

Human Resources Branch Memorandum

SUBJECT: Out-Of-Class Assignments	NUMBER: HRB 18-014
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DISTRIBUTION: CDFW Managers and Supervisors	EXPIRES: Until Superseded

Action Required Informational Only Control Agency Directive

Purpose

The purpose of this memorandum is to inform California Department of Fish and Wildlife (CDFW) Supervisors and Managers of the California Department of Human Resources (CalHR) policy on Out of Class Assignments and applicable CDFW request procedures.

Authorities

- California Department of Human Resources
- Bargaining Unit (BU) Contracts
- California Code of Regulations Section 599.810

Policy

CalHR 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 CalHR to consider out-of-class (OOC) assignments as a "last resort" in these situations.

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* 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. OOC assignments are typically short-term not to exceed 120 consecutive calendar days during any 12-month period.

Rank and File - Please refer to the appropriate Bargaining Unit Contract for 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 workdays*) shall receive out-of-class assignment pay. Assignments may exceed 120 calendar days, up to one year.

Managerial/CEA/Governor Appointee Employees - OOC 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 Classification and Pay (C&P) 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 their duty statement and 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 C&P Analyst to consider options to correct the situation.

Alternatives to OOC Assignments

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 C&P 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 in advance of the assignment's start date. 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. Justify why this employee was chosen (internal advertisement/competitive process used, how selection was made, selection criteria developed to identify eligibility). When more than one employee is eligible to perform the OOC, all eligible staff should be considered.
- Who will handle the employee's current duties?

Process for Selecting OOC Candidates

When considering OOC assignments, the hiring supervisor, prior to making an official appointment, should do the following:

- Extend the opportunity to staff within the region, branch, or unit who are eligible and/or interested in the OOC assignment.
- Ensure 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). Each eligible candidate must be given the opportunity to provide information on why they feel they are the best candidate for the temporary assignment.
- Complete a Request for Personnel Action (RPA) to place the selected employee into the OOC assignment. Submit to the C&P Unit for review and approval.
- Complete the OOC authorization form once the RPA is approved by the HRB, 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: You must secure C&P approval prior to beginning OOC Assignment.

Extensions: Extensions 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 **prior** to the expiration of the original OOC assignment period.

OOO Grievances (Represented and Excluded Employees)

If an employee believes he/she is working out of class, he/she has the option to file an OOC grievance. 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.

Forms:

- Employee Contract Grievance form ([STD. 630](#))
- Job Description Form ([CalHR 651](#))
- Excluded Employee Grievance form ([STD 631](#))

Contacts:

If you have any questions, please contact your assigned C&P Analyst in HRB.