

**CHAPTER 40**  
**OUT-OF-CLASS ASSIGNMENTS**

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**TABLE OF CONTENTS**

<u>GENERAL</u> .....	40-3
Authority .....	40-3
Departmental Policy.....	40-3
<u>DEFINITIONS</u> .....	40-3
Alternatives.....	40-3
<u>GUIDELINES</u> .....	40-4
Represented Employees .....	40-4
Excluded Employees .....	40-4
Managerial Employees .....	40-5
Exceptions .....	40-5
Appeal Process.....	40-6
<u>PROCEDURES</u> .....	40-7
<u>ANNEX</u>	
<u>A</u> – CHP 46, OUT-OF-CLASS ASSIGNMENT .....	40-9

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**CHAPTER 40**  
**OUT-OF-CLASS ASSIGNMENTS**

1. GENERAL.

a. Authority. Government Code (GC) Sections 18702, 19818, 19818.6, 19818.8, and 19818.14 require every position be allocated to an appropriate classification, and no employee shall be assigned duties of any other classification other than to which the position is allocated.

b. Departmental Policy.

(1) Commanders and supervisors shall be responsible for ensuring the duties and responsibilities of each subordinate employee are appropriate to the employee's current classification. Additionally, each employee is responsible for informing the appropriate supervisor or commander when the assigned duties and responsibilities are not reflected in the employee's classification.

(2) All out-of-class (OOC) assignments will be made in writing and must be approved through the chain of command in advance. Refer to paragraph 4.

2. DEFINITIONS.

c. Contracts for Bargaining Units 1, 2, 4, 7, 9, 12, 13, 14, 15, and 16; California Code of Regulations (CCR), Title 2, Section 599.810; and GC Section 19818.16 provide for a salary differential if OOC work is assigned. In no case should an OOC assignment exceed 120 days except as specified in paragraph 3.b.(4) or the employee's bargaining unit contract. The existence of these provisions does not in any way condone the assignment of OOC duties; rather, it provides a means of compensation if a compelling need exists to assign OOC work. Refer to paragraph 3.

d. Alternatives.

(1) Whenever possible or practical, accommodate temporary staffing needs by the use of civil service alternatives rather than the assignment of OOC work. Alternatives include:

- (a) Limited term appointments.
- (b) Temporary reassignment of work.
- (c) Classification changes.

(2) If OOC work is necessary before the assignment is made, the commander should have a plan to correct the situation before the 120-day time period is exhausted.

### 3. GUIDELINES.

e. Represented Employees. Refer to the appropriate bargaining unit contract for OOC contract provisions.

f. Excluded Employees. The CCR, Title 2, Section 599.810, states confidential and supervisory employees may be compensated for performing OOC work. The CCR, Section 599.810, reads as follows: "For the purposes of this section: 'Excluded employee' means an employee as defined in Government Code section 3527(b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1."

(1) As specified in paragraph 3.b.(3), excluded employees may be compensated for performing duties of a higher classification provided:

(a) The assignment is made in advance, in writing, and the excluded employee is given a copy of the assignment; and

(b) The appointing authority certifies funds are available within its current budget; and

(c) The duties performed by the excluded employee are not described in a training and development (T&D) assignment or by the specification for the classification to which the excluded employee is appointed and, further, taken as a whole are fully consistent with the types of tasks described in the specification for the higher classification; and

(d) The excluded employee does not perform such duties for more than 120 calendar days in a fiscal year, except as provided in paragraph 3.b.(4).

(2) There shall be no compensation under this rule for assignments lasting for 15 consecutive working days or less.

(3) An excluded employee performing in a higher classification for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher classification.

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

(5) Pay differentials received under the rule shall not be part of an excluded employee's base pay for the purpose of merit salary adjustments or other salary transactions related to subsequent appointments and separations.

(6) Paid time off shall not break the continuity of work in a higher classification for the purposes of this rule.

g. Managerial Employees. As members of the management team, employees in managerial classifications can reasonably be expected to perform work as needed to help the Department function smoothly. For limited periods of time, a manager should be expected to fulfill a wide range of duties not normally part of the manager's assignment and classification without additional compensation.

(1) There are rare circumstances when a managerial OOC assignment must continue beyond a short time frame and additional compensation is appropriate.

(2) In accordance with GC Section 19818.16(a), a managerial employee may file a request to be compensated for OOC work. The employee should follow the same procedure used by other excluded employees.

(3) If the OOC assignment is clearly one which would not normally be expected, the Department may allow OOC compensation when the assignment exceeds 90 calendar days.

(4) Payment will commence on the 91st day. A managerial employee shall receive the rate of pay the managerial employee would receive if appointed to the higher classification.

h. Exceptions. Excluded or managerial employees who believe they have been performing OOC work may file a claim at any time while the OOC duties continue to be performed or within 30 days of the cessation of the OOC work. A represented employee should refer to their bargaining unit contract for timelines.

i. An employee is not considered to be working OOC if any one of the criteria listed below is met:

(1) The OOC duties were not assigned and the employee requested the work or assumed the duties without them having been assigned.

(2) The employee is performing the full range of the duties described in the employee's job specification (i.e., an employee who is performing the duties of the current classification the majority of the time is not considered to be working OOC even though these duties may substantially overlap those of another classification at the same or higher level).

(3) The employee is performing the prescribed duties on a T&D assignment, in apprenticeship or other training classification, or when performing duties different from the regular duties because of injury, illness, or a return to work program.

(4) The California Department of Human Resources (CalHR) approves a change in allocation standards and an employee claims they were working in a higher classification prior to the effective date of the change in the standards.

(5) The CalHR establishes a higher classification describing some duties which may also be appropriately allocated to a lower classification.

(6) The claim is based upon alleged accelerated movement in a deep class series (e.g., Staff Services Analyst, Ranges A, B, and C) or from the trainee through journey level of a series.

j. Appeal Process. If an employee believes they are working OOC, an informal discussion with the supervisor is appropriate in an attempt to correct the situation. If the employee desires to pursue the matter formally, they shall proceed as follows:

(1) Represented Employee. The employee may appeal through the grievance procedures outlined in the employee's bargaining unit contract and Highway Patrol Manual (HPM) 9.1, Employee Relations Manual, Chapter 7, Guidelines for Grievance/Complaint Handling.

(2) Excluded and Managerial Employee. The employee may appeal through the grievance procedures as outlined in HPM 9.1, Chapter 7, and Chapter 8, Excluded Employee Grievance and Appeal Procedures.

4. **PROCEDURES.** If a supervisor or commander believes there is a compelling need to assign OOC work to an employee, the following procedures shall be followed to obtain **approval**:

- a. The commander shall initiate the request for an OOC assignment by completing a CHP 46, Out-of-Class Assignment. Refer to Annex A. The commander shall ensure the assignment will not exceed 120 days. The following documents must accompany the CHP 46:
  - (1) A CHP 129, Duty Statement, identifying the current duties assigned. Refer to HPM 10.3, Personnel Transactions Manual, Chapter 33, State's Personnel Classification Plan, for procedures.
  - (2) A CHP 129 identifying the work to be performed in the proposed higher classification.
  - (3) Organization chart. Refer to HPM 10.3, Chapter 33, for procedures.
- b. The CHP 46, with accompanying documentation, shall be forwarded through the chain of command to Classification and Hiring (CH).
- c. The CHP 46 must be received by CH at least 15 calendar days prior to the commencement of OOC work. The request will be reviewed and the command will be notified of the approval/denial by the return of the CHP 46.
- d. Upon approval, the supervisor shall direct the employee, as appropriate, to perform the full range of duties of the higher classification, clearly indicating the duties to be performed and the percentage of time to be spent performing the duties. Additionally, the employee shall be provided a copy of the approved CHP 46.
- e. Human Resources Section, Personnel Transactions Unit, will monitor starting and ending dates to ensure proper termination of the assignment.
- f. The commander is responsible for informing CH if the assignment terminates prior to the agreed-upon time limits.
- g. The employee's CHP 71, Attendance Report, shall show "O/C" in the Remarks column for each day the employee is assigned OOC work.
- h. Represented employees will be compensated in accordance with the provisions contained in their bargaining unit contract.
- i. Confidential and supervisory designated employees will be compensated in accordance with paragraph 3.b.(3).

j. Managerial employees will be compensated in accordance with paragraph 3.c.(4).

# ANNEX A

## CHP 46, OUT-OF-CLASS ASSIGNMENT

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL <b>OUT-OF-CLASS ASSIGNMENT</b> CHP 46 (Rev. 12-15) OPI 097		
<b>INSTRUCTIONS:</b> BEFORE COMPLETING THIS FORM, READ AND BE THOROUGHLY FAMILIAR WITH HIGHWAY PATROL MANUAL 10.3, PERSONNEL TRANSACTIONS MANUAL, CHAPTER 40, OUT-OF-CLASS ASSIGNMENTS.		
COMMAND/LOCATION CODE Blue River Area / 190	EMPLOYEE NAME (LAST, FIRST, M.I.) Shores, Sandy A.	I.D. NUMBER A19909
CURRENT CLASSIFICATION (ATTACH CURRENT DUTY STATEMENT AND ORGANIZATIONAL CHART) Office Assistant (Typing)	PROPOSED CLASSIFICATION (ATTACH PROPOSED DUTY STATEMENT) Office Technician (Typing)	
DATE OUT-OF-CLASS ASSIGNMENT TO COMMENCE 10/01/2014	DATE OUT-OF-CLASS ASSIGNMENT TO TERMINATE (CANNOT EXCEED 120 CALENDAR DAYS) 01/29/2015	
JUSTIFICATION FOR PROPOSED OUT-OF-CLASS ASSIGNMENT <p>Blue River Area's Office Services Supervisor (OSS) I will be on parental leave from 10/01/14 - 01/29/15. During the OSS I's absence, it will be necessary to have someone perform the full duties and responsibilities associated with the OSS I position to maintain the quality of service provided to the public and the Department. Direct personnel supervision of the clerical staff will be assigned to the Blue River Area administrative sergeant, but the sergeant will not have time to perform the day-to-day workload of the OSS I. Therefore, the Blue River Area requests approval to place Office Assistant (OA) Sandy Shores, ID #A19909, in an out-of-class assignment as an Office Technician (OT) within the clerical office. If approved, the administrative sergeant will perform the supervisory duties of the OSS I desk, while Ms. Shore performs the OT level duties of the desk, and her OA duties are distributed evenly among the other clerical staff. (See attached duty statements.)</p> <p>Ms. Shores is extremely capable of assuming the responsibilities of an OT. She has served as the OSS I back-up for short duration absences and has gained the respect of her clerical co-workers, Area supervisors, and Area management. She has demonstrated an interest and ability to take on a leadership role within the unit when needed. Approval of this request will facilitate the continued functionality of the command, and will provide Ms. Shore with a meaningful professional development opportunity.</p>		
SUPERVISOR'S SIGNATURE		DATE
EMPLOYEE'S SIGNATURE		DATE
COMMANDER APPROVAL		DATE
DIVISION APPROVAL		DATE
COMMISSIONER/ASSISTANT COMMISSIONER APPROVAL		DATE
<b>SECTION STANDARDS AND EXAMINATIONS SECTION USE ONLY</b>		
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		ANALYST
COMMANDER		DATE
COPIES TO: <input type="checkbox"/> HRS/PTU <input type="checkbox"/> ACS <input type="checkbox"/> ACF <input type="checkbox"/> DIVISION <input type="checkbox"/> EMPLOYEE <input type="checkbox"/> COMMAND (UPON APPROVAL, REPORT OUT-OF-CLASS ON ATTENDANCE REPORT IN REMARKS.)		
Use previous editions until depleted.		
Chp46_1215.pdf		

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