

**OUT-OF-CLASS CONTRACT PROVISIONS**  
(Revised 6-7-04)

Bargaining Unit	OOC Provisions	Assignment in Writing Required	Amount of Payment	Payment Duration Conditions	Filing Req.**	Comments/Problems	Arb.
1, 2, 3, 4, 11, 14, 15*, 20, 21 (CSEA)	Yes	No	According to Salary Rule Sections 599.673, 599.674, or 599.676.	Not to be compensated for more than one year for any one assignment. Cannot be retroactive for a period greater than one year from filing date.	Grievance Procedure. BU 02 is: 21 days.	BU 2, OOC provisions do not apply for classes controlled by ratios.  Final step is arbitration.	Yes
5	No				30 days. DPA Rule 699.904.	OOO Claims permitted per GC Section 19818.6.	No
6, 7, 9	Yes	Yes	Over 15 days = +5% for period in excess. 30 to 120 = +5% from first day. Over 120 = higher class salary.	Same as above on year limits (retro & max).	BU 6 is: 15 days. BU 7 is: 14 days. BU 9 is: 21 days.	BU 6 – Must be from hiring list or eligible to take exam.	Yes, except BU 9 No
8	Yes	Yes	Up to 30 days = no increase. 30 to 60 @ +5%. 60 to 120 @ +5% from first day of OOC. Over 120 = higher class salary.		20 days.	Must have employee consent to assign OOC work. One year retro from filing limit. Max one year assignment.	Yes
10	Yes	No	According to Salary Rule Sections 599.673; 599.674, or 599.676.	Same as above one year limits (retro & max).	60 days.		Yes
12, 13	Yes	Yes	BU 12: Difference between classes or as if employee promoted to class. Keep all differentials earned in lower class.	Not to be compensated for more than one year for any one assignment. Cannot be retroactive for a period greater than one year from filing date.	BU 13: 10 days.	Assignments made in one week increments.	Yes
16	Yes	Yes	According to salary rules prior to filing grievance.	Not to be compensated for more than one year.	21 days.		No
17	Yes	Yes	Salary Rule Sections 599.673, 599.674, or 599.676.	Not to be compensated for more than one year.	14 days		Yes
18	Yes	No	Salary Rule Sections 599.673, 599.674, or 599.676.	Not to be compensated for more than one year for any one assignment. One year max retro from filing date.	14 days.		Yes
19	Yes	No	Salary Rule Sections 599.673, 599.674, or 599.676.	Same as above.	30 days.		No
Nonmanagerial Excluded (Supervisory/ Confidential)	DPA Rule 599.810	Yes	According to Salary Rules.	Up to 120 days; DPA approval for extension.	DPA Rule 599.859	See Classification & Pay Manual Section 375	DPA Rule 599.904
MANAGERS	No	Yes	According to Salary Rules.	Assignment must be for at least 90 days. Payment commences for time beyond 90 days.	DPA Rule 599.859.	Approval from DPA is required for any managerial out of class.	DPA Rule 599.904

\*BU 15: See Pay Differential 98.

\*\*Most filing dates are tied to the Grievance Procedure requirements.

**PAY DIFFERENTIAL 101  
OUT-OF-CLASS ASSIGNMENT PAY - EXCLUDED EMPLOYEES**

Established: 05/23/86

Revised: 05/12/98, 05/01/99, 10/31/01, 06/01/04, 09/01/09

CLASS TITLE	RATE	EARNINGS ID	DEPARTMENT
Confidential, Excluded, Supervisory, and Managerial Classes	See Criteria	SI	All Departments

**CRITERIA**

- Employees performing in a higher class for more than 15 consecutive work days with the exception of managerial employees shall receive the rate of pay the excluded employee would have received if appointed to the higher class.
- Assignments must be made in advance and in writing; employees must be given a copy of the assignment.
- Assignments may exceed 120 calendar days during any 12-month period, only if the appointing power or his/her designee file a statement with DPA certifying that the additional out-of-class work is required to meet a need that cannot be met through other civil service or administrative alternatives.
- The pay differential shall not be part of an employee's base for the purpose of merit salary adjustments or other salary transactions related to subsequent appointments and separations.
- Employees shall not be assigned nor receive out-of-class compensation for more than one year.
- Managerial out-of-class compensation is not delegated to any appointing power. Requests for payment of managerial out of class must be submitted and approved by DPA.
- Managerial out-of-class compensation will commence on the 91<sup>st</sup> day. Compensation shall not exceed nine months.

**FOR ALL CLASSES: IF APPLICABLE, SHOULD PAY DIFFERENTIAL BE:**

PRO RATED	Yes
SUBJECT TO QUALIFYING PAY PERIOD	No
ALL TIME BASES AND TENURES ARE ELIGIBLE	Yes
SUBJECT TO PERS DEDUCTION	Yes

**FOR ALL CLASSES: INCLUSION IN RATE TO CALCULATE THE FOLLOWING BENEFIT PAY**

OVERTIME	No/Yes (FLSA)
IDL	No
EIDL	No
NDI	No
LUMP SUM VACATION	No
LUMP SUM SICK	No
LUMP SUM EXTRA	No



**KNOW**  
*your*  
**RIGHTS**

**OUT OF CLASS CLAIMS**

Supplemental information about Out Of Class pay and provisions for Excluded State Employees.

SPRING 2016

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A CAREER ISSUE,  
CALL US FIRST!  
(800) 624-2137**

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