



PERSONNEL RULES

COMPENSATION WORK OUT-OF-CLASS §3301

Overview: All Tehama County employees assigned to work out-of-class in either a work out-of-class or temporary upgrade pay assignment shall be in accordance with established standards outlined in this policy.

Applicable to: All Tehama County employees, excluding Extra-Help and Elected Officials.

Definitions: Work Out-of-Class – Work out-of-class occurs when an employee is temporarily assigned to perform duties in addition to the employee's regularly assigned duties. This cannot be used in recognition of workload volume.

Temporary Upgrade Pay – Temporary upgrade pay occurs when an employee is temporarily assigned to perform the full scope of duties in an upgraded classification and is not performing any of their regularly assigned duties in their lower-level classification.

Guidelines: From time to time, employees may be temporarily assigned to work in a classification which is higher in pay than their regularly assigned classification. This is called working out-of-class. Working out-of-class normally occurs when a position is vacant for recruitment or a leave of absence. However, for purposes of reporting requirements under the California Public Employees Retirement System (CalPERS), there are two types of working out-of-class assignments, work out-of-class and temporary upgrade pay. Employees assigned to work out-of-class shall be assigned to one of these two categories.

Work Out-of-Class vs. Temporary Upgrade Pay

When an employee is temporarily assigned to work out-of-class in recognition of duties performed in addition to the employee's regularly assigned duties, this is called work out-of-class. Work out-of-class is not in recognition of workload volume. Rather, work out-of-class is in recognition of the additional higher-level duties assigned which fall outside the employee's regular classification. In other words, an employee assigned to work out-of-class is being compensated for the additional higher-level duties being performed in addition to their regularly assigned duties.

Temporary Upgrade Pay is distinguished from work out-of-class pay in that the latter is in recognition for assignments in which the employee is temporarily performing the full scope of an upgraded classification. Meaning, the employee temporarily assigned in this capacity is not performing any of the duties of their regularly assigned duties in the lower-level classification. When an employee is required to perform the full range of duties of the higher position it is considered Temporary Upgrade Pay and the additional pay is reportable to CalPERS as outlined in CCR Section 571(a)(3).

Employees who meet the definition of "Classic" members as defined by the California Public Employee's Pension Reform Act of 2013 (PEPRA), working in a Temporary Upgrade Pay assignment vacant due to an ongoing recruitment, cannot exceed 960 hours per fiscal year. Although both "Classic" and PEPRA "New Members" will be

allowed to work in Temporary Upgrade Pay assignments, “Classic” employees will not be permitted to exceed the 960 hour per fiscal year limit.

All employees assigned to work out-of-class, and PEPRA “New Members” working in a Temporary Upgrade Pay assignment, for a period of more than six months, shall be reviewed by the Personnel Director, or his/her designee for CalPERS compliance.

Terms and Compensation

All work out-of-class assignments must be in accordance with the terms and compensation listed in the applicable bargaining unit memorandum of understanding (MOU).

Work out-of-class or temporary upgrade pay shall be assigned in writing (on the County’s Work Out-of-Class or Temporary Upgrade Pay Assignment form) approved by a Department Head and/or designee and submitted to the Personnel Director and Chief Administrator for verification of eligibility and/or approval. A copy of the completed form will be provided to the employee.

An employee assigned to perform duties of a classification paid at a higher rate of pay than an employee’s regularly assigned classification shall be compensated on an hourly basis only for those hours worked while assigned in a work out-of-class or temporary upgrade pay capacity. In other words, an employee may be assigned to work in either capacity for a limited number of hours per week as long as they are compensated accordingly.

An employee assigned to perform duties of a classification paid at a lower rate of pay than the employees regularly assigned classification will suffer no loss of compensation because of such an assignment.

Employees designated as bilingual will continue to receive bilingual pay, based on the working out-of-class or temporary upgrade rate of pay, when assigned to a working out-of-class or temporary upgrade pay assignment.

Probationary Employees

Probationary employees are not eligible to be assigned to work out-of-class or in a temporary upgrade pay capacity.

Training

A work out-of-class or temporary upgrade pay assignment for training purposes may be excluded from compensation for up to a cumulative total of twenty (20) working days per fiscal year provided such training purposes can be adequately demonstrated. “Training purposes” shall not be primarily for the purpose of production or to fill a vacant position. The County will notify the employee it intends to place in a temporary training position prior to the assignment and may not retrospectively inform the employee.

Procedure: Responsibilities for implementation, application, and enforcement of this rule are listed below.

Employee The employee shall review the job specification for the higher paid classification and complete the Work Out of Class or Temporary Upgrade Pay Assignment form acknowledging the terms of the assignment.

Department Head The Department Head and/or designee shall notify the employee of the anticipated end date, as well as any revisions to extend or shorten the assignment, provide the employee with the most recent classification specification for the work out-of-class or temporary upgrade pay assignment, and complete the Work Out of Class or Temporary Upgrade Pay Assignment form and provide a copy to the employee.

The Department Head or their designee shall thoroughly review the employee's experience, knowledge, training, and skills prior to the work out-of-class or temporary upgrade pay assignment to ensure the assignment is appropriate. The Department Head or their designee shall review and discuss expectations with the employee. The Department Head or their designee shall submit a Personnel Action Form, and the Tehama County Work Out of Class or Temporary Upgrade Pay Assignment form to the Personnel Office outlining the terms of the assignment.

Personnel Office The Personnel Office will review all documentation to ensure the assignment is in accordance with the guidelines established in this rule and CalPERS compliance.

Required Forms: Personnel Action Form, Tehama County Work Out-of-Class or Temporary Upgrade Pay Assignment form.

References: CalPERS Government (Gov.) Code Section §20480, CCR §571(a)(3), MOU's
Effective Date:

The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.