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AM-214-1 Part II

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Out-of-Title Work (Substitution)

SCOPE

This policy describes the approval of and compensation for out-of-title (substitution) work when certain categories of employees are temporarily assigned the duties of a higher classification. This part of AM-214-1 only applies when the employee is neither in a non-competitive labor classification (see Part I) nor performing the duties of an agency or bureau head (see Part III).

ELIGIBILITY

An out-of-title assignment may be made **only when one of the following conditions exist:**

- The incumbent in a budgeted position with a higher classification has been assigned to the duties of another position or is absent due to leave of absence, illness, incapacitation, or the use of leave,

OR

- A budgeted position is vacated because of a retirement, resignation, termination, or transfer and no list of eligible candidates for the classification exists. (The agency head must request an examination for the classification from the Civil Service Commission [CSC].)

In addition, eligibility criteria require that **the employee selected for the assignment must:**

- Meet the minimum qualifications of the higher classification.
- Receive a MEMO (28-1418-5017) from the agency or bureau head assigning out-of-title work.
- Assume the full range of responsibilities and duties of the out-of-title classification.

An employee may not voluntarily perform the duties of an out-of-title class or be assigned those duties without receiving out-of-title compensation.

Special Provision

When a position is unexpectedly vacated and a list of eligible candidates for the classification exists, an out-of-title payment for no more than 20 consecutive working days may be allowed. This gives an agency the opportunity to make an out-of-title assignment while it proceeds to fill the vacant position. Agencies wishing to make an out-of-title assignment under these circumstances must submit an OUT-OF-TITLE PAY REQUEST (28-1408-5159) to CSC regardless of the number of grades between the grade of the higher class and the regular grade of the assigned employee. The 20-day limit also applies when an eligible list becomes available during an approved out-of-title assignment.

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OVERVIEW

The procedure for approving an out-of-title assignment depends on the numerical difference between salary grades (when comparing the grade of the higher class and the regular grade of the assigned employee) and on the length of the assignment. Key differences regarding approval are summarized in the following chart and explained in subsequent sections of this policy.

	<u>Grade difference of 6 or less</u>	<u>Grade difference of 7 or more</u>
Verification that the employee meets minimum qualifications for the higher class	Agency head (for initial period)	CSC
Approval of initial 120-day period	Agency head	CSC
Approval of 60-day extension	CSC and Expenditure Control Committee (ECC)	CSC and ECC
Approval of late requests	CSC and ECC	CSC and ECC

CSC must approve out-of-title assignments when either the employee's regular grade or the out-of-title grade is 000 or 999. Also, CSC must approve out-of-title assignments when the assignment is to or from a position in the 600 grade series. See "DIFFERENCE IN UNION GROUP" section if an out-of-title assignment is made to a class represented by an employee group other than the assignee's regular group.

LENGTH OF OUT-OF-TITLE ASSIGNMENT

An out-of-title assignment should normally last no more than 120 cumulative working days during a fiscal year. One extension of up to 60 cumulative work days may be granted by CSC and ECC.

APPROVAL OF INITIAL ASSIGNMENT

Grade Difference of 6 or Less

The **agency or bureau head is authorized to approve** an out-of-title assignment when there are **6 or fewer grades** between the grade of the higher class and the regular grade of the assigned employee and when the assignment is for **120 or fewer working days**. The agency or bureau head must:

- Verify that the assigned employee meets the minimum qualifications (including any licenses or other certification) of the higher class.

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- Give the employee a MEMO formally assigning out-of-title work. This MEMO must contain the job number of the higher class position.
- Certify that the employee performed the work of the higher class on the PAYROLL ATTENDANCE REPORT (147-015) (see section entitled "SUBMISSION OF PAYROLL").

Grade Difference of 7 or More

The CSC **must approve** out-of-title assignments when there are **7 or more grades** between the grade of the higher class and the regular grade of the assigned employee. Agencies seeking such approval must submit a completed OUT-OF-TITLE PAY REQUEST to the Classification Division of CSC before assigning an employee to work out-of-title. If the out-of-title assignment is to a position in a classification series other than the assignee's regular position, the agency must also submit a completed POSITION DESCRIPTION (28-1618-5064) to describe the duties performed by the assignee.

CSC will notify both the agency and the Central Payroll Division (CPD) if it approves the request. The agency or bureau head must then give the employee a MEMO formally assigning out-of-title work. This MEMO must contain the job number of the higher class position. The agency or bureau head must also certify that the employee performed the work of the higher class on the PAYROLL ATTENDANCE REPORT (see section entitled "SUBMISSION OF PAYROLL").

APPROVAL OF 60-DAY EXTENSION PERIOD

Both the CSC and ECC **must approve all out-of-title assignments lasting more than 120 working days within a fiscal year**. Agencies seeking an extension must submit a completed OUT-OF-TITLE PAY REQUEST and a POSITION DESCRIPTION to the Classification Division of the CSC at least 30 days before the end of the initial 120-day period.

CSC may disapprove the request to extend an out-of-title assignment. Before assigning a second employee to the same out-of-title duties (even though the grade difference is 6 or less), the agency must follow the application guidelines outlined in this section.

ECC will notify both the agency and the CPD if it approves the extension. The agency or bureau head must then give the employee a MEMO formally extending the out-of-title assignment. This MEMO must contain the job number of the higher class. The agency or bureau head must also certify that the employee performed the work of the higher class on the PAYROLL ATTENDANCE REPORT (see section entitled "SUBMISSION OF PAYROLL").

If CSC or ECC disapproves the extension and the employee worked in the out-of-title assignment while the request was under consideration, the employee will receive the out-of-title pay rate

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through the date that the agency is notified of the disapproval. The agency must immediately remove the employee from the out-of-title assignment.

LATE REQUESTS FOR INITIAL APPROVAL, EXTENSION, OR COMPENSATION

Any of the following circumstances cause a request for out-of-title compensation to be considered late:

- A request for approval of an **initial period** of out-of-title work when the grade difference is 7 or more is received by CSC 30 calendar days after the beginning of the assignment.
- A request for an **extension** of an out-of-title assignment is received by CSC less than 30 calendar days before the end of the initial 120-day period.
- The agency or bureau head **fails to properly certify** the out-of-title performance on the PAYROLL ATTENDANCE REPORT and to correct the omission by submitting an adjustment MEMO to CPD in time for the subsequent payroll.

All late requests must be approved by ECC.

Agencies seeking approval of a late request must submit a completed OUT-OF-TITLE PAY REQUEST and a POSITION DESCRIPTION to the Classification Division of the CSC. They must complete the relevant section of the REQUEST to explain why it is late.

COMPENSATION

An employee approved for an out-of-title assignment will receive a **1^{1/3}% increase for each salary grade difference** when comparing the grade of the higher class to their regular grade. (When either salary grade is 000 or 999, the assigned employee will receive a straight 4% increase.) Compensation may not, however, exceed the maximum salary of the higher class adjusted for any longevity compensation to which the employee is entitled.

The out-of-title salary rate will not be used in payments such as sick leave conversion or special compensation negotiated by a union or employee group. Nor will it be paid when the employee is on leave for full days during the out-of-title assignment. (These full leave days will not be counted when computing the number of days the employee has worked out-of-title.) The out-of-title salary rate will be paid for holidays when the employee is paid the out-of-title rate on the work days immediately before and after the holiday.

Refer to the employee's regular union or employee group agreement to determine when out-of-title compensation begins.

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In addition to a pay increase, the employee may cite (with appropriate documentation) the experience gained while working out-of-title to qualify for CSC promotion or eligibility lists based on training and experience.

DIFFERENCE IN UNION GROUP

When an employee is assigned to work out-of-title in a class in another union or employee group, the following grades are equivalent: 90, 110, 440, and 540. Also, grade 410 is equivalent to grade 65. Employees working out-of-title retain those attributes associated with their regular class such as Fair Labor Standards Act status, maximum accumulated leave, health benefits, survivor benefits, and separation pay.

COMPENSATION EXAMPLES

<u>Same Employee Group</u>		<u>Different Employee Group</u>	
A. Out-of-title grade	84	A. Out-of-title grade 110, equivalent to grade 90	
B. Employee's current grade	<u>75</u>	B. Employee's current grade	<u>87</u>
C. Grade difference (A - B)	9	C. Grade difference (A - B)	3
D. Difference x 1 1/3 (C x 1 1/3)	12%	D. Difference x 1 1/3 (C x 1 1/3)	4%
E. Employee's current daily rate	\$77.40	E. Employee's current daily rate	\$120.25
F. Out -of-title increase (D x E)	<u>\$ 9.29</u>	F. Out -of-title increase (D x E)	<u>\$ 4.81</u>
G. Out-of-title daily rate	\$88.69	G. Out-of-title daily rate	\$125.06

SUBMISSION OF PAYROLL

In order for an employee to receive appropriate compensation for an out-of-title assignment, the agency or bureau head must certify the out-of-title work on the PAYROLL ATTENDANCE REPORT. The following markings must appear:

- In **black ink**, enter the total number of out-of-title regular days worked in the pay period in the "Out-of-Title Days" column.
- In **black ink**, enter the out-of-title class number in the "Out-of-Title Class" column.
- In **red ink**, enter the total number of out-of-title overtime hours worked in the pay period in the "Out-of-Title Days" column.
- In **red ink followed by the letter "D,"** enter the total number of out-of-title double-time overtime hours worked in the pay period in the "Out-of-Title Days" column.

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- In **black ink**, enter the total number of out-of-title hours worked for compensatory time in the "Comp Time" column.
- Enter the job number of the out-of-title class and the dates of the out-of-title work (if less than all work days in the pay period) in the remarks column.

The agency or bureau head must initial these entries in the remarks column.

REPORT ON NUMBER OF OUT-OF-TITLE DAYS WORKED

The Bureau of Management Information Systems (BOMIS) will generate a listing of employees who have worked in out-of-title assignments for more than 80 cumulative work days in the current fiscal year. The listing will be forwarded to CSC and to CPD for distribution to agency heads on a bi-weekly basis. Agency heads must ensure that the time limits stated within this policy are not exceeded.

RELATED POLICIES

AM-214-1, Part I Out-of-title Work (Substitution) – Labor Employees
AM-214-1, Part III Out-of-title Work (Substitution) – Acting Agency or Bureau Heads