



# OREGON YOUTH AUTHORITY

## Policy Statement



### I-D-2.5 – Working Out of Class

Approved

Effective: December 29, 2005

Supersedes:

Robert S. Jester, Director

Interpretation: Employee Services

### REFERENCES

Department of Administrative Services, Human Resources Services Division, (DAS-HRSD)

20.005.10 ([Pay Practices](#))

20.005.20 ([FLSA](#))

Applicable Collective Bargaining Agreements

OYA FORMS: YA 8006 (Job Rotation Assignment Agreement)

### DEFINITIONS

Fair Labor Standards Act (FLSA) Status: Using FLSA guidelines, the determination which job rotation positions are exempt from overtime and which positions are non-exempt from overtime.

Formally assigned duties: Duties assigned in writing and acknowledged by a staff and his/her Supervisor/Manager.

Pay practice: Paying the staff for the additional duties. Work-out-of-class (WOC) pay is determined by the collective bargaining agreements for represented staff and by the DAS-HRSD Rules and Policies for Executive Service, Management Service, and Unrepresented staff. Specific application of each is outlined in section B.

### POLICY

This policy has been established in order to comply with the Department of Administrative Services (DAS) requirements regarding job rotations and WOC assignments, as well as to maintain consistency throughout the agency.

The OYA supports providing staff the opportunity, at the OYA's discretion, to explore new assignments or jobs; and providing the OYA and other agencies the opportunity to enhance staff development and to meet the needs of the agency.

## I. General standards

### A. Job rotation assignments will incorporate the following provisions:

1. Job rotations may be within the agency, between the agency and other state agencies, or between the agency and a federal, local, or private entity.
  - a) Job rotations within the OYA may be within a single functional unit or between functional units.
  - b) Job rotations of bargaining unit members will be subject to applicable provisions of their collective bargaining agreements. If crossing of collective bargaining units occurs, the provisions of the collective bargaining unit for the original position of record will be applicable.
2. Job rotations can be for development or for WOC. The type of rotation will be designated in the rotation agreement. There are three basic types:
  - a) Developmental or training job rotation provides staff an opportunity to acquire new skills.
    - 1) Staff are not expected to initially perform the full range of duties but are expected to develop the skills necessary to perform them during the term of the rotation.
    - 2) Staff on a developmental job rotation will normally retain their current salary rate.
  - b) WOC job rotation/assignment provides the opportunity for staff to gain additional experience.
    - 1) WOC assignments are generally used for special projects, vacations, or to cover behind other staff who are on leave from their position.
    - 2) Typically the staff is expected to satisfactorily perform essentially the full range of duties from the beginning of the rotation.
    - 3) A staff on a WOC assignment will receive WOC pay.
  - c) The assignment of higher level duties, in addition to the staff's regular position, for a temporary period of time.
3. The duration of the rotation assignment will be determined prior to the beginning of the assignment.

- a) Job rotations are limited to less than 12 months (requests for extensions beyond 12 months must have approval from the Director).
  - b) For WOC assignments pending reclassification of the position or resolution of budget issues, the maximum duration is 24 months.
  - c) Job rotations for special projects, developmental opportunities, and assignments that are anticipated to last longer than one month should be filled by a recruitment and interview process. The recruitment may be for OYA only or may include other state agencies. Job announcements will be prepared and distributed by Employee Services. Exceptions may be made for unanticipated needs such as medical leave or military leave.
4. Staff requesting consideration for a job rotation assignment must have supervisory approval in writing.
  5. The duties of the assignment must be formally assigned (see section III for the required documentation).
  6. In order to prevent potential disruptions, staff on a job rotation will normally remain in their original position number and classification and will retain all rights, benefits, and privileges of the position.
  7. FLSA status is determined by the work performed. Therefore, FLSA status, whether non-exempt or exempt, will be determined by the work in the job rotation.
  8. PERS membership status will not be affected by job rotations.
  9. When the rotation is to another state agency or to another organization, the parties involved will determine, in advance, which will be responsible for workers' compensation premiums and claims. Such special conditions will be reflected in the rotation agreement.
  10. Salary, staff benefits, and state contributions will normally be provided by the agency which pays the staff on rotation.
  11. Staff rotating to a new workstation will not generally be eligible for per diem or mileage reimbursement for purposes of traveling to and from the rotation assignment. Exceptions may be authorized by the involved appointing authority(s).
  12. Staff on a job rotation will receive a performance evaluation at his/her otherwise normal time. Sending and receiving Supervisors/Managers will collaborate as appropriate on the

evaluation. The sending Supervisor/Manager, however, will retain responsibility for timely completion of the evaluation.

13. Staff on a job rotation to another agency will retain eligibility for promotional opportunities in the sending agency.
14. Staff on a job rotation to another agency will only be subject to, and affected by, layoff processes of the sending agency.

## II. Pay practice

- A. A job rotation that includes WOC pay must be for a period of 10 consecutive calendar days or more for Management Service and SEIU-represented staff; 5 consecutive calendar days or more for AFSCME-represented staff; and must be verified by Employee Services that the assigned duties support the higher-level classification (see section III for documentation requirements). Pay practices are as follows:
  1. SEIU and Management Service pay for WOC (not pending reclassification) is determined as follows:
    - a. For assignment of duties at a higher level classification for a limited period of time, the WOC pay will be the greater of:
      - 1) Five percent (5%) of the staff's base rate of pay; or
      - 2) The difference between the staff's base rate of pay and the first step of the higher (WOC) classification's salary range.
  2. AFSCME pay for WOC (not pending reclassification) is determined as follows:
    - a. For assignment of duties at a higher level classification for a limited period of time (not pending reclassification), the WOC pay will be the equivalent of a one-step increase.
    - b. If the staff is at the top step of the salary range, the calculation will be five percent (5%).
- B. Pay for WOC which is pending approval of a reclassification is the same for all staff. The WOC pay will be equivalent to one of the steps in the higher (WOC) classification's salary range. Appropriate WOC pay will be the greater of:
  1. The difference between the staff's base rate of pay and the next higher rate of pay in the higher (WOC) classification's salary range; or
  2. The difference between the staff's base rate of pay and the first step of the higher (WOC) classification's salary range.

3. If the appropriate WOC pay as determined in 1 or 2 (above) is less than a 2.5% increase above the staff's base rate of pay, the agency may use the next higher rate of pay in the higher classification's salary range to calculate WOC pay.

### III. Documentation

- A. When WOC has been deemed appropriate, the following documentation will be completed:
  1. Written notice of assignment (YA 8006) informing staff of the WOC assignment, and
  2. Position description and/or written description of WOC duties signed by the Supervisor/Manager and the staff.
- B. If the WOC is pending reclassification (this would occur only after Employee Services has reviewed the classification level and recommended upward reclass):
  1. An updated position description signed by the Supervisor/Manager, staff, and the appointing authority, and
  2. A written classification analysis prepared by Employee Services.
- C. All completed documentation is to be forwarded to Employee Services, along with a personnel action to begin the WOC pay, prior to the start date.