OOC pay to work performed (a) during the one (1) year calendar period before the

OUT-OF-CLASS PROVISIONS 2002 CONTRACTS

Bargaining Unit	OOC Provisions	Assignment in Writing Required	Amount of Payment	Payment Duration Conditions	Filing Req.**	Comments/Problems	Arb.
1, 2, 3, 4, 11, 14, 15*, 20, 21 (CSEA)	Yes	No	According to Salary Rule Sections 599.673, 599.674, or 599.676.	Not to be compensated for more than one year for any one assignment. Cannot be retroactive for a period greater than one year from filing date.	Grievance Procedure. BU 02 is: 21 days.	BU 2, OOC provisions do not apply for classes controlled by ratios. Final step is arbitration.	Yes
5	No				30 days, DPA Rule 699.904	OOO Claims permitted per GC Section 19818.6.	No
6, 7, 9	Yes	Yes	Over 15 days = +5% for period in excess. 30 to 120 = +5% from first day. Over 120 = higher class salary.	Same as above on year limits (retro & max).	BU 6 is: 15 days. BU 7 is: 14 days. BU 9 is: 21 days.	BU 6 – Must be from hiring list or eligible to take exam.	Yes, except BU 9 No
8	Yes	Yes	Up to 30 days = no increase. 30 to 60 @ +5%. 60 to 120 @ +5% from first day of OOC. Over 120 = higher class salary.		20 days.	Must have employee consent to assign OOC work. One year retro from filing limit. Max one year assignment. Employee files complaint; calls for DPA "review hearing."	Yes
10	Yes	Yes	According to Salary Rule Sections 599.673; 599.674, and 599.676.	Same as above one year limits (retro & max).	21 days.		Yes
12, 13	Yes	Yes	BU 12: Difference between classes or as if employee promoted to class. Keep all differentials earned in lower class.	Not to be compensated for more than one year for any one assignment. Cannot be retroactive for a period greater than one year from filing date.	BU 13: 10 days.	Assignments made in one week increments.	Yes
16	Yes	Yes	Up to 30 days = no increase. 30 to 120 @ +5%. Over 120 = higher class salary.	Not to be compensated for more than six months prior to filling grievance.	21 days.	No max limit. OOC criteria determined by "current DPA Rules."	Yes
17	Yes	Yes					
18	Yes	No	Salary Rule Sections 599.673, 599.674, and 599.676.	Not to be compensated for more than one year for any one assignment. One year max retro from filing date.	14 days.		Yes
19	Yes		Salary Rule Sections 599.673, 599.674, and 599.676.	Same as above.	30 days.		Yes
NON-REPS (Supervisory/Confidential)	DPA Rule 599.810	Yes	According to Salary Rule.	Up to 120 days; DPA approval for extension.	30 days. DPA Rule 599.904.		No
MANAGERS	No	OOO assignment prohibited GC Section 19619.8.					No

*BU 15: See Pay Differential 98.

**Most filing dates are tied to the Grievance Procedure requirements.