

*State of California*

**M E M O R A N D U M**

**TO:** PERSONNEL MANAGEMENT LIAISONS      **DATE:** June 23, 2004  
**REFERENCE CODE:** 2004-022

**THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:**

Employee Relations Officers  
Personnel Officers

**FROM:** Department of Personnel Administration  
Policy and Operations Division

**SUBJECT:** Classification and Pay Guide, Revision # 15

**CONTACT:** Sandy Woolverton, Staff Personnel Program Analyst  
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This revision contains changes to the Out-of-Class section of the Classification and Compensation Manual. These changes are a result of collective bargaining and modifications to the Memorandum of Understanding between Employee Organizations and the State of California. There are also significant changes to out-of-class assignments for managerial employees. This personnel management liaison memorandum (PML) replaces PML 2001-016 on Out-of-Class Assignment - Managerial.

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**

Section 375  
Attachment 4  
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**INSERT**

Section 375  
Attachment 4  
Attachment 5

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

Bob Painter, Chief  
Policy and Operations Division

Attachments

OUT-OF-CLASS CONTRACT PROVISIONS  
(Revised 6-7-04)

Bargaining Unit	OOB 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, OOB provisions do not apply for classes controlled by ratios. Final step is arbitration.	Yes
5	No				30 days. DPA Rule 699.904.	OOB 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 OOB. Over 120 = higher class salary.		20 days.	Must have employee consent to assign OOB work. One year retro from filing limit. Max one year assignment.	Yes
10	Yes	No	According to Salary Rule Sections 599.673; 599.674, or 599.676.	Same as above one year limits (retro & max).	60 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	According to salary rules prior to filing grievance.	Not to be compensated for more than one year.	21 days.		No
17	Yes	Yes	Salary Rule Sections 599.673, 599.674, or 599.676.	Not to be compensated for more than one year.	14 days		Yes
18	Yes	No	Salary Rule Sections 599.673, 599.674, or 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	No	Salary Rule Sections 599.673, 599.674, or 599.676.	Same as above.	30 days.		No
Nonmanagerial Excluded (Supervisory/ Confidential)	DPA Rule 599.810	Yes	According to Salary Rules.	Up to 120 days; DPA approval for extension.	DPA Rule 599.859	See Classification & Pay Manual Section 375	DPA Rule 599.904
MANAGERS	No	Yes	According to Salary Rules.	Assignment must be for at least 90 days. Payment commences for time beyond 90 days.	DPA Rule 599.859.	Approval from DPA is required for any managerial out of class.	DPA Rule 599.904

\*BU 15: See Pay Differential 98.

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

*State of California*

**M E M O R A N D U M**

**TO:** PERSONNEL MANAGEMENT LIAISONS      **DATE:** February 24, 1988  
**REFERENCE CODE:** 88-08

**THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:**

ALL DEPARTMENT DIRECTORS, CHIEFS OF  
ADMINISTRATION, EMPLOYEE RELATIONS,  
AND PERSONNEL OFFICERS

**FROM:** Department of Personnel Administration  
Office of the Director

**SUBJECT:** Out-of-Class Assignments

This memorandum is intended to: review the Department of Personnel Administration's (DPA) policy regarding out-of-class assignments for represented and nonrepresented employees subject to provisions of Memorandum of Understandings (MOU) or DPA Rule 599.810; and to inform appointing authorities of a new requirement that certain out-of-class assignments need to be preapproved by DPA.

**OUT-OF-CLASS ASSIGNMENTS:**

Certain MOU provisions and DPA Rule 599.810 allow for short-term, out-of-class assignments for temporary staffing needs. It was DPA's expectation that all out-of-class assignments covered by these provisions would be to meet short-term needs where the utilization of civil service alternatives were impractical or not cost beneficial. Preliminary findings from an audit of out-of-class assignments made during FY 1986-87 and comments from departments indicate that the out-of-class provisions are not being managed by some departments and are used inappropriately to fill certain types of positions. Examples of such use includes assignments to positions that are: exempt, CEA, or unbudgeted. The guidelines shown below should be reviewed by all concerned staff including line managers to ensure correct applications of MOU and DPA out-of-class provisions.

GUIDELINES:

The following guidelines should be used in applying provisions of the current MOUs and DPA Rule 599.810.

1. Whenever possible or practical, accommodate temporary staffing needs by the use of civil service alternatives rather than the assignment of out-of-class work. Alternatives include:
  - a. Limited-term appointments.
  - b. Temporary reassignment of work.
  - c. Classification changes.
  - d. Acting assignments under SPB Rule 302.3.
2. If out-of-class work is necessary, the assignment should be made in writing pursuant to the applicable MOU provision or DPA Regulation. Before assigning the out-of-class work, the appointing power should have a plan to correct the situation before the 120-day time period runs its course.
3. All out-of-class assignments which exceed 120 days must be reported to DPA by day 130 of the assignment on DPA Form PMS 232. DPA will not normally accept the department's failure to complete an examination as a basis for continuing the out-of-class assignment beyond 120 days. Extensions may be granted when the examination is in process and virtually completed.
4. Out-of-class assignments are inappropriate in the following situations unless preapproved by DPA.
  - a. To exempt positions or levels.
  - b. To Supervisory, CEA, and other Managerial positions or levels, requiring classification preapproval by DPA (no MCR).
  - c. To positions or levels not authorized in the appointing power's budget. Before considering preapproval in these situations, DPA will require specific written notice from the Department of Finance that funding is available.
  - d. 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.

Departments which have not done so are encouraged to establish advance approval by their Personnel Officer or designee for all out-of-class assignments. This will provide appointing powers with necessary control over the assignment of out-of-class work and will allow for the establishment of a plan to eliminate the need for the out-of-class assignment as quickly as possible. Several departments already have such procedures. Two good examples exist in the Departments of General Services and Corrections. Copies of these procedures are available from the department Personnel Officer upon request.

Failure of departments to gain adequate management control of out-of-class assignments may necessitate the establishment of more stringent control procedures by DPA.

Please refer to the attached PML Memorandum dated June 30, 1986 for further information.

Questions may be directed to Richard Leijonflycht at (916) 324-9350, ATSS 454-9350.

David Tirapelle  
Chief Deputy Director

Attachment