

## **Personnel Rule 3.5 – Out-of-Class Assignments**

### **3.5.0 Authority**

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority

SMC 4.20.300 and subsequent revisions thereto, Payment for performance of out-of-class and limited term assignment duties

### **3.5.1 Definitions**

- A. “Actual service” shall mean the total straight-time pay hours accumulated in a title. The first 240 hours per year of authorized unpaid time off for non-disciplinary reasons shall not be deducted from actual service.
- B. “Appointing authority” shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or his or her designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent or chief.
- C. “Continuous out-of-class assignment” shall mean an ongoing assignment to perform and receive compensation for the duties of a higher-paying title. A continuous out-of-class assignment is broken by the employee’s return to his or her regular payroll title for regular work hours (coded as “AA” pay on the employee’s timesheet).
- D. “Discretionary pay program” shall mean a compensation program in which the appointing authority, in accordance with guidelines and procedures established by the Personnel Director, is granted discretion to set pay within the authorized pay zone.
- E. “Executive leave” shall mean annual paid leave that is granted to an employee assigned on a regular or out-of-class basis to an eligible salaried title.
- F. “Hourly employee” shall mean an employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a workweek.
- G. “Merit leave” shall mean annual paid leave that is awarded to an employee assigned on a regular or out-of-class basis to an eligible salaried title in recognition of his or her exceptional job performance.
- H. “Out-of-class assignment” shall mean the temporary assignment of an eligible employee to perform the normal ongoing duties and responsibilities associated with a higher-paying title.
- I. “Personnel Director” shall mean the director of the Personnel Department or his or her designated management representative.
- J. “Primary rate of pay” shall mean the pay rate an employee receives in his or her primary job title.

- K. "Regularly appointed employee" shall mean an employee with an exempt, probationary or regular appointment to a position of City employment.
- L. "Salaried employee" shall mean an employee who is not covered by the Fair Labor Standards Act who regularly receives each pay period a predetermined amount constituting all or part of compensation. This base salary cannot be reduced because of variations in the quality or quantity of work performed.
- M. "Step Progression Pay Program" shall mean a compensation system that provides for wage progression based on length of service.

### **3.5.2 Application of this Rule**

- A. This Rule applies to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to employees who are employed under the terms of a grant that includes compensation provisions that conflict with this Rule.
- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week; nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such procedures do not conflict with the provisions of this Rule.

### **3.5.3 Authorization**

- A. The appointing authority may temporarily assign to an employee the duties of a higher-paying position or classification in order to continue or complete essential public services, and to compensate him or her for the performance thereof.
- B. Reasons for out-of-class assignments include the absence of the employee who would normally perform those duties, a position vacancy, peak workload periods, and completion of special projects.
- C. An employee assigned to perform the duties of a higher-paid position on an out-of-class basis must meet the documented minimum qualifications of the higher classification or position. He or she must also have demonstrated or be able to demonstrate that he or she can perform the normal duties of the position.
- D. The City supports employee development through opportunities to work out-of-class. However, the appointing authority has the discretion to approve, or not approve the assignment and/or the appointment based on business need.
- E. Out-of-class assignments are intended to help departments meet business needs and ensure the uninterrupted performance of essential public service. However, the City recognizes that out-of-class assignments can provide employees an opportunity to expand upon their work experience for career growth and upward

mobility. Therefore, managers are encouraged to rotate out-of-class assignments within a work unit or division where practical.

#### **3.5.4 Long Term Continuous Out-of-Class Assignments Beyond 90 Days**

- A. This subsection does not apply to Civil Service exempt positions for which out-of-class assignments are being created or assignments established pursuant to Personnel Rule 3.5.6A.
- B. To help ensure that employees have meaningful opportunities to gain access to out-of-class assignments, continuous out-of-class assignments reasonably expected to last beyond 90 days shall be advertised for a minimum of five business days.
- C. The department shall determine whether to advertise the assignment within the originating work unit, division or department first, before broadening the search to other city departments. This determination should be based on business need and whether there are qualified internal applicants.
- D. All advertisements shall be distributed or posted in a manner reasonably accessible to the employees. If a department determines to broaden its search to other city departments, then the department shall advertise the opportunity as an out-of-class assignment on the City's Opportunity for Advancement system.
- E. The advertisement must minimally contain:
  - 1. The estimated duration of the assignment, along with the expected start and end date,
  - 2. A description of the work to be performed in the assignment,
  - 3. The minimum qualifications for the assignment,
  - 4. The desired resume/reference materials or statement of interest, and
  - 5. The deadline for submission of materials.
- F. The department must inform interested candidates of the selection decision and if requested, provide feedback.

#### **3.5.5 Compensation for Out-of-Class Assignments**

- A. When the out-of-class assignment is to a title in the Step Progression Pay Program, the employee shall receive the step associated with the higher-paying title which provides an increase closest to but not less than the equivalent of 1 salary step over his or her primary rate of pay, not to exceed the maximum pay rate of the higher-paying title, while performing out-of-class duties.
- B. When the out-of-class assignment is to a title in a discretionary pay program, the employee shall be paid using the out-of-class job codes and pay structures established for the program. The appointing authority may approve a pay increase larger than 4% when a higher pay rate is appropriate for the duties assigned.
- C. The appointing authority may assign to an employee whose position is compensated under a discretionary pay program duties associated with another position in the same pay zone, and may temporarily adjust his or her salary in accordance with the base salary-setting rules associated with that program.

- D. An employee is not eligible for payment at the out-of-class rate of pay for hours on regular pay status but not worked (e.g., vacation or holidays); however, such hours shall not be deemed to have interrupted a “continuous out-of-class assignment.”
- E. An employee whose position is assigned to the Step Progression Pay Program who works out-of-class shall receive credit for step advancement in the out-of-class title as follows:
  - 1. One step increase, or the equivalent thereof, not to exceed the maximum pay rate of the higher-paying title, after each 2088 cumulative straight-time hours of actual service in the out-of-class title, unless the employee has, within the previous 12 months, received a pay increase in the out-of-class assignment as a result of step progression in his or her primary position.
  - 2. An additional step increase for each 2088 cumulative straight-time hours of actual service in the higher-paying title, not to exceed the maximum pay rate of the higher-paying title.
- F. An hourly employee who works out-of-class in a salaried title shall earn 1 day of executive leave for every 520 cumulative hours worked in such position or positions. The appointing authority may approve up to 6 days of merit leave per year for an hourly employee who works out-of-class in a salaried position, regardless of the length of such assignment(s). An hourly employee working out-of-class in a salaried title is not eligible for overtime compensation, regardless of whether the duties performed after the overtime threshold is passed are associated with an hourly or salaried title.
- G. An employee who is assigned out-of-class to a title in a compensation program that provides for performance payments is not eligible for participation in the performance pay program.
- H. A salaried employee who works out-of-class in an hourly position shall be eligible for overtime compensation for hours worked beyond 40 in a workweek.

### **3.5.6 Out-of-Class Thresholds**

- A. Hourly employees assigned to work out-of-class must perform the duties of a higher-paying position for a minimum of 4 consecutive hours to be eligible for payment at the higher rate.
- B. Salaried employees on an out-of-class assignment must perform the duties of a higher-paying position for a minimum of 2 consecutive work weeks to be eligible for compensation for the higher-paying duties.
- C. Out-of-class assignments are limited to 6 months, unless extended by the department head. Out-of-class assignments of non-represented employees to positions represented under the terms of a collective bargaining agreement are subject to any out-of-class assignment limitation and extension provisions of the agreement.

### **3.5.7 Classification**

- A. Upon receipt of a classification determination report signed by the Personnel Director which upgrades a position to an existing title, the appointing authority shall use an out-of-class assignment as a mechanism to pay the position incumbent at the proper rate pending implementation of the classification action. The employee should be treated as though he or she were appointed on the classification effective date for purposes of salary step placement, if applicable, and payment for authorized leave. Out-of-class payment under this Rule is authorized only upon receipt of a signed classification determination.
- B. Assignment of higher-paying duties on an out-of-class basis will not obligate the Personnel Director in his or her classification or compensation decisions.