

Subject: OUT-OF-CLASSIFICATION ASSIGNMENT: PAY OR EXPERIENCE

REFERENCES	SECTIONS
Classification and Pay (C & P) Guide	Section 375 (Revised 6/04)
Human Resources Policy Memos <a href="http://www.dgs.ca.gov/ohr/Home/HRPolicyMemos.aspx">http://www.dgs.ca.gov/ohr/Home/HRPolicyMemos.aspx</a>	96-29
Law & Regulation <a href="http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml">http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml</a> <a href="http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=IE0EA9C90D48E11DEBC02831C6D6C108E&amp;ItemKey=IE0EA9C90D48E11DEBC02831C6D6C108E&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcd=DA010192&amp;fragment#IE0EA9C90D48E11DEBC02831C6D6C108E">http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=IE0EA9C90D48E11DEBC02831C6D6C108E&amp;ItemKey=IE0EA9C90D48E11DEBC02831C6D6C108E&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcd=DA010192&amp;fragment#IE0EA9C90D48E11DEBC02831C6D6C108E</a> <a href="http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=I759FF9402FD611E08D0F9C215E074EDC&amp;ItemKey=I759FF9402FD611E08D0F9C215E074EDC&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcd=DA010192&amp;fragment#I759FF9402FD611E08D0F9C215E074EDC">http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=I759FF9402FD611E08D0F9C215E074EDC&amp;ItemKey=I759FF9402FD611E08D0F9C215E074EDC&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=CCR-1000&amp;pbcd=DA010192&amp;fragment#I759FF9402FD611E08D0F9C215E074EDC</a>	GC: 905.2, 19050.8, 19818.16(A), 19818.18 DPA Rule: 599.671, 599.810, 599.904  SPB Rule 212, 302.3, 442
Memo of Understanding (MOU) <a href="http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx">http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx</a>	Refer to Employee's MOU
Pay Scales <a href="http://www.calhr.ca.gov/state-hr-professionals/Pages/pay-scales.aspx">http://www.calhr.ca.gov/state-hr-professionals/Pages/pay-scales.aspx</a>	Section 16
Payroll Procedures Manual (PPM) <a href="http://www.sco.ca.gov/ppsd_ppm.html">http://www.sco.ca.gov/ppsd_ppm.html</a>	Section G825-G830
Responsible Control Agency and Program <a href="http://www.spb.ca.gov/">http://www.spb.ca.gov/</a> <a href="http://www.calhr.ca.gov/Pages/home.aspx">http://www.calhr.ca.gov/Pages/home.aspx</a>	State Personnel Board CalHR
Selection Manual (Old)	Sections 6200.25-6200.28
SPB/DPA Policy Memos <a href="http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx">http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx</a>	PML 96-032, 2004-022 (C&P Guide Revision), 2005-012, 2007-026

## Out-of-Class (OOC) Assignment: Pay

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### Policy

It is the Department of General Services' policy that out-of-class assignments are **rare** or at least **infrequent** occurrences (final alternative) prompted by extraordinary, temporary, or crisis situations. In those exceptional situations where the office/division receives approval to offer an out-of-class opportunity to their staff (due to the lack of any other viable alternative), the opportunity **shall** be made available to all staff within the office/division via an e-mail or hard copy of the JOB. Interested employees are given the same time period to apply as any other vacant position advertisement – **10 working days**. Compensation for an out-of-class assignment may be authorized if the request is submitted **prior** to serving in the out-of-class assignment and the assignment is longer than 15 days. If the request is not submitted **prior** to serving in the out-of-class assignment, the compensation issue shall be resolved through the grievance process.

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### Definition

For excluded and most rank-and-file employees, OOC work is defined as performing the full range of duties and responsibilities allocated to an existing classification more than 50 percent of the time, and the position is not allocated to the classification in which the person has a current, legal appointment. This indicates that there has been an inappropriate assignment or assuming of duties of either a higher or lower classification. **(Please refer to the appropriate Memorandum of Understanding (MOU) for the exact definition of OOC work.)**

Employees are not working out-of-classification when:

- a. They are on a training and development assignment (T&D), in an apprenticeship or other training classification, or performing duties because of an injury, illness, or return-to-work program.
  - b. Changes are made to classifications and/or allocation standards and the employee claims to have been working in a higher classification prior to the effective date of the changes.
  - c. The employee requests the higher level duties for career development, personal convenience, or personal gain.
  - d. The current classification specification permits the performance of such duties, or it cannot be determined that an employee was functioning at the higher level.
  - e. The grievance is based upon alleged accelerated movement in a deep classification series (e.g., Staff Services Analyst, ranges A, B, and C) or from the trainee to/through journey level of a classification series.
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## Out-of-Class (OOC) Assignment: Pay, Continued

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**Alternatives to OOC assignments** Managers and supervisors should adhere to the standard hiring process (refer to the RPA Process section in this manual) prior to requesting an OOC assignment. Some alternatives to an OOC assignment, if there is no hiring freeze include:

- Limited-term appointment – from an employment list
- Rotating assignments
- Training and Development (T&D) assignments
- Acting assignments under the State Personnel Board (SPB) Rule 302.3 (compensable up to 60 workdays)
- Compelling management need assignments under SPB Rule 442 (compensable)
- Transfer
- Temporary Loan
- Reinstatement
- Interagency Loan
- Retire Annuitant
- Personal Services Contract
- Student Assistant/Graduate Student Assistant
- Employment List
- Limited Examination & Appointment Process (LEAP)
- State Restrictions of Appointment (SROA)
- Appropriate List
- Reemployment List
- Transfer of List Eligibility (TOE)
- If no list, temporary authorization utilization (TAU) (**last resort**)

Note: SPB Rule 302.3 should **not** be used when the acting assignment can reasonably meet the OOC provisions in a current MOU agreement or in the DPA Rule 599.810. In addition, SPB Rule 302.3, pertaining to acting assignments, should not be used in sequence with MOU or DPA Rule 599.810

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## Out-of-Class (OOC) Assignment: Pay, Continued

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**Request for OOC assignment**

If all alternatives, as discussed above, have been exhausted and you have not filled the vacancy, then you may submit a request for an OOC assignment. The following table identifies the steps and actions required to request an OOC assignment.

Step	Action						
1	The Program submits Part I of the Out-of-Classification Checklist via an email to the Classification and Pay (C&P) Analyst for pre-approval which includes the following information: <ul style="list-style-type: none"> <li>• Reason for the assignment (how and why it is absolutely essential and/or critical to the continued operation of the organizational unit)</li> <li>• Explanation as to why an alternative appointment (see above) is not being used</li> <li>• Plan for resolving the OOC situation (what action will be taken at the conclusion of the OOC)</li> </ul>						
2	The C&P Analyst will review the request based on DPA criteria and notify the Program of his/her decision. <table border="1" data-bbox="607 1083 1511 1381" style="margin-left: 20px;"> <thead> <tr> <th data-bbox="607 1083 789 1119">If</th> <th data-bbox="789 1083 1511 1119">Then</th> </tr> </thead> <tbody> <tr> <td data-bbox="607 1119 789 1234">Denied</td> <td data-bbox="789 1119 1511 1234">Program may appeal C&amp;P Analyst's decision to the Assistant Manager, Classification and Pay Unit</td> </tr> <tr> <td data-bbox="607 1234 789 1381">Approved</td> <td data-bbox="789 1234 1511 1381">Program submits a copy of the job opportunity bulletin (JOB) via an email to the C&amp;P Analyst (the vacancy must be re-advertised indicating an OOC opportunity)</td> </tr> </tbody> </table>	If	Then	Denied	Program may appeal C&P Analyst's decision to the Assistant Manager, Classification and Pay Unit	Approved	Program submits a copy of the job opportunity bulletin (JOB) via an email to the C&P Analyst (the vacancy must be re-advertised indicating an OOC opportunity)
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## Out-of-Class (OOC) Assignment: Pay, Continued

**Request for  
OOC  
assignment  
(continued)**

Step	Action						
3	<p>Following the mandatory advertising period and selection process, the Program submits Part II of the Out-of-Classification Checklist via an email to the C&amp;P Analyst which includes the following information:</p> <ul style="list-style-type: none"> <li>• Name, location, and classification of employee filling the assignment</li> <li>• Time period involved (beginning and ending date)</li> <li>• Copy of the employee’s current essential functions duty statement</li> <li>• Copy of the OOC assignment essential functions duty statement</li> <li>• A current and proposed organization chart</li> </ul>						
4	<p>The C&amp;P Analyst will verify eligibility of the selected employee for an OOC assignment.</p> <table border="1" data-bbox="597 1125 1494 1690"> <thead> <tr> <th data-bbox="597 1125 768 1161">If</th> <th data-bbox="768 1125 1494 1161">Then</th> </tr> </thead> <tbody> <tr> <td data-bbox="597 1161 768 1239">Denied</td> <td data-bbox="768 1161 1494 1239">Program may select another employee from those interviewed</td> </tr> <tr> <td data-bbox="597 1239 768 1690">Approved</td> <td data-bbox="768 1239 1494 1690"> <p>C&amp;P Analyst will:</p> <ul style="list-style-type: none"> <li>• notify the Program</li> <li>• notify the employee in writing of the OOC assignment</li> <li>• file a copy in the OOC file for audit purposes</li> <li>• forward a copy to the Personnel Specialist (PS) in the Personnel Transactions Unit (PTU) for compensation processing</li> <li>• place a copy in the employee’s Official Personnel Folder (OPF)</li> </ul> </td> </tr> </tbody> </table>	If	Then	Denied	Program may select another employee from those interviewed	Approved	<p>C&amp;P Analyst will:</p> <ul style="list-style-type: none"> <li>• notify the Program</li> <li>• notify the employee in writing of the OOC assignment</li> <li>• file a copy in the OOC file for audit purposes</li> <li>• forward a copy to the Personnel Specialist (PS) in the Personnel Transactions Unit (PTU) for compensation processing</li> <li>• place a copy in the employee’s Official Personnel Folder (OPF)</li> </ul>
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## Out-of-Class (OOC) Assignment: Pay, Continued

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**Request for OOC assignment (continued)**

Step	Action						
<b>If an extension is requested, continue to Step 5.</b>							
5	Depending on the MOU, some OOC assignments may be extended past 120 days. If an extension is required, the Program must submit Part III of the Out-of-Classification Checklist prior to the expiration date of the original OOC assignment, which includes the following information: <ul style="list-style-type: none"> <li>• time period involved</li> <li>• reason for the requested extension</li> </ul>						
6	The C&P Analyst will review pursuant to established criteria: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>If</th> <th>Then</th> </tr> </thead> <tbody> <tr> <td>Denied</td> <td>Program must begin hiring process again</td> </tr> <tr> <td>Approved</td> <td>C&amp;P Analyst will re-notify all parties involved as discussed above</td> </tr> </tbody> </table>	If	Then	Denied	Program must begin hiring process again	Approved	C&P Analyst will re-notify all parties involved as discussed above
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**Excluded employees**

The DGS has delegation authority to approve OOC assignments for confidential, supervisory, managerial, and other excluded employees up to one year.

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**Managerial employees**

The DGS has delegation authority to pay managerial OOC. There are rare circumstances when DGS determines a managerial OOC assignment must continue beyond a short time frame and additional compensation is appropriate. Payment will commence on the 91<sup>st</sup> day.

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**Exempt employees**

DGS is still required to submit exempt OOC assignments to DPA for prior approval.

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## Out-of-Class (OOC) Assignment: Pay, Continued

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### Out-of-classification pay

Out-of-classification pay is requested after the completion of the pay period. The employee will receive a supplemental warrant reflecting the out-of-classification pay.

An employee working out-of-classification in a supervisory classification CANNOT be compensated for overtime unless the supervisory classification is in Work Week Group (WWG) 2. Additionally, a rank and file employee working out-of-classification in a supervisory position cannot return to his/her non-supervisory position to be compensated for overtime during the out-of-classification assignment.

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### OOC grievances

#### **Represented:**

As stipulated in their MOU's, all represented employees (except in Bargaining Unit 5) may file grievances concerning any disputes arising from OOC assignments in accordance with the respective bargaining unit grievance procedure.

#### **Excluded:**

Excluded employees who believe that they have been assigned OOC duties may file an Excluded Employee Grievance Form 631 within 30 days of the completion of the alleged OOC duties.

#### **Retroactive:**

In accordance with the provisions of GC Section 19818.16(a), retroactive payment of an OOC grievance shall be awarded for a period no greater than one year preceding the filing of the grievance.

#### **Out-of-classification grievance payments:**

If the OOC grievance is approved within the department it is no longer required that the grievance be sent to the DPA for final level of review. If the department approves the grievance, payment can be made using STD 674 (Payroll Adjustment Notice).

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## Out-of-Class (OOC) Assignment: Pay, Continued

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### **OOC grievances** (continued)

If the department denies the grievance and the employee appeals to the DPA or if the employee files directly with the DPA and the department is requested to provide information, and the DPA should approve the grievance, payments are made through the SCO's Premium Pay Unit. When the DPA certifies approval of a specific period of time for OOC work, the "Release of All Claims" form and the STD 674 are initiated by the DPA and sent to the Personnel Transactions Unit (PTU) for calculation of the correct amount for the OOC payment.

C&P Analysts, please refer to the C&P Guide for a complete description of the process. C&P Analysts shall provide the employee with the following when a grievance for OOC work is received:

- letter to employee detailing the method of investigation, definition of OOC, findings, conclusion, final decision, and appeal rights
- breakdown of the calculation of payment amount, unless there is a settlement agreement
- employee contract grievance form (STD 630, STD 631), which the employee submitted to start the grievance process

When PTU staff receives a copy of the entire package, discussed above, s/he will process the request for payment using STD 674.

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### **Attachments**

[Sample OOC Approval](#); [Sample OOC Termination](#); [Employee Contract Grievance, STD 630](#); [Excluded Employee Complaint, STD 631](#); [Out-of-Classification Checklist](#), [Out-of-Class Contract Provisions Table](#), [OOC Claim Approval form](#), [Release of All Claims form](#), [Payroll Adjustment Notice-STD 674](#)

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## Out-of-Class (OOC) Assignment: Experience

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### Policy

It is the policy of the Department of General Services (DGS) that an employee shall be eligible to receive credit for out-of-class experience in meeting the minimum qualifications for a civil service examination when all of the following criteria, discussed below, are met.

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### Definition

Out-of-class experience is that work experience gained by the performance of duties outside the classification concept of the employee's classification of appointment.

**Note:** Nothing in State Personnel Board Rule 212 shall be deemed to condone or encourage the assignment by management or the performance of out-of-class work by an employee not authorized by law.

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### Criteria required for verification of OOC experience

All of the following criteria must be met for approval of out-of-class experience for examination purposes.

Criteria	Explanation
1	The employee shall submit a written request (see attachments) that the DGS certify that the employee accepted and performed duties assigned by the DGS that were not consistent with the employee's classification of appointment.  <b>Note:</b> Requests shall not be made prior to performing OOC duties a minimum of 30 consecutive calendar days, nor later than one year after the ending date of the OOC duties.
2	The DGS supervisor under whom the claimed OOC experience was gained shall document by written statement the employee's request for certification of OOC experience.
3	The applicant shall attach a copy of the verification statement to the application form (STD 678) for any examination for which s/he is applying.

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## Out-of-Class (OOC) Assignment: Experience, Continued

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**Criteria  
required for  
verification  
of OOC  
experience  
(continued)**

<b>Criteria</b>	<b>Explanation</b>
4	<p>The OOC experience shall not be used to progress from the trainee to the journey level in a classification series or deep classification at a rate faster than that permitted for persons appointed to such classifications.</p> <p><b>Note:</b> If the employee's classification of appointment has a transfer relationship, as defined by SPB Rule 433, to the classification series or deep classification in which OOC was gained and verified, and the OOC experience gained was at the trainee through journey level, the experience shall be credited for examination purposes on a cumulative basis starting at the level to which the employee could have transferred.</p> <p>Where a promotional relationship, as defined in (b) of SPB Rule 431, exists between the employee's classification of appointment and the classification series or deep classification in which OOC experience is claimed and verified, the experience will be credited on a cumulative basis starting at the entry level of the classification series or deep classification</p>
5	<p>The OOC duties were performed for a minimum time period generally required to assume the full range of responsibilities of the classification being claimed by the employee. Under these criteria, the minimum verifiable length of OOC experience is 30 consecutive calendar days.</p>

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## Out-of-Class (OOC) Assignment: Experience, Continued

### Steps

The following table depicts the steps which must be followed in order to request verification for out-of-class duties for examination purposes.

Step	Action						
1	Employee completes his/her portion of the Request for Verification of Out-of-Class Duties (SPB Rule 212) (form is fill and print format-see attachment) <b>immediately</b> upon completion of OOC duties or when requested by the Selections Unit						
2	Employee saves document and/or forwards to supervisor who made the assignment to complete						
3	Supervisor, upon completion <ul style="list-style-type: none"> <li>• prints document</li> <li>• signs and dates</li> <li>• has employee sign and date</li> </ul>						
4	Employee attaches form to application for specific examination and submits to his/her program's (e.g., OSP, APE, BSO) Classification and Pay Analyst (C&P) (click the following link for current assignment list <a href="http://www.dgs.ca.gov/ohr/AboutUs.aspx">http://www.dgs.ca.gov/ohr/AboutUs.aspx</a> )						
5	<p><b>Immediately (one day turn around)</b> upon receipt, the C&amp;P Analyst reviews the form for completeness and the OOC duties performed are consistent or inconsistent to those of the OOC classification</p> <table border="1"> <thead> <tr> <th>OOC</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>If consistent</td> <td> <ul style="list-style-type: none"> <li>• Signs and dates and forwards to Personnel Manager for date and signature</li> <li>• Submits original to Selections Unit and copies to OPF and employee</li> </ul> </td> </tr> <tr> <td>If inconsistent</td> <td> <ul style="list-style-type: none"> <li>• Drafts response describing the reason of non-support of OOC for Personnel Manager's signature</li> <li>• Submits original to employee and copies to OPF and Selections Unit</li> </ul> </td> </tr> </tbody> </table>	OOC	Action	If consistent	<ul style="list-style-type: none"> <li>• Signs and dates and forwards to Personnel Manager for date and signature</li> <li>• Submits original to Selections Unit and copies to OPF and employee</li> </ul>	If inconsistent	<ul style="list-style-type: none"> <li>• Drafts response describing the reason of non-support of OOC for Personnel Manager's signature</li> <li>• Submits original to employee and copies to OPF and Selections Unit</li> </ul>
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## Out-of-Class (OOC) Assignment: Experience, Continued

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**Attachment**     [Request for Verification of Out-of-Class Duties \(SPB Rule 212\)](#)

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