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

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

*BU 15: See Pay Differential 98.
**Most filing dates are tied to the Grievance Procedure requirements.

The information on this page is taken from CalHR PML and Pay Scales.
## 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 91st day. Compensation shall not exceed nine months.

### FOR ALL CLASSES: IF APPLICABLE, SHOULD PAY DIFFERENTIAL BE:
- Pro Rata: 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
- ND: No
- LUMP SUM VACATION: No
- LUMP SUM SICK: No
- LUMP SUM EXTRA: No