

## Human Resources Branch Memorandum

SUBJECT: <b>Out-Of-Class Assignments</b>	NUMBER: <b>HRB 20-005</b>
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DISTRIBUTION: <b>CDFW Managers and Supervisors</b>	EXPIRES: <b>Until Superseded</b>

Action Required       Informational Only       Control Agency Directive

### Purpose

The purpose of this memorandum is to provide California Department of Fish and Wildlife (CDFW) Managers and Supervisors with the department's process for requesting and securing approval for out-of-class (OOC) assignments.

### Authorities

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

### Background

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 OOC assignments a "last resort" in these situations.

### 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 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. However, terms and conditions vary depending on classification and Collective Bargaining Unit Identifier (CBID) as follows:

Rank and File - Bargaining Unit Contracts outline 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 workdays*) shall receive out-of-class assignment pay. Assignments may exceed 120 calendar days, up to one year.

Managerial/CEA/Employees - OOC compensation for *managerial* employees will commence on the 91<sup>st</sup> 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 Human Resources Branch (HRB).

Exempt/Governor Appointee Employees – Exempt employees are exempt from civil service laws and rules and do not receive compensation while on an OOC assignment.

### **Managers and Supervisors Responsibilities**

Managers and supervisors are responsible for avoiding and correcting OOC work situations and ensuring 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).

At no time should a manager or supervisor allow employees to assume duties of a higher class that are not permissible of a class outlined in this document. There should never be major or long-term deviations from the employee's assigned duty statement without prior approval by HRB.

Prior to OOC assignments, the manager or supervisor must do the following:

- Extend the opportunity to all candidates within the region, branch, or program who are interested in the OOC assignment. Each eligible candidate must be given the opportunity to provide information on why they feel they are the best candidate for the temporary assignment (i.e., letter of interest, an interview, a presentation etc.).
- Document how the opportunity was offered to all eligible employees and how the selection of the proposed incumbent was determined.
- 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).
- 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 (PS). The PS will sign and date the form; and prepare the necessary documents to process appropriate payment.

### **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

**Note: You must secure C&P approval prior to making an official offer.**

### **Process and Procedures for Requesting and Securing Approval for OOC Assignments**

OOO assignment requests must be submitted on a Request for Personnel Action (RPA) to the HRB for approval a minimum of 30 days 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:

- Why the OOC assignment is required for 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 effective date of the appointment (cannot be backdated).
- Who will handle the employee's current duties?
- The name of the proposed incumbent for the assignment. 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.

### **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. No OOC assignment can be extended without submission of an RPA and approval from HRB.

### **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](#))
- RPA Form ([DFW 242](#))

### **Contacts:**

If you have any questions, please contact your assigned Classification and Pay Analyst in HRB.