

Personnel Rule 3.5 – Out-of-Class Assignments

3.5.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority

SMC 4.20.300 and subsequent revisions thereto, Payment for performance of out-of-class and limited term assignment duties

3.5.1 Application of this Rule

- A. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

3.5.2 Out-of-Class Policy

- A. The appointing authority or designed management representative may temporarily assign to an employee the duties of a higher-paying position or classification in order to continue or complete essential public services, and to compensate such employee for the performance thereof.
- B. Reasons for out-of-class assignments include the absence of the employee who would normally perform those duties, a position vacancy, peak workload periods, and completion of special projects.
- C. An employee assigned to perform the duties of a higher-paid position on an out-of-class basis must meet the documented minimum qualifications of the higher classification or position. Such employee must also have demonstrated or be able to demonstrate the ability to perform the normal duties of the position.
- D. The City supports employee development through opportunities to work out-of-class. However, the appointing authority or designed management representative has the discretion to approve, or not approve the assignment and/or the appointment based on business need.
- E. Out-of-class assignments are intended to help departments meet business needs and ensure the uninterrupted performance of essential public service. However, the City recognizes that out-of-class assignments can provide employees an opportunity to expand upon their work experience for career growth and upward mobility. Therefore, managers are encouraged to rotate out-of-class assignments within a work unit or division where practical.

3.5.3 Long Term Continuous Out-of-Class Assignments Beyond 90 Days

- A. This subsection does not apply to Civil Service exempt positions for which out-of-class assignments are being created.

- B. To help ensure that employees have meaningful opportunities to gain access to out-of-class assignments, continuous out-of-class assignments reasonably expected to last beyond 90 days shall be advertised for a minimum of five business days.
- C. The department shall determine whether to advertise the assignment within the originating work unit, division or department first, before broadening the search to other city departments. This determination should be based on business need and whether there are qualified internal applicants.
- D. All advertisements shall be distributed or posted in a manner reasonably accessible to the employees. If a department determines to broaden its search to other city departments, then the department shall advertise the opportunity as an out-of-class assignment on the City's Opportunity for Advancement system.
- E. The advertisement must minimally contain:
 - 1. The estimated duration of the assignment, along with the expected start and end date,
 - 2. A description of the work to be performed in the assignment,
 - 3. The minimum qualifications for the assignment,
 - 4. The desired resume/reference materials or statement of interest, and
 - 5. The deadline for submission of materials.
- F. The department must inform interested candidates of the selection decision and if requested, provide feedback.

3.5.4 Compensation for Out-of-Class Assignments

- A. When the out-of-class assignment is to a title in the Step Progression Pay Program, the employee shall receive the step associated with the higher-paying title which provides an increase closest to but not less than the equivalent of 1 salary step over the employee's primary rate of pay, not to exceed the maximum pay rate of the higher-paying title, while performing out-of-class duties.
- B. When the out-of-class assignment is to a title in a discretionary pay program, the employee shall be paid using the out-of-class job codes and pay structures established for the program. The appointing authority or designed management representative may approve a pay increase larger than 4% when a higher pay rate is appropriate for the duties assigned.
- C. The appointing authority or designed management representative may assign to an employee whose position is compensated under a discretionary pay program duties associated with another position in the same pay zone, and may temporarily adjust such employee's salary in accordance with the base salary-setting rules associated with that program.
- D. With the exception of sick leave, an employee is not eligible for payment at the out-of-class rate of pay for hours on regular pay status but not worked (e.g., vacation or holidays); however, such hours shall not be deemed to have interrupted a "continuous out-of-class assignment". Employees who use sick leave to cover an absence while assigned to work out-of-class shall be paid for such absences at their out-of-class rate of pay.

- E. An employee whose position is assigned to the Step Progression Pay Program who is paid at the out-of-class rate shall receive credit for step advancement in the out-of-class title as follows:
 - 1. One step increase, or the equivalent thereof, not to exceed the maximum pay rate of the higher-paying title, after each 2088 cumulative straight-time hours of actual service in the out-of-class title, unless the employee has, within the previous 12 months, received a pay increase in the out-of-class assignment as a result of step progression in their primary position.
 - 2. An additional step increase for each 2088 cumulative straight-time hours of actual service in the higher-paying title, not to exceed the maximum pay rate of the higher-paying title.
- F. An hourly employee who works out-of-class in a salaried title shall earn 1 day of executive leave for every 520 cumulative hours worked in such position or positions. The appointing authority or designed management representative may approve up to 6 days of merit leave per year for an hourly employee who works out-of-class in a salaried position, regardless of the length of such assignment(s). An hourly employee working out-of-class in a salaried title is not eligible for overtime compensation, regardless of whether the duties performed after the overtime threshold is passed are associated with an hourly or salaried title.
- G. An employee who is assigned out-of-class to a title in a compensation program that provides for performance payments is not eligible for participation in the performance pay program.
- H. A salaried employee who works out-of-class in an hourly position shall be eligible for overtime compensation for hours worked beyond 40 in a workweek.

3.5.5 Out-of-Class Thresholds

- A. Hourly employees assigned to work out-of-class must perform the duties of a higher-paying position for a minimum of 4 consecutive hours to be eligible for payment at the higher rate.
- B. Salaried employees on an out-of-class assignment must perform the duties of a higher-paying position for a minimum of 2 consecutive work weeks to be eligible for compensation for the higher-paying duties.
- C. Out-of-class assignments are limited to 6 months, unless extended by the department head. Out-of-class assignments of non-represented employees to positions represented under the terms of a collective bargaining agreement are subject to any out-of-class assignment limitation and extension provisions of the agreement.

3.5.6 Classification

- A. Upon receipt of a classification determination report signed by the Seattle Human Resources Director which upgrades a position to an existing title, the appointing authority or designed management representative shall use an out-of-class assignment as a mechanism to pay the position incumbent at the proper rate pending implementation of the classification action. The employee should be

treated as though the employee was appointed on the classification effective date for purposes of salary step placement, if applicable, and payment for authorized leave. Out-of-class payment under this Rule is authorized only upon receipt of a signed classification determination.

- B. Assignment of higher-paying duties on an out-of-class basis will not obligate the Seattle Human Resources Director's classification or compensation decisions.