

County Proposal – Unit 19  
September 1, 2022

5.10 Working Out of Class

- A. It is the intent of this article to provide appropriate compensation to employees working out-of-class from the beginning of the first pay period following such assignment and continuing for the duration of such assignment.
- B. A working out-of-class assignment occurs when an employee receives a formal, written assignment by a department head to perform the majority of the work characteristics of a higher paying classification.
  - 1. With prior approval from the Director of Human Resources, a department head may assign an employee the duties of another position in a higher classification when the following requirements are met:
    - a. The vacant position is specifically allocated to the department; and
    - b. The assignment will require the duties of the position to be performed by the individual for a period of not less than ~~four (4)~~ two (2) pay periods; and
    - c. The employee meets the minimum qualifications identified in the job description of the classification being assigned. In the event no employee is identified for the work out of class assignment who meets the minimum qualifications of the position, the department head may request the approval of a written waiver of this requirement from the Human Resources Director.
  - 2. Such temporary assignment shall not be considered a promotion. The employee shall receive the recruiting salary for the class or such higher amount as would constitute at least a one (1) step increase on the range over the salary received prior to the assignment not to exceed the top step of the new grade.
  - 3. If the employee is eligible for a merit increase in the class occupied prior to the temporary assignment, such employee will be eligible for a rate increase on the temporary assignment class range provided; however, such increase in the prior class would result in more than the rate being earned on temporary assignment.
  - 4. Employee Process to Request Working Out of Class Pay
    - a. Informal Steps

- (1) An employee who believes he/she/they are is working out of class must raise it with the Department head in writing, specifying the duties/assignments that ~~he/she~~ the employee believes are outside current classification.
- (2) The Department head (or designee) will respond in writing to the employee within ten (10) working days of receiving the written notice from the employee.
- (3) If the Department Head does not respond or the matter is not resolved to the employee's satisfaction, the Union may send a letter to the Department head with the specifics of the situation (a copy to be sent to the HR Department). Such letter must be submitted within ten working days of the Department's response in step two above.
- (4) The Department Head may meet with the employee/Union, as necessary and will respond in writing to the Union's letter within ten working days.
- (5) If the Department Head does not respond or the matter is not resolved to the employee's satisfaction, the Union will submit a letter to Human Resources within ten working days of the response from the Department Head.

b. Formal Steps

- (1) Within fifteen (15) working days of receiving the letter from the Union, HR will investigate the claim (meet with Department, Employee, Union as necessary) and make determination, which will be final and the determination is NOT subject to the grievance procedure.
- (2) Should the Department of Human Resources determine that the employee should receive WOC pay, then such pay shall be retroactive to the beginning of the third pay period following the date the employee originally commenced the assignment or to sixty (60) days from when the employee notified the department in step one above, whichever is later. Under no circumstance will any retroactive adjustment be made for a period of time more than sixty (60) calendar days.
- (3) Time frames set forth above may be extended by mutual agreement of the parties.