

TEMPORARY OUT-OF-CLASSIFICATION WORK

PURPOSE: To identify policies and procedures regarding Temporary Out-of-Classification (TOC) work assignments and associated employee pay. To comply with the County Code and applicable collective bargaining agreements.

SCOPE: This policy applies to all regular Clackamas County employees.

POLICY STATEMENT: Temporary out-of-classification (TOC) work occurs when an employee is authorized to perform duties of a higher paid classification for a limited duration, typically not to exceed six (6) months.

Eligibility For Temporary Out-Of-Classification (TOC) Pay

Unless otherwise specified in the applicable collective bargaining agreement, an employee directed to continuously perform duties of a higher level classification shall be entitled to compensation at the higher level classification for the time worked in excess of thirty (30) consecutive days, providing such assignment clearly encompasses the full scope of duties and responsibilities normally associated with the higher level classification as confirmed by the appointing authority.

TOC pay in all instances is intended to apply only to those situations where the difference between work levels is clear and there are readily determinable differences (e.g., Office Specialist 1 is placed in a leadworker position that requires the assigning and reviewing work performed by Office Specialist 1 employees. This employee would be placed in a TOC status as an Office Specialist 2). An employee may be assigned to work TOC to provide coverage for absences in the department due to sick leave, vacation, parental leave, disability, workers' compensation or other limited duration needs of the department.

Procedures For Compensating Temporary Out-Of-Class Work

The appointing authority or designee shall confirm and approve the TOC assignment.

The appointing department shall generate a Personnel Action form forwarded to the Personnel Division to initiate a TOC status and adjustment to the higher rate of pay for the employee. Personnel Actions forms placing an employee in a TOC status shall include an explanation for the TOC work assignment and the anticipated end date, which is typically no longer than six (6) months. If a six (6) month TOC assignment is anticipated, the end date will be entered as the end of the pay period following the six (6) month date.

Employees will normally be paid an additional five (5%) of base salary added to the employee's regular pay rate or at the minimum of the higher salary grade of the higher classification, whichever is greater. Overtime is calculated on the TOC amount and is included in the FLSA calculation of overtime as an add-to-pay.

Other Provisions

Status accruals such as seniority, eligibility for salary increases, vacation, and other benefits do not accrue at the higher classification level for any employee working TOC unless otherwise provided for under provisions of the applicable collective bargaining agreement.

Situations requiring continued work, in excess of six (6) months, to be performed at a higher level typically require the department to follow regular position control procedures. These procedures initiate either a request for reclassification with a completed Position Classification Questionnaire (PCQ), or the creation of a new position through the regular or supplemental budget and requisition process to be filled through a recruitment and selection process. (Please see EPP #18 and #21 for further information). When a new position is created or a position is vacant, an external recruitment or internal recruitment (with DES approval) must be conducted. New or vacant positions may not be filled through a reclassification process.

A department's inability to meet timelines related to regular position control procedures shall not override provisions of applicable collective bargaining agreements.

Reclassification or Promotional salary increases are applied to the employee's base pay rate, not on a TOC pay rate, unless otherwise specified in the applicable collective bargaining agreement.

Persons may be temporarily assigned positions and/or higher level duties for training purposes for up to 60 days without necessitating TOC status and pay, unless otherwise provided for by applicable bargaining agreement. Such assignments require a Personnel Action form to be generated to the Personnel Division that identifies the designated training period.

There are work assignments beyond an employee's classification that appear similar to TOC work assignments, but are categorized and paid differently. These assignments are typically identified in applicable collective bargaining agreements as premium pays, differential pays and Field Training Officer (FTO) pays.

Monitoring Of Temporary Out-Of-Class Assignments

The Personnel Division is responsible for monitoring the use of TOC work assignments. A TOC work assignment is by its definition intended to be temporary compensation for short term, limited duration. If the appointing department determines there is a need to extend the TOC beyond the original end date, a new Personnel Action form must be submitted to the Personnel Division, along with an explanation for the extension. Any TOC Personnel Action form that identifies a greater than six (6) months work assignment duration will require the appointing authority to clearly document the need for such duration. The Personnel Division will review this Personnel Action form for reasons of continued TOC work assignment and the County Administrator or designee will approve the anticipated new end date. If the need to perform duties of a higher level classification is ongoing, the department should work with Personnel and Budget to secure proper allocation of the position.

A provisional appointment, not to exceed 90 days, may be used when higher level work must be performed pending the establishment of an eligibility register.

INTERNET LINKS

County Ordinance (<http://www.clackamas.us/code/documents/title2.pdf>)