



DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURE

SUBJECT: Working Out of Class
Date: November 16, 2002
Revised: April 11, 2008

Number: 07- 02.13
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Authority: Civil Service Regulation 4.08

<< STATEMENT OF POLICY >>

Working out-of-class (WOC) means the temporary assignment of an employee by management to perform all, or substantially all, of the duties and responsibilities of a different classification.

Working out-of-class assignments are to be made only in situations where:

1. It is not practical or feasible due to time constraints to establish, recruit for, or fill a position on a limited-term basis.
2. There is an urgent or critical need to have duties and responsibilities performed during the absence of another employee.
3. There is a recruiting process on-going to fill the position.
4. Pending organizational changes within the agency, or changes in its leadership, necessitate temporary work assignments.
5. An overall assistant having direct-line authority and responsibility over the organizational entity is required to act as the chief supervisor in the absence of the supervisor for more than six-consecutive pay periods. The WOC designation begins after the first six pay periods, and the WOC compensation will not include this qualifying period.

The qualifying time period (QTP) is 10 consecutive, full workdays (80 hours) or 80 consecutive hours of work, unless the employee directed to WOC is an overall assistant as mentioned above, in which case the QTP is six consecutive 80-hour pay periods. WOC assignments shall not exceed 26 pay periods (one year).

At the end of a 12-month period, the employee is not eligible for the same WOC assignment until 13 pay periods have elapsed. After the 13 pay periods, the employee must complete a new qualifying time period of more than 10 consecutive, full workdays (80 hours) or 80 consecutive hours of work.



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<< INFORMATION >>

Alternatives to Working Out-of-Class

Prior to assigning an employee to WOC, the bureau/division/office should consider the following options:

- Assigning supervisory/managerial assignments to other supervisory/managerial personnel, eliminating the potential for working out-of-class.
- Dividing the work function among the other employees in the work area, eliminating the potential for a WOC assignment.
- Rotating temporary appointments among appropriate staff for not more than 10 days per staff member.
- Making a limited-term appointment to a position.
- Making an emergency appointment of 28 days or less, pursuant to Rule 3-3.3 and Civil Service Regulations.

If assigning an employee to work out of class appears to be the best/only option available, the employee must possess the educational and experience required, or is in a classification level that would ultimately satisfy the experience requirement as stated in the job specification for the classification of the WOC assignment. If the employee does not possess the required education or experience, and the Division has no other option, they must receive approval from the Office of Human Resources (OHR) director prior to the assignment. The employee must possess any state or federal licensure, registration, and certification requirements, as stated on the job specification for positions in the classification.

WOC Eligibility

To be eligible for compensation at the higher level, the employee must:

1. Be directed by management to perform the duties and assume the responsibilities of a properly classified assignment; and
2. Perform all, or substantially all, of the duties and responsibilities that are different from the employee's classification; and



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3. Perform the duties and responsibilities of a single temporary assignment for the qualifying time period of more than ten consecutive full workdays (80 hours) interrupted only by leave usage or a holiday. The use of sick or annual leave, comp time, banked leave time or holiday leave occurring during this ten day qualifying period does not constitute a break in the qualifying period or count as part of the qualifying period. This paid time away from work must be made up by an equal number of consecutive work days before the qualifying period is complete. Once the qualifying period has been satisfied, the employee will be compensated at the WOC pay rate for all subsequent sick or annual leave usage, comp time or holidays for the duration of the WOC period.

WOC is not available to:

1. an employee working in a preauthorized position or in a position downgraded for training. A preauthorized position is where completion of a year at one level makes the employee eligible for the next higher level, such as an environmental quality analyst 9/10/ P11;
2. an overall assistant (assistant is a Group 4 employee) having direct-line authority and responsibility over the organizational entity for six or fewer consecutive pay periods. The classification concept for the assistant takes into consideration the fact that the assistant may be required to act as the chief supervisor in the absence of the supervisor. If the supervisor is absent for more than six consecutive pay periods, the assistant may be compensated for working out-of-class;
3. an employee performing the permanently assigned entry/trainee through experienced-level duties and responsibilities of their position that may result in reclassification; and
4. an employee performing higher level duties that may warrant reclassification, i.e., if higher level duties are assigned to a person, but not as a result of a vacancy or absence, it does not warrant WOC pay.

COMPENSATION

1. Once the qualifying period has been met, the employee is entitled to compensation through a pay adjustment for WOC commencing with the first day of the assignment, except for overall assistants who are ineligible for compensation



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until having worked out of class for six consecutive pay periods. Compensation is then paid forward but is not retroactive to the first day of assignment. WOC compensation pay adjustments must be processed within three months from the end of any WOC assignment.

2. WOC compensation adjustments may also be processed at the end of the fiscal year and at the end of the calendar year, if applicable.

<< PROCEDURE >>

The bureau/division/office must submit a completed EQ 1222 and EQ 1000 to the OHR.

The OHR will notify the bureau/division/office of approval or denial prior to making the WOC assignment.

Claims of working out-of-class must be filed during the WOC assignment or within 28 calendar days after the end of the assignment. No supplemental WOC pay or benefits are payable for any period longer than one year even if the employee worked out of class for more than one year.

Technical Determination

1. The OHR will approve or deny the WOC request and, where possible, work with the bureau/division/office to determine viable alternatives if the request is denied.
2. A position description and any other information deemed necessary to render a proper classification decision must be submitted to the OHR for review and determination if:
 - a. there is a question between the employee and bureau/division/office as to whether the employee worked out of class or;
 - b. there is a question as to the proper classification and level of the temporarily assigned job duties and responsibilities.

Approved: _____

A handwritten signature in black ink, appearing to be 'Albert', written over a horizontal line.

Date: _____

5-5-08