

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Temporary Assignment in Higher Classification	Number: 525.4 Amended
Date: May 3, 2013	By Direction of:  Kelly Powell Logan, Secretary of Administration
Contact Agency: Office of Administration, Office for Human Resources Management, Bureau of Classification and Compensation, Telephone 717.787.8838	

This directive establishes policy, responsibilities, and procedures for controlling the use of temporary assignments in higher classifications and for processing payments to compensate employees who receive such assignments. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities, and procedures for controlling the use of temporary assignments in higher classifications.
- 2. SCOPE.** This directive applies to all employees in departments, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction temporarily assigned to the work of a position in a higher classification.
- 3. OBJECTIVES.**
 - a. Provide policy for the assignment of employees to temporarily work in a higher classification.
 - b. Set forth eligibility criteria for receiving out-of-classification pay.
 - c. Promulgate out-of-classification pay rules.
 - d. Authorize the pay for employees temporarily working in a higher classification.

4. DEFINITIONS.

- a. **Employees' Regular Biweekly Salary/Hourly Rate.** The biweekly salary/hourly rate the employee earns in his/her regular classification/position.
 - b. **Full day.** Seven and one-half or eight hour day. Note that this may be any continuous seven and one-half or eight hour period including both hours within or outside of an employee's regularly scheduled workday, or any combination thereof.
 - c. **Half-day.** Three and three-quarter or four hours respectively, in a seven and one-half or eight hour workday. Note that this may be any continuous three and one-quarter or four hour period including both hours within or outside of an employee's regularly scheduled workday, or any combination thereof.
 - d. **Higher classification.** A classification/position that has a higher minimum hourly rate than the minimum hourly rate of the employee's regular classification/position.
 - e. **Management.** Jobs with a number 3 or 8, except K8, for supervisory level in the second digit of a bargaining code; e.g., A3, A8.
 - f. **Quarter.** The calendar quarter for working out-of-classification eligibility purposes will be defined as the beginning of the first full pay period in January through March 31, April 1 through June 30, July 1 through September 30 and October 1 through the last full pay period of the leave calendar year, which is the pay period that includes December 31. Note that calendar quarters are not relevant to the determination of eligibility for the M1, M2, T4, and T5 bargaining units.
 - g. **Temporary Higher Level Assignment.** An assignment of higher level work that is distinguishable from an employee's regular job duties and responsibilities by virtue of the circumstances under which it is performed and the frequency with which it is performed. (Questions concerning the determination as to whether work is temporary or permanent are to be addressed to the Office of Administration, Office for Human Resources Management (OA/OHRM), Bureau of Classification and Compensation (BOCC), Classification and Pay Division.)
5. **POLICY.** Before an employee is assigned to work in a higher classification, every effort should be made to ensure that such an assignment is absolutely essential and critical to the continued operation of the organizational unit. Enclosure 1, Eligibility Criteria for Working Out-of-Classification and Pay Rules, provides eligibility criteria for receiving out-of-classification pay and out-of-classification pay rules by bargaining unit effective the date of this directive. The following are specific policy statements for temporary higher classification assignments and payments.

a. Out-of-Classification Assignment Policies.

- (1) If it is determined that the continued performance of the duties and responsibilities is absolutely critical and essential, priority consideration must be given to accomplishing these duties on a temporary basis and on a non-overtime basis in the following order:

 - (a) Higher level or managerial employees are to absorb the most essential responsibilities when temporarily unstaffed or vacant positions exist for a short period of time.
 - (b) Employees in the same classification or the same pay scale group are to be temporarily assigned.
- (2) Employees assigned to work in a higher classification are to be informed, in writing, of the assignment and its temporary nature. Whenever possible, a completion date should be provided.
- (3) An employee will not be temporarily assigned to perform, in general, the duties and responsibilities of a position in a higher rated classification for more than nine continuous months or the length of the leave of absence of the employee being replaced, whichever is greater. Agencies are cautioned not to violate this policy by working an employee in a higher classification up to the nine-month limitation, discontinue the assignment for a short period of time, and then resume it. In those cases where it is essential that a temporary assignment exceeds the nine-month limitation, an exception may be authorized by the agency Human Resources Director. If the temporarily assigned employee's permanent position is covered by a collective bargaining agreement, union concurrence must be obtained, in writing, for exception to this policy and applicable contractual provisions. Requests for exceptions to the 113 day rule, as found in the AFSCME Master Agreement and Memorandum should be processed in the same manner. Where the nine-month limitation is exceeded due to the length of the leave of absence of an employee being replaced, no exception is required.
- (4) For an employee to be compensated for temporarily working in a higher classification, the higher classification must be an approved existing position on an agency complement for which a temporary replacement is needed or there must be temporary duties in a higher rated classification that a permanent employee may perform. A position may be temporarily filled because the incumbent is on any approved leave with or without pay, suspension, absence without leave, temporary reassignment, or has separated from the position. Such temporary duties must be separate and distinct from the employee's regular assignment. As such, an employee cannot be compensated for working in a higher classification for duties that are part of the employee's permanent position. Employees are not to be paid for working out-of-classification for periods in which the employees' reclassification is pending approval.

- (5) The out-of-classification payment procedure will not be used to circumvent civil service rules and regulations. As an example, non-civil service employees will not be assigned to work in a higher classification pending their becoming reachable on a civil service list. Non-civil service employees are not to be temporarily assigned to higher level civil service classifications except as provided for in *Management Directive 580.37, Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service*.
- (6) Employees temporarily assigned to work in a higher classification must meet the minimum experience and training requirements for the higher classification. Exceptions to this policy should occur only in exceptional circumstances. In such cases, every attempt should be made to limit the assignment to 60 workdays. An out-of-classification assignment will not entitle an incumbent to preference in the merit selection process. Agencies should be prepared to defend out-of-classification assignments to employees who do not meet the minimum experience and training requirements of the higher classification by explaining the exceptional circumstances.
- (7) Paid leaves of absence do not break the consecutiveness of temporary higher level assignments if the days preceding and succeeding the leave are worked in the higher classification.
- (8) If an employee is temporarily working in a higher classification and is absent due to an official closing of state offices, the day will count toward eligibility requirements and he/she will be paid out-of-classification if eligibility requirements are met. If the employee was on scheduled paid leave during the closing, he/she may or may not be paid out-of-classification for that day depending on the bargaining unit criteria listed in Enclosure 1, Eligibility Criteria for Working Out-of-Classification and Pay Rules.
- (9) An employee working in a higher classification who terminates employment with the required number of cumulative or consecutive days for that bargaining unit will be paid for time worked in the higher classification.
- (10) An employee working in a higher classification who transfers to another agency, and who has accumulated the required number of cumulative or consecutive days for that bargaining unit, will be paid for time worked in the higher classification. Payment will be processed by the agency that the employee leaves for all eligible time prior to the date of transfer. However, if the employee does not accumulate the required number of cumulative or consecutive days until after the date of transfer, payment will be processed by the gaining agency.
- (11) When an employee is assigned the duties of a higher classification that is in a different bargaining unit than that of the employee, the eligibility provisions of the employee's permanent bargaining unit will apply.

- (12) Employees in bargaining units with full or half-day requirements must work the full day or full half day to have that time credited for eligibility purposes. Once the minimum day eligibility criteria have been met, employees will be paid out-of-classification for all hours worked providing they were assigned to work out-of-classification for the full day or full half-day, unless contractual obligations specify otherwise. Overtime assignments in a higher job are not subject to the full day requirement and are compensable at the out-of-classification rate as long as the minimum day eligibility criteria have been met. If a partial day of overtime is worked prior to the employee meeting the minimum day eligibility criteria, this time is retroactively compensable at the out-of-classification rate, once the employee meets those criteria.
- (13) Employees working out-of-classification while on an Alternate Work Schedule may count any day that higher level work is performed as no more than one day for eligibility purposes, regardless of the number of hours worked.

b. Out-of-Classification Compensation Rules.

- (1) The standard formula for determining the higher classification rate of pay is 4.5% above the employee's current rate or the minimum rate of pay for the higher level classification/position, whichever is greater (Formula 3). This applies to all bargaining units except A8, L1, L3, L4, M1, M2, and M8, as noted in Enclosure 1, Eligibility Criteria for Working Out-of-Classification and Pay Rules. Exceptions to the prescribed rate of higher classification pay require prior authorization by OA/OHRM, BOCC.
- (2) When an employee on a 40 hour work schedule is assigned to work out-of-classification in a higher position on a 37.5 hour work schedule, the employee's regular biweekly salary and number of work hours will not be changed. When an employee on a 37.5 hour work schedule is assigned to work out-of-classification in a higher position on a 40 hour work schedule, the employee's regular biweekly salary and number of work hours will be adjusted accordingly. The out-of-classification pay will be determined in accordance with the applicable out-of-classification pay rules found in Enclosure 1, Eligibility Criteria for Working Out-of-Classification and Pay Rules, and the hourly difference will be multiplied by the number of hours worked per day to arrive at the out-of-classification compensation.
- (3) The pay of an employee temporarily assigned to a higher classification who is injured on the job and who qualifies for work-related disability pay or who qualifies under the provisions of *Act 632/534* or provisions of the *Heart and Lung Act*, will be based upon computations made at his/her regular biweekly salary/hourly rate for those days.

- (4) An employee temporarily assigned to a higher classification who earns standby time, including T4 and T5 units ON CALL, will be paid at his/her regular biweekly salary/hourly rate for those hours. An employee called back to work in a higher classification will be paid the appropriate higher rate for time worked in the higher classification. Overtime is paid in accordance with Section 5.b.(6).
- (5) All personnel transactions (contract pay increases, longevity increments, etc.) that occur for an employee working in a higher classification are to be processed normally on an employee's regular biweekly salary/hourly rate when they become effective. When an employee separates, any leave payoff will be at the employee's regular rate of pay.
- (6) Employees who work overtime while assigned to a higher classification are to be paid the appropriate overtime rate (straight time, time and a half, double time) based on their regular hourly rate when the overtime payroll is being processed. The appropriate overtime rate is based on the *Fair Labor Standards Act* code assigned to their current classification. An employee who has worked in a higher classification for the required minimum number of days applicable to his/her bargaining unit is eligible for overtime payment for work in the higher classification and is to be paid for the overtime hours based on the appropriate overtime rate (straight time, time and a half, double time) and the calculated hourly difference. The appropriate overtime rate for the higher classification hourly differential is based on the *Fair Labor Standards Act* code assigned to the higher classification. For example, if an employee whose permanent position entitles him/her to time and a half for overtime is temporarily assigned to a position that receives only straight time, when the employee works overtime in the higher level position, he/she is paid time and a half for his/her regular hourly rate, and straight time for the higher classification hourly differential.
- (7) An employee who is demoted without a decrease in pay will not receive more for working out-of-classification than the employee would have received if the employee had not been demoted.
- (8) Acting agency heads and Deputy Secretaries are not to be paid through the Time and Attendance Working Out-of-Classification Subsystem. Employees assigned to act as Deputy Secretary or equivalent will be placed in a position in the Acting Deputy Secretary Job, U0041, and their salary will be adjusted to the salary approved by the Governor's Office. Acting agency heads will be placed in a position in job code U0040 and their salary will be set at a rate equivalent to the salary of the agency head, or their current salary, whichever is greater.

6. RESPONSIBILITIES.

a. Supervisors shall:

- (1) Justify to agency management the need to assign higher level duties to an employee.

- (2) Determine, in conjunction with the agency Human Resources Office, whether an employee who will be assigned to work in a higher classification meets the minimum qualifications of the position.
- (3) Control the use of temporary higher level assignments through the exercise of good judgment and management practices and by ensuring that all other alternate methods have been pursued, in accordance with 5.a.(1).
- (4) Verify and approve time and attendance records submitted for working out-of-classification payments.

b. Agency Managers shall:

- (1) Ensure that temporary assignments in higher classifications are made only when they are critical and essential to the continued operation of a particular function.
- (2) Initiate appropriate action, including disciplinary action, to discontinue and prevent unnecessary temporary higher classification assignments.

c. Human Resource Directors shall:

- (1) Ensure compliance with the policies and procedures contained in this directive and for the establishment of internal procedures to review out-of-classification payments for compliance, including those processed by Human Resource Directors of field institutions.
- (2) Assist agency supervisors in determining whether employees who will be assigned to work in a higher classification meet the minimum qualifications. Except in emergency situations, qualification determinations are to be made prior to the assignments of the employee. In those exceptional circumstances when it is necessary to assign an employee who does not meet the qualifications to temporarily perform higher classification work, the Human Resource Directors must authorize such assignments and be prepared to defend them as being absolutely essential to the agency's operation in addition to following the policy outlined in Section 5.a.(6).
- (3) Ensure that temporarily assigned employees are notified, in writing, of the temporary assignment, what additional duties the assignment will entail, the start date for the assignment, and an approximate end date for the assignment.
- (4) Provide managers and supervisors with training in their role and responsibilities in controlling and monitoring the use of temporary higher classification assignments.
- (5) Ensure that temporary higher classification payments are verified against employee leave usage.
- (6) Ensure that out-of-classification payments are properly and timely processed through the Cross Application Time Sheet (CATS) Subsystem.

(7) Establish monitoring systems within the agency to ensure compliance with the policies and procedures in this directive.

(8) When requested, provide OA/OHRM, BOCC with supporting documentation for specific working out-of-classification assignments.

d. Office of Administration, Office for Human Resources Management, Bureau of Classification and Compensation shall:

(1) Monitor working out-of-classification assignments to ensure compliance with this directive. Periodic reports may be required from agency Human Resource Offices as well as written justifications for selected working out-of-classification assignments.

(2) Inform the State Civil Service Commission of possible instances of merit system abuse, e.g., a non-civil service employee working out-of-classification in a civil service position, in other than exceptional circumstances where the assignment of a civil service employee is not feasible.

e. Office of the Budget, Office of Comptroller Operations, Bureau of Commonwealth Payroll Operations shall:

(1) Process higher classification payments in a timely manner.

(2) Audit working out-of-classification payments to ensure compliance with this directive.

7. PROCEDURES. Employees will be compensated for temporary higher classification assignments by reporting working out-of-classification in the CATS Subsystem of the HR and Payroll Module of SAP. The Time Management Processes Manual and Time Administration Business Process Procedures (BPPs) should be referenced for instruction on the use of CATS. Acting Deputy Secretaries and acting agency heads will be processed in accordance with Section 5.b.(8) of this directive.

This directive replaces, in its entirety, *Management Directive 525.4*, dated April 20, 2004.

Enclosure 1 - Eligibility Criteria for Working Out-of-Classification and Pay Rules

ELIGIBILITY CRITERIA FOR WORKING OUT-OF-CLASSIFICATION AND PAY RULES

Barg. Unit Code	Unit Title	Minimum No. of Days	Type Days	Cumulative/Consecutive¹	Work/Calendar	Holiday Pay²	Leave Pay³	Pay Rate Higher Classification Formula¹⁰
A1	Clerical, Administrative, and Fiscal	5	Full	Cumulative	Work	Yes	No	3
A2	Clerical, Administrative, and Fiscal (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
A3	Clerical, Administrative, and Fiscal (Management)	5	Full	Cumulative	Work	Yes	Yes	3
A4	Professional, Administrative, and Fiscal	5	Full	Cumulative	Work	Yes	No	3
A5	Professional, Administrative, and Fiscal (Supervisory)	5	Full	Cumulative	Work	Yes	Yes	3
A6	Clerical, Administrative, and Fiscal	5	Full	Cumulative	Work	Yes	Yes	3
A8	Executive (Management)	One Calendar Month	Full	Cumulative	Calendar	Yes	Yes	M ⁹
B1	Technical Services	5	Full	Cumulative	Work	Yes	No	3
B2	Technical Services (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
B3	Technical Services and Engineering and Scientific (Management)	5	Full	Cumulative	Work	Yes	Yes	3
B4	Engineering and Scientific	5	Full	Cumulative	Work	Yes	No	3
B5	Engineering and Scientific (Supervisory)	5	Full	Cumulative	Work	Yes	Yes	3
C3	Educational and Cultural	5	Full	Cumulative	Work	Yes	Yes	3
C4	Educational and Cultural	5	Full	Cumulative	Work	Yes	No	3
C5	Educational and Cultural (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
E4	Adult Corrections Education Unit	5	Full	Cumulative	Work	Yes	No	3
F1	Social and Rehabilitative Services	5	Full	Cumulative	Work	Yes	No	3
F2	Social and Rehabilitative Services (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
F3	Social and Rehabilitative Services (Management)	5	Full	Cumulative	Work	Yes	Yes	3
F4	Social and Rehabilitative Services	5	Full	Cumulative	Work	Yes	No	3
F5	Social and Rehabilitative Services (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
F6	Social and Rehabilitative Services	5	Full	Cumulative	Work	Yes	Yes	3

Barg. Unit Code	Unit Title	Minimum No. of Days	Type Days	Cumulative/Consecutive 1	Work/Calendar	Holiday Pay ²	Leave Pay ³	Pay Rate Higher Classification Formula ¹⁰
G1	Inspection, Investigation and Safety	5	Full	Cumulative	Work	Yes	No	3
G2	Inspection, Investigation and Safety (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
G3	Inspection, Investigation and Safety (Management)	5	Full	Cumulative	Work	Yes	Yes	3
G4	Inspection, Investigation and Safety	5	Full	Cumulative	Work	Yes	No	3
G5	Inspection, Investigation and Safety (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
H1	Corrections Officers and Forensic Security Employees	5	Full	Cumulative	Work	Yes	No	3
H3	Corrections Management	5	Full	Cumulative	Work	Yes	Yes	3
I5	Hearing Officers	See Legend #7						
J1	Maintenance and Trades	5	Full	Cumulative	Work	Yes	No	3 ¹²
J2	Maintenance and Trades (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
J3	Maintenance and Trades (Management)	5	Full	Cumulative	Work	Yes	Yes	3
K1	Pennsylvania Police Conservation Officers	5	Full	Cumulative	Work	Yes	No	3
K2	Pennsylvania Police Conservation Officers (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
K3	Law Enforcement (Fish and Game Laws) (Management)	5	Full	Cumulative	Work	Yes	Yes	3
K4	Law Enforcement (Liquor Laws)	5	Full	Cumulative	Work	No	No	3
K5	Law Enforcement (Liquor Laws) (Supervisory)	5	Full	Cumulative	Work	No	No	3
K8	Law Enforcement (Game Commission – Act 111)	5	Full	Cumulative	Work	Yes	No	3
L1	State Police	5	Full ⁴	Cumulative	Work	No	No	M ⁸
L3	State Police (Management)	One Calendar Month	Full	Cumulative	Calendar	Yes	Yes	M ⁸
L4	Capitol Police	5	Full ¹	Cumulative	Work	Yes	No	M ⁸
M1	Liquor Store Clerks	1 ⁵	N/A	N/A	N/A	Yes	No	6
M2	Liquor Store Managers (Supervisory)	See Legend #6	Full	See Legend #6	See Legend #6	Yes	No	6
M3	State Stores Management	5	Full	Cumulative	Work	Yes	Yes	3
M8	Liquor Store General Manager	10	Full	Consecutive	Calendar	Yes	Yes	6
N1	Human Services	5	Full	Cumulative	Work	Yes	No	3
N2	Human Services (Supervisory)	5	Full	Cumulative	Work	Yes	No	3
N3	Human Services (Management)	5	Full	Cumulative	Work	Yes	Yes	3

Barg. Unit Code	Unit Title	Minimum No. of Days	Type Days	Cumulative/Consecutive 1	Work/Calendar	Holiday Pay ²	Leave Pay ³	Pay Rate Higher Classification Formula ¹⁰
P3	Nursing and Supportive Medical Services (Management)	5	Full	Cumulative	Work	Yes	Yes	3
P4	Nursing and Supportive Medical Services	10	Half	Cumulative	Work	Yes	No	3
P5	Nursing and Supportive Medical Services (Supervisory)	10	Half	Cumulative	Work	Yes	No	3
R1	Security	10	Half	Cumulative	Work	Yes	No	3
R2	Security (Supervisory)	10	Half	Cumulative	Work	Yes	No	3
R3	Security (Management)	5	Full	Cumulative	Work	Yes	Yes	3
R4	Park Rangers	5	Full	Cumulative	Work	Yes	No	3
S3	Instructional, Non-Tenured	5	Full	Cumulative	Work	Yes	Yes	3
S4	Instructional, Non-Tenured	See Legend #7						
S5	Instructional Non-Tenured (Supervisory)	5	Full	Cumulative	Work	Yes	Yes	3
T3	Physicians and Related Occupations (Management)	5	Full	Cumulative	Work	Yes	Yes	3
T4	Physicians and Related Occupations	In Excess of 12	Full	Consecutive	Work	Yes	No	3
T5	Physicians and Related Occupations (Supervisory)	In Excess of 12	Full	Consecutive	Work	Yes	No	3
Z4	PUC Attorneys	10	Full	Consecutive	Work	Yes	No	3
98 ⁷								
99 ⁷								

ELIGIBILITY CRITERIA FOR WORKING OUT-OF-CLASSIFICATION AND PAY RULES

Legend

- 1** **With the exception of the Z4 bargaining unit**, the consecutive days may begin or end at any time regardless of the quarter.
- 2** An employee is eligible for holiday pay at the higher rate if he/she is required to perform the higher level duties on his/her scheduled workday immediately before and immediately after the holiday and is paid out-of-classification on those days. The holiday does not count toward the minimum number of days required, except for employees in the M1 and M2 bargaining units whose holiday does count towards minimum eligibility requirements.
- 3** For those bargaining units with a "YES" in this column, an eligible employee assigned the higher level duties on his/her scheduled workday immediately before and immediately after paid leaves of absence is to be paid out-of-classification for those leave days. Paid leaves of absence do not count toward the required cumulative workdays.
- 4** If a member works the majority of hours on a shift, it will be considered as a full shift at the higher rank.
- 5** No minimum except for Liquor Store Clerks 2 who are eligible for out-of-classification pay after ten consecutive workdays.
- 6** The eligibility criteria are in excess of ten consecutive workdays.
- 7** For these bargaining codes, eligibility and criteria will be established on a case by case basis by the Office of Administration, Office for Human Resources Management, Bureau of Classification and Compensation. Requests should be forwarded with complete justification, in writing, to the Director, Bureau of Classification and Compensation, Room 515, Finance Building.
- 8** The out-of-rank pay rule is the difference between the regular rate and the rate entitled to upon promotion to the higher rank, which is a rate in the higher pay scale group at the employee's same pay scale level.
- 9** Payment is to be made in the manner prescribed in *Section 5.41 of Management Directive 505.7, Personnel Rules*. (Also see Section 5.(b)(8) of this directive)
- 10** Consult appropriate labor agreements or *Management Directive 505.7, Personnel Rules* to find the specific manner in which higher classification rates are calculated. Formula 3 equates to 4.5% above the employee's current rate of pay or the minimum of the higher pay scale group, whichever is greater. Formula 6 is a table of prescribed rates that depend on the employee's current pay scale group and pay scale level and the higher job assigned.
- 11** A "full day" is a workday in which at least six hours of the member's scheduled work hours are spent working in the higher classification.

- 12** Under Appendix H, Maintenance and Trades Unit, Transportation Equipment Operators A working as Transportation Equipment Operators B, during winter assignment (November 1 through March 31), will be paid in accordance with Pay Formula 1, which is four pay scale levels above the employee's current rate of pay, or the minimum of the higher pay scale group, whichever is greater. Also, employees in the Department of Transportation who have satisfied the five full day requirement and are subsequently called out outside their regular shift to perform higher level out-of-classification duties are to receive out-of-classification compensation for the number of hours worked, even if it is less than 7.5 hours.