

Human Resources Memorandum

SUBJECT: Out-of-Class Assignments	NUMBER: HR 15-039
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The Human Resources Branch (HRB) recognizes that under extraordinary, temporary, or emergency situations an employee may be required to perform work other than that described in the job specification for his/her classification. It is the policy of the California Department of Human Resources (CalHR) to consider out-of-class (OOC) assignments as the “last resort” in these situations. The following information provides guidelines regarding the appropriate use of OOC assignments.

Definition

Bargaining Unit (BU) Contracts and California Code of Regulations Section 599.810 (Excluded Employees) state that OOC work is defined as performing (*more than 50 percent of the time and for more than 15 consecutive work days*) duties and responsibilities not described in the employee’s current job specification for his/her classification in which the employee has a legal appointment. OOC assignments are typically short-term not to exceed 120 consecutive calendar days during any 12-month period. Please refer to the appropriate Bargaining Contract regarding the specific terms and conditions of OOC assignments for rank-and-file employees.

Excluded Employees - Confidential, Excluded, and Supervisory

Employees performing duties and responsibilities in a higher class (*more than 50 percent of the time and for more than 15 consecutive work days*) shall receive out-of-class assignment pay. Assignments may exceed 120 calendar days, up to one year.

Managerial Employees

Out-of-class compensation for *managerial* employees will commence on the 91st day. OOC compensation shall not exceed nine months. Any additional questions regarding OOC assignments for managerial employees should be referred to your assigned Personnel Analyst in the HRB.

Responsibilities

It is the responsibility of supervisors to avoid and correct OOC work situations and ensure that the duties and responsibilities assigned to their employees are consistent with the job specification for their classification. If there is a need to work an employee OOC, it should be to meet temporary staffing and/or operational needs (i.e., temporary assignment while going through the advertising process to fill a position on a permanent basis; waiting for the results of a recent examination; a special assignment that will be of short duration; a temporary situation that will be resolved soon).

If at any time, a supervisor determines that the duties and responsibilities being performed by an employee are of a higher class, (*prior to receiving OOC approval - see procedures below*) the supervisor should relieve the employee of the assignment and assign the employee duties and responsibilities consistent with his/her classification. Questions concerning long-term deviations from the approved duty statement should be discussed with your assigned Personnel Analyst to consider options to correct the situation.

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 alternatives with their assigned Personnel Analyst any time an OOC assignment is being considered. Such alternatives include, but are not limited to:

- Limited-Term Appointment (from an appointment list)
- Temporary Reassignment of Work to Appropriately Classified Positions
- Rotating Assignments
- Training and Development (T&D) Assignments

Procedures for Requesting OOC Assignments

All requests for OOC assignments must be submitted on a Request for Personnel Action (RPA) to the HRB for approval. The RPA package must include a proposed duty statement, an organizational chart, and a justification memo that includes the following information:

- A reason why the OOC assignment is absolutely essential to the continued operation of the organizational unit.
- An explanation why an alternative appointment is not an option.
- A plan for resolving the OOC situation.
- The requested start date of the OOC assignment.
- The name of the employee to be assigned.

NOTE: OOC assignments must be approved in advance by the respective Branch Chief or Regional Manager, HRB Chief, and the Executive Review Committee (ERC).

Process for Selecting OOC Candidates

When considering OOC assignments, the hiring supervisor should consider the following:

- Canvass your region, branch, or unit for staff who are eligible and/or interested in the OOC assignment.
- It's recommended that at least two people are involved in making the selection for the OOC assignment based on established criteria (i.e., what duties will the employee be performing; what type of experience, education, license, special skills and/or abilities will they need in order to be successful). You need to give each eligible candidate the opportunity to provide information on why they feel they are the best candidate for the temporary assignment.
- After a candidate is selected, the Personnel Analyst in HRB will send the employee a letter outlining the terms of the OOC; complete the OOC authorization form, and forward it to the appropriate Personnel Specialist who will sign and date the form; and prepare the necessary documents to process appropriate payment.

NOTE: An OOC assignment may not be backdated and any extension of an OOC assignment must also be requested on an RPA and approved by the respective Branch Chief or Regional Manager, HRB Branch Chief and the ERC.

OOO Grievances (Represented and Excluded Employees)

If the work is determined to be consistent with the employee's classification, but the employee disagrees, the employee has the option to file an OOC grievance. As stipulated in the respective BU contracts, represented employees must complete an Employee Contract Grievance form (STD. 630) along with a Job Description Form (CalHR 651). Excluded employees must file an Excluded Employee Grievance form (STD 631) along with a Job Description form (CalHR 651). OOC Grievance forms shall be submitted to the HRB's Labor Relations Office.

If you have any questions, please contact your assigned Personnel Analyst in HRB.