

TA 7/6/2023  
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1 **ARTICLE 26--DIFFERENTIAL PAY**

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2 **Section 1. Geographic Area Pay.**

3 (a) Classifications C4001, C4003, C4004, C4005, C4007, C4008, C4009, C4018,  
4 C4020, C4021, C4116:

5 Prevailing basic rates in specific geographic areas for employment of limited  
6 duration less than one-hundred twenty (120) days will be approved. Employees paid  
7 at such rates will not be eligible for vacation, sick leave, or holiday benefits. Such  
8 rates will be paid only for construction work.

9 (b) A differential, not to exceed twenty-five percent (25%) over the base rate, may be  
10 paid a permanent, nonresident classified employee upon request of the Appointing  
11 Authority. The amount of the differential must be approved by administrators of the  
12 Budget Division and Labor Relations Unit. An employee would not be entitled to a  
13 per diem expense allowance in lieu of the differential.

14 **Section 2. Special Duty Pay.**

15 (a) High Work Differential: When an employee is required to perform work more than  
16 six (6) feet directly above the ground or water and is required to use personal fall  
17 arrest systems, personal fall restraint systems or boatswain chairs, the employee  
18 shall receive a high work differential.

19 Rate: One dollar and fifty cents (\$1.50) per hour.

20 (b) UBIT Differential: When an employee is required to operate an under bridge  
21 inspection truck (UBIT), the employee shall receive four dollars (\$4.00) per hour for  
22 all hours worked performing these duties. When applied, the differential includes all  
23 time worked on the job site, but not travel time to and from the job site.

24 (c) Forestry employees who work from light fixed-wing aircraft or helicopters for work  
25 assignments involving flying grid patterns or low-altitude spotting shall receive a  
26 differential of one dollar and fifty cents (\$1.50) per hour for actual air-time time only.  
27 Employees who are being transported to a job site, normal courier duties, point-to-  
28 point travel, or similar circumstances shall not qualify for this differential. (Pilots are  
29 excluded from any part of this provision.)

30 (d) Application: C6214—Institution RN.

31 Definition: Charge differential shall be defined as a temporary hourly differential for  
32 an eight (8) hour shift for an Institution RN who has been assigned charge duties.

33 Rate: Institution RN's who are assigned and are performing charge duties will  
34 receive an additional thirty-three cents (\$0.33) per hour. When this special duty pay  
35 condition occurs on a holiday worked or in an overtime period worked, this additional  
36 special duty premium pay shall be paid at the rate of time and one-half (1½).

37 (e) Application: C6135--Licensed Practical Nurse.

38 Eligibility: Charge differential shall be defined as a temporary hourly differential for  
39 an eight (8) hour shift for a Licensed Practical Nurse who has been assigned charge  
40 duties by the Employer.

41 Rate: Licensed Practical Nurses who are assigned and are performing charge  
42 duties shall receive an

43 additional five percent (5%) above their current rate of pay for all hours worked  
44 during the assignment. When this special duty pay condition occurs on a holiday  
45 worked or in an overtime period worked, this additional special duty premium pay  
46 shall be paid at the rate of time and one-half (1½).

47 Licensed Practical Nurses at the DHS Mental Health Institutions who are classified  
48 as Mental Health Therapist 2 (C6712) will receive the higher salary rate of that  
49 classification in lieu of the LPN Charge Differentials of five percent (5%) above their  
50 current rate of pay. Mental Health Therapists 2 with LPN certification will continue  
51 to have a working title of Licensed Practical Nurse.

52 (f) Diving Differential:

53 Eligibility: Employees whose work assignment requires the use of self-contained  
54 underwater breathing apparatus or other sustained underwater diving equipment  
55 and who pass current certification for the use of such equipment will receive a  
56 differential of five dollars (\$5.00) per hour or any fraction thereof, for actual diving  
57 time.

58 (g) Application: C6710--Mental Health Therapy Technician, C6711--Mental Health  
59 Therapist 1, and C6725--Habilitative Training Technician.

60 Eligibility: Full-time employees in classification C6710, C6711, or C6725 who are  
61 designated in writing by the Agency to perform assigned duties of "shift charge"

62 where two (2) or more other employees are scheduled to work during that shift, shall  
63 be eligible for a pay differential of thirty-four cents (\$0.34) per hour for each full eight  
64 (8) hour shift worked in such assignment. When this special duty pay occurs on an  
65 overtime period worked, this additional premium pay shall be added to the basic rate  
66 for computation of pay.

67 (h) Administration of Medications.

68 Application: C6710--Mental Health Therapy Technician, C6711--Mental Health  
69 Therapist 1, C6712--Mental Health Therapist 2, C6718--Mental Health Therapy  
70 Coordinator, C6717--Mental Health Therapy Shift Coordinator.

71 Eligibility: Employees in the above-referenced classifications and Mental Health  
72 Therapist 2s who have the working title of, and certification as, LPNs who are  
73 assigned medication administration duties shall be eligible for the differential.

74 Rate: Twenty-seven cents (\$0.27) per hour for all shifts so assigned.

75 (i) ODOT DMV and/or ODOT IS Inmate Differential. DMV employees regularly  
76 assigned, and ODOT IS employees who are temporarily assigned, to work directly  
77 with inmates inside the security fences at State of Oregon correctional facilities will  
78 receive a five percent (5%) pay differential. The employees will receive this  
79 additional five percent (5%) above their current rate of pay for all hours worked  
80 during this assignment.

81 (j) OSH Custodian Differential. Oregon State Hospital Custodians who are regularly  
82 assigned custodian work in the Oregon State Hospital which requires client contact  
83 shall receive a ten percent (10%) pay differential. The employees will receive this  
84 additional ten percent (10%) above their current rate of pay for all hours worked  
85 during this assignment.

86 (k) An employee who is working as direct care in the classification of Institution  
87 Registered Nurse (C6214) or Nurse Practitioner (C6255) and possesses a  
88 Baccalaureate degree with relevant course work shall receive an additional four and  
89 seventy-five one-hundredths percent (4.75%) of their salary rate or possesses a  
90 Master's degree with relevant course work shall receive an additional nine and  
91 five-tenths percent (9.5%) of their salary rate. The differentials are based on a

92 full-time employee and will be prorated for part-time employees on the basis of hours  
93 paid.

94 (l) Employees working in the Clinical Psychologist 2 classification of C6295 are eligible  
95 for a five percent (5%) differential over an employee's base rate of pay for all days  
96 worked when the following conditions are met:

97 (1) The Appointing Authority assigns in writing the duties of Forensic Evaluation.

98 (2) The employee is licensed and certified and maintains such license and  
99 certification.

100 (3) The employee is credentialed to perform forensic evaluation services at Oregon  
101 State Hospital.

102 **(m) ODOT Only: An employee who is selected by management and assigned, in**  
103 **writing, to instruct or facilitate specific training identified by management**  
104 **shall receive an additional one dollar (\$1.00) per hour above their current rate**  
105 **of pay for all hours they are conducting this training.**

106

107 **Section 3. Special Qualifications Pay.**

108 (a) Application: C6294, C6295-Clinical Psychologists 1 & 2.

109 Eligibility: American Board of Professional Psychology Diploma--fifty dollars  
110 (\$50.00) above normal step.

111 (b) Medical Consultants: Medical Consultants (U7538) working in the DHS-DDS  
112 program shall receive a Board Certification differential of an additional seven and  
113 one-half percent (7.5%) for the first Board Certification in one (1) specialty held and  
114 ten percent (10%) if two (2) or more specialty certifications are held. This differential  
115 will only be paid for those specialties or certifications recognized by the American  
116 Board of Medical Specialties, American Osteopathic Association, American Board  
117 of Professional Psychology, American Board of Professional Disability Consultants,  
118 or American Board of Medical Psychotherapists.

119 (c) Bilingual: A differential of five percent (5%) over base rate will be paid to employees  
120 in positions which specifically require bilingual skills (i.e., translation to and from  
121 English to another foreign language or the use of sign language\*) as a condition of  
122 employment. The interpretation and translation skills must be assigned and  
123 contained in an employee's individual position's position description. Only  
124 employees receiving a bilingual or multilingual differential will be required to provide  
125 interpretation or translation services on behalf of their Agency.

126 \*NOTE: This differential will be paid to School for the Deaf employees excluding  
127 intermittents whose assignments require the use of sign language. Such payment  
128 will be made in accordance with the level of proficiency assigned by management,  
129 beginning the first day of the month following the employee's successful evaluation  
130 of the expected sign skill level for their position. Employees in the other Agencies  
131 will be paid this differential only when such bilingual sign requirements are assigned.

132 (d) Multilingual: A differential of ten percent (10%) over base rate will be paid to  
133 employees in positions which require multilingual skills (i.e., translation to and from  
134 English to two (2) or more foreign languages\*) as a condition of employment. The  
135 interpretation and translation skills must be assigned in writing for multiple  
136 languages and must be contained in an employee's individual position's position  
137 description. Only employees receiving a bilingual or multilingual differential will be  
138 required to provide interpretation or translation services on behalf of their Agency.

139 \*NOTE: American Sign Language will count as one (1) of the two (2) foreign  
140 languages for purposes of the multilingual differential.

141 (e) Emergency Medical Technician Certification (Strike-Prohibited Unit Only).

142 Application: Employees in the classification of Transporting Mental Health Aide  
143 (C6101) who are required to possess certification as Emergency Medical  
144 Technicians shall be paid an additional five percent (5%) above their current rate of  
145 pay.

146 (f) Certified Bridge Worker: Employees in the classifications of Transportation  
147 Maintenance Specialist 2 (C4152), Transportation Maintenance Coordinator 1  
148 (C4161) and Transportation Maintenance Coordinator 2 (C4162) who are members  
149 of a Bridge Crew and hold a certification in either structural welding or boom

150 operation will, upon submitting proof of such certification, receive a five percent (5%)  
151 “Certified Bridge Worker” pay differential above their base rate of pay. Employees  
152 receiving this differential are also eligible for the High Work differential (Section 2(a))  
153 to be paid for all hours actively engaged in this work and meeting the High Work  
154 Differential requirements.

155 (g) Pesticide/Herbicide Spray. An employee who possesses a valid pesticide/herbicide  
156 license shall receive **two dollars and seventy-five cents** ~~one dollar and twenty-five~~  
157 ~~cents~~ **(\$2.75)** ~~(\$1.25)~~ per hour for actual hours worked when assigned work involving  
158 the preparation, the handling, and/or the application of pesticides/herbicides and any  
159 associated clean-up work.

160 Licensed pesticide/herbicide applicators who drive for other licensed  
161 pesticide/herbicide applicators, while applying pesticides/herbicides, shall receive  
162 the same hourly differential for actual hours worked.

163 (h) Tree Faller. Employees who hold a current Advanced Tree Faller certification  
164 (Forestry FAL 1, OPRD Level 3, ODOT Level 3 or 4) shall **receive twelve dollars**  
165 **and fifty cents (\$12.50) per day** ~~receive one dollar and twenty-five cents (\$1.25)~~  
166 ~~per hour for actual hours worked, or major portion thereof (thirty (30) minutes or~~  
167 ~~more)~~, when evaluating, falling or bucking advanced level trees or when  
168 training/certifying another employee who is an Advanced Tree Faller trainee. The  
169 differential does not apply when the tree faller is in training or participating in their  
170 own certification activities.

171 (i) Engineering and/or Geologist License (Forestry and DOGAMI). Employees in the  
172 classification of Natural Resource Specialist 4, who are required to be licensed per  
173 the requirements of ORS Chapter 672 and their position description, shall be paid  
174 an additional five percent (5%) above their base rate.

175 (j) Group Life Coordinator. Group Life Coordinators who are assigned in writing to  
176 facilitate agency-approved treatment curricula or education/vocational curricula that  
177 leads to an Agency approved vocational certification for youth offenders shall be  
178 paid a differential of two dollars (\$2.00) per hour for time spent in actual youth group  
179 facilitation. At the discretion of management, Group Life Coordinators will also be

180 assigned time for preparation and post group documentation in the Juvenile Justice  
181 Information System and paid two dollars (\$2.00) per hour for this work.

182 **Section 4. Student Trainee Pay.**

183 (a) Student Professional Forester Worker (C8235)

184 When hiring a Student Professional Forester Worker, if:

- 185 • the worker has completed one (1) year of Natural Resources or a related field at a  
186 recognized college or university, Step 3 of the salary range is recommended.
- 187 • the worker has completed two (2) years of Natural Resources or a related field at  
188 a recognized college or university, Step 4 of the salary range is recommended.
- 189 • the worker has completed three (3) years of Natural Resources or a related field  
190 at a recognized college or university, Step 5 of the salary range is  
191 recommended.
- 192 • the worker has completed four (4) years of Natural Resources or a related field at  
193 a recognized college or university, Step 6 of the salary range is recommended.

194 **Section 5. Shift Differential.**

195 (a) Eligibility. All employees required to work a designated schedule shall be paid a  
196 differential as outlined in Subsections (b) and (c) below, for each hour or major  
197 portion thereof (thirty (30) minutes or more), worked between 6:00 p.m. and 6:00  
198 a.m. and for each hour or major portion thereof worked on Saturday or Sunday.  
199 When a work schedule is requested by an employee and approved by the Agency,  
200 and the requested schedule contains hours outside of the hours designated for the  
201 employee's position by the Agency, shift differential pay shall be waived by the  
202 employee for the hours affected by the change.

203 (b) **All Agencies, except OSH:** Registered Nurses and Nurse Practitioners, ~~and~~  
204 ~~Licensed Practical Nurses~~ will receive a shift differential of ~~four~~one dollars and  
205 ~~eighty-five~~ fifty cents (~~\$4.50~~1.85). ~~Employees in Mental Health Therapist 2~~  
206 ~~positions who are certified LPNs and also have the working title of Licensed Practical~~  
207 ~~Nurse will receive this shift differential.~~ **Licensed Practical Nurses will receive a**  
208 **shift differential of two dollars (\$2.00).**

209 (c) All other personnel will receive a differential of one dollar and fifty cents (\$1.50)  
210 (~~\$1.00~~) per hour.

211 **Section 6. Leadwork Differential.**

212 (a) Leadwork differential shall be defined as a differential for employees who have been  
213 formally assigned by their supervisor in writing, "leadwork" duties for ten (10)  
214 consecutive calendar days (or the equivalent thereof for alternate or flexible  
215 schedules) or longer provided the leadwork or team leader duties are not included  
216 in the classification specification for the employee's position. Leadwork is where, on  
217 a recurring daily basis, the employee has been directed to perform substantially all  
218 of the following functions: to orient new employees, if appropriate; assign and  
219 reassign tasks to accomplish prescribed work efficiently; give direction to workers  
220 concerning work procedures; transmit established standards of performance to  
221 workers; review work of employees for conformance to standards; and provide  
222 informal assessment of workers' performance to the supervisor.

223 (b) The differential shall be five percent (5%) beginning from the first day the duties were  
224 formally assigned in writing for the full period of the assignment.

225 (c) Leadwork differential shall not be computed at the rate of time and one-half (1 ½) for  
226 the time worked in an overtime or holiday work situation, or to effect a "pyramiding"  
227 of work out-of-classification payments. However, leadwork differential shall be  
228 included in calculation of the overtime rate of pay.

229 (d) Leadwork differential shall not apply for voluntary training and development  
230 purposes which are mutually agreed to in writing between the supervisor and the  
231 employee.

232 (e) If an employee believes that they are performing the duties that meet the criteria in  
233 Subsection (a), leadworker, but the duties have not been formally assigned in  
234 writing, the employee may notify the Agency Head in writing. The Agency will review  
235 the duties within fifteen (15) calendar days of the notification. If the Agency  
236 determines that leadwork duties were in fact assigned and are appropriate, the  
237 leadwork differential will be effective beginning with the day the employee notified  
238 the Agency Head of the issue.



239 If the Agency determines that the leadwork duties were in fact assigned but  
240 should not be continued, the Agency may remove the duties during the fifteen (15)  
241 day review period with no penalty.

242 If the Agency concludes that the duties are not leadwork, the Agency shall notify the  
243 employee in writing within fifteen (15) calendar days from receipt of the employee's  
244 notification to the Agency Head.

245 **Section 7. Leadwork Differential. Employment Department.**

246 (a) Leadwork differential will be paid to employees who are formally assigned in writing  
247 to perform leadwork provided the leadwork or team leader duties are not included in  
248 the classification specification for the employee's position. Leadwork is where an  
249 employee has been formally assigned to do substantially all of the following: to  
250 orient new employees, if appropriate; assign and reassign tasks to accomplish  
251 prescribed work efficiently; give direction to workers concerning work procedures;  
252 transmit established standards of performance to workers; review work of  
253 employees for conformance to standards; and provide informal assessment of  
254 workers' performance to the supervisor.

255 (b) The differential shall be five percent (5%) beginning from the first day the duties were  
256 formally assigned in writing.

257 (c) If an employee receives more than one (1) differential (except overtime as mandated  
258 by the FLSA), the differentials will be calculated on the base so that no "pyramiding"  
259 occurs (i.e., if an employee is receiving the leadworker differential and an out-of-  
260 classification differential, the two (2) differentials would be calculated separately and  
261 then added on to the base pay).

262 (d) Leadwork differential shall not apply for voluntary training and development  
263 purposes which are mutually agreed to in writing between the supervisor and the  
264 employee.

265 (e) If an employee believes that they are performing the duties of a leadworker but the  
266 duties have not been formally assigned in writing, they may submit the matter for  
267 resolution as per the dispute resolution process, or through the grievance procedure  
268 (as for example, classification review, work out-of-class).

269 **Section 8. Leadwork Differential. ODOT Highway Division, TMS1, TMS2 and**  
270 **Transportation Operations Specialist.**

271 (a) Leadwork differential shall be defined as a differential for employees who have been  
272 formally assigned by their supervisor "leadwork" duties for five (5) days (or the  
273 equivalent thereof for alternate or flexible schedules) or longer in a calendar month;  
274 or five (5) (or the equivalent thereof for alternate or flexible schedules) consecutive  
275 calendar days or longer that span the end of one (1) month and the beginning of the  
276 next month. In no case shall days be counted twice to meet the leadwork pay  
277 qualification.

278 (b) Leadwork is where, on a recurring daily basis, while performing essentially the same  
279 duties as the workers led, the employee has been directed to perform substantially  
280 all of the following functions: to orient new employees, if appropriate; assign and  
281 reassign tasks to accomplish prescribed work efficiently; give direction to workers  
282 concerning work procedures; transmit established standards of performance to  
283 workers; review work of employees for conformance of standards and provide  
284 informal assessment of workers' performance to the supervisor.

285 **Section 9. Leadwork Differential. State Library.**

286 (a) Team Coordinator differential shall be defined as a differential for employees who  
287 have been formally assigned in writing "team coordinator" responsibilities for a  
288 specific team on a recurring daily basis, for a designated length of time that extends  
289 beyond ten (10) consecutive calendar days (or the equivalent thereof for alternate  
290 or flexible schedules).

291 (b) Team Coordinator responsibilities shall include substantially the following roles:  
292 monitor team progress in meeting performance goals; coordinate team workflow to  
293 accomplish the work efficiently; coordinate team development processes; identify,  
294 plan, and approve training; assist in hiring of new team members, orient new  
295 employees; review team member timesheets; give feedback to team members  
296 concerning work procedures; and serve as communication liaison between the team  
297 and management.

298 (c) The Team Coordinator differential shall be five percent (5%) beginning from the first  
299 day the duties were formally assigned in writing for the full period of the assignment.

300 (d) If an employee receives more than one (1) differential (except overtime as mandated  
301 by the FLSA), the differentials will be calculated on the base so that no “pyramiding”  
302 occurs (i.e., if an employee is receiving the Team Coordinator differential and an  
303 out-of-classification differential, the two (2) differentials would be calculated  
304 separately and then added on to the base pay).

305 **Section 10. Differential Pay IS Team Lead.**

306 (a)

307 (1) Bargaining unit employees occupying positions that are classified as  
308 Information Specialist 1-8 will be eligible for the differential in accordance with  
309 subsection (5) below.

310 (2) The differential shall be ten percent (10%) beginning from the first (1<sup>st</sup>) day the  
311 duties were formally assigned in writing.

312 (3) Bargaining unit employees shall not be eligible for any work out-of-class pay,  
313 leadwork differentials or any other premium pay except for overtime and  
314 penalty payments as compensation for team leader duties. If an employee  
315 receives more than one (1) differential (except overtime as mandated by the  
316 FLSA), the differentials will be calculated on the base so that no “pyramiding”  
317 occurs (i.e., if an employee is receiving the team leader differential and out-of-  
318 class differential, the two (2) differentials would be calculated separately and  
319 then added onto the base pay).

320 (4) The differential shall be ten percent (10%) above the employee’s base salary  
321 rate.

322 (5) For a bargaining unit employee to be eligible for the differential, the Agency  
323 must formally assign the employee in writing to perform team leader duties, the  
324 employee leads a team of employees and performs substantially all of the  
325 following duties under supervisory direction:

326 (A) Plans for short and long term needs of team, including such areas as  
327 technology to be used, user requirements, resources required, training  
328 necessary, methods to accomplish work, multiple project timelines and  
329 competing priorities.

- 330 (B) Establishes and coordinates multiple interrelated project schedules for all  
331 projects on which the team is working.
- 332 (C) Works directly with multiple users to identify broad user needs and  
333 requested timelines when projects are submitted for the team.
- 334 (D) Provides technical/operation guidance to contractors and monitors quality  
335 assurance.
- 336 (E) Develops technical standards and monitors team members' work for  
337 compliance.
- 338 (F) Performs leadwork duties on a recurring daily basis, as listed in Article 26,  
339 Section 6 of the Master Agreement, which are to orient new employees, if  
340 appropriate, assign and reassign tasks to accomplish prescribed work  
341 efficiently, give direction to workers concerning work procedures, transmit  
342 established standards of performance to workers, review work of  
343 employees for conformance to standards and provide informal assessment  
344 of workers' performance to the supervisor.
- 345 (b) Bargaining unit employees shall not be eligible for the differential if they are on  
346 voluntary developmental training assignments.
- 347 (c)
- 348 (1) If an employee believes that they are performing the duties that meet the  
349 criteria stated in Subsection a(5), but the duties have not been formally  
350 assigned in writing, the employee may notify the Agency Head in writing. The  
351 Agency will review the duties within fifteen (15) calendar days of the notification.  
352 If the Agency determines that Information Services Team Leader duties were,  
353 in fact, assigned and are appropriate, the differential will be effective beginning  
354 with the day the employee notifies the Agency Head of the issue.
- 355 (2) If the Agency determines that the duties were, in fact, assigned but should not  
356 be continued, the Agency may remove the duties during the fifteen (15) day  
357 review period with no penalty.
- 358 (3) If the Agency concludes that the duties are not Information Services Team  
359 Leader duties, the Agency shall notify the employee in writing within fifteen (15)  
360 calendar days from receipt of the employee's notification to the Agency Head.

361 **Section 11. Work Out-of-Classification.**

362 (a) When an employee is assigned for a limited period to perform the duties of a position  
363 at a higher level classification for more than ten (10) consecutive calendar days (or  
364 the equivalent thereof for alternate or flexible schedules), the employee shall be paid  
365 five percent (5%) above the employee's base rate of pay or the first step of the higher  
366 salary range, whichever is greater.

367 When assignments are made to work out-of-classification for more than ten  
368 (10) consecutive calendar days (or the equivalent thereof for alternate or flexible  
369 schedules), the employee shall be compensated for all hours worked beginning from  
370 the first day of the assignment for the full period of the assignment.

371 ~~When an employee is assigned to work out-of-classification pending approval~~  
372 ~~of a reclassification upward, the employee will be paid at the next higher rate of pay~~  
373 ~~or first step of the higher salary range, whichever is greater.~~

374 Agencies may provide an additional five percent (5%) differential if the work  
375 out-of-class would not result in additional compensation for the employee. Agencies  
376 must document the reasons for the exception.

377 (b) An employee performing duties out-of-classification for training or developmental  
378 purposes shall be informed in writing of the purpose and length of the assignment  
379 during which there shall be no extra pay for the work. A copy of the notice shall be  
380 placed in the employee's file.

381 (c) An employee who is underfilling a position shall be informed in writing that they are  
382 an underfill, the reasons for the underfill, and the requirements necessary for the  
383 employee to qualify for reclassification to the allocated level. Upon gaining regular  
384 status and meeting the requirements for the allocated level of the position, the  
385 employee shall be reclassified.

386 (d) Assignments of work out-of-classification shall not be made in a manner which will  
387 subvert or circumvent the administration of this Article.

388 **Section 12. Work Out-of-Classification Pending Upward Reclassification**

389  
390 **Agency Initiated Work Out-of-Classification Pending Upward Reclassification.**

- 391 a) If an Agency wishes to reclassify a position upwards, the Agency will gain  
392 approval from DAS CHRO the higher classification is appropriate. When an  
393 Agency receives approval from DAS CHRO agreeing a reclassification  
394 upward is appropriate, the Agency will pay work out-of-classification  
395 pending reclassification effective the date the Agency requested approval  
396 from DAS CHRO.
- 397 b) The amount of work out of class pending reclassification will be  
398 determined by the internal pay assessment.
- 399 c) The internal pay assessment shall be conducted using those performing  
400 work of a comparable character in the higher classification.
- 401 d) The differential will be a dollar amount.
- 402 e) The differential shall place the employee on the next higher step in the  
403 higher classification or on an appropriate higher step as determined by the  
404 internal pay assessment, whichever is greater.
- 405 f) Employees at the top step of their current job classification will have the  
406 differential adjusted to the next step in the higher salary range annually on  
407 their salary eligibility date until their base salary plus the work-out-of-  
408 classification pending reclassification reaches the top step of the higher  
409 salary range.
- 410 g) Employees will have the differential adjusted due to changes to the base  
411 salary (e.g. COLA or step increase).
- 412 h) Agencies will designate the reason for the work out of class in the state  
413 human resources information system as Work out of Classification –  
414 Pending Upward Reclassification.

415  
416 **Article 81 Initiated Work Out-of-Classification Pending Upward Reclassification**

- 417 a) Work out of classification pending upward reclassification as a result of a  
418 request for classification review under Article 81 Section 2 shall be  
419 effective the date the reclassification request was received by the Agency.
- 420 b) The amount of work out of class pending reclassification will be  
421 determined by the internal pay assessment.

- 422 c) The internal pay assessment shall be conducted using those performing  
423 work of a comparable character in the higher classification.
- 424 d) The differential will be a dollar amount.
- 425 e) The differential shall place the employee on the next higher step in the  
426 higher classification or on an appropriate higher step as determined by the  
427 internal pay assessment, whichever is greater.
- 428 f) Employees at the top step of their current job classification will have the  
429 differential adjusted to the next step in the higher salary range annually on  
430 their salary eligibility date until their base salary plus the work-out-of-  
431 classification pending reclassification reaches the top step of the higher  
432 salary range.
- 433 g) Employees will have the differential adjusted due to changes to the base  
434 salary (e.g. COLA, step increase, etc.)
- 435 h) Agencies will designate the reason for the work out of class in the state  
436 human resources information system as Work out of Classification –  
437 Pending Reclassification.

438

439 **Section 13. 12. Work Out-of-Classification. ODOT.**

- 440 (a) Transportation Maintenance Specialists. In addition to any entitlement to work out-  
441 of-classification pay pursuant to Section 10 of this Article, notwithstanding  
442 Transportation Maintenance Specialist 1s who are assigned to a TMS 2  
443 Maintenance crew by their supervisor and who independently perform work  
444 consisting of sweeping, snow removal, sanding, de-icing or removal of land/rock  
445 slide materials from roadways at the Transportation Maintenance Specialist 2 (TMS  
446 2) level shall be paid a differential of five percent (5%) over their base rate of pay for  
447 all hours of such work. Operation of heavy earth-moving equipment on land/rock  
448 slides and operation of a pick-up broom for sweeping are considered TMS 2 level  
449 work, whereas traffic control activities such as flagging, operating pilot vehicles and  
450 setting signs are not considered TMS 2 level work.
- 451 (b) Self-Managed Crews. Where the Agency utilizes self-managed work crews, crew  
452 members, including positional leaders, may not be entitled to work out-of-

453 classification payments at the supervisory level unless they assume a majority of  
454 duties specific to that classification.

455 **Section 14. 13. Essential Worker Pay. When a situation exists that would otherwise**  
456 **close or curtail state offices, essential workers having to report to work, in-person,**  
457 **shall receive the Essential Worker Inclement Weather/Hazardous Conditions Pay**  
458 **differential.**

459  
460 **The Essential Worker Inclement Weather/Hazardous Conditions Pay differential**  
461 **shall be three (\$3.00) dollars per hour for all hours worked on a designated closure**  
462 **or curtailment day, regardless of the starting or ending time of the designated**  
463 **closure or curtailment.**

464  
465 **DAS or ODOT will determine if a closure would have occurred on a weekend and/or**  
466 **a holiday when state offices are otherwise closed.**

467 ~~When a situation exists that would otherwise allow an employee to access leave per~~  
468 ~~[Letter of Agreement 123.00-18-311 Inclement Weather / Hazardous Conditions Leave,](#)~~  
469 ~~but an employee is required to report to work in person, the employee shall be paid a~~  
470 ~~differential of one dollar (\$1.00) per hour for actual hours worked. This differential will~~  
471 ~~not apply to employees whose primary job functions include responding to inclement~~  
472 ~~weather or hazardous conditions or who live at their work site.~~

473 **Section 15. 14. Lateral Classification Assignment Differential.** When an employee  
474 is temporarily assigned for a period of ten (10) or more consecutive calendar days (or  
475 the equivalent thereof for alternate or flexible schedules) to a lateral classification within  
476 the same salary range base number and the salary is a higher salary schedule, the  
477 employee shall be paid at the lowest step in the new schedule that provides the  
478 employee an increase in their base rate ~~or adjusted rate~~ of pay **(if any).**

479 (See also Institutions Coalition Letters of Agreement [26.2AC-17-300](#) & [26.2C-15-273](#) &  
480 [26.2C-15-274](#) & [26.2C-18-383](#) & [26.2C-19-340](#) & [26.2C-19-358](#) [26.2C-21-405](#) & [26.2C-](#)  
481 [21-412](#) & ODOT Coalition Letter of Agreement [26.3A-13-250](#) & [26.3A-20-389](#) & Special  
482 Agencies Coalition [26.5-21-407](#) in Appendix A.)

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