

Working in a Higher Class**4.1.2****PURPOSE**

The purpose of this policy is to implement provisions in the applicable Memorandum of Agreements for payment for working in a higher class. This payment may be authorized when an employee is specifically assigned by the Department Director or designee to perform the duties of a classification higher than the employee's current job classification for a limited period of time.

This policy provides general information. Please refer to the applicable Memorandum of Agreement for more specific terms and conditions. Supervisors should consult with the Office of Employee Relations for more information and assistance regarding Higher Class Pay questions.

SCOPE OF APPLICATION

This policy applies to City employees whose Memorandum of Agreement includes provisions for working in a higher class. Various aspects of Higher Class Pay, including eligibility requirements vary by Memorandum of Agreement (MOA). To the extent this policy conflicts with any provision in an applicable MOA, the provisions of the MOA shall prevail.

As of the revised date of this policy, the following MOAs include provisions for working in a higher class:

- i. Association of Building, Mechanical and Electrical Inspectors (ABMEI)
- ii. Association of Engineers and Architects, IFPTE Local 21 (AEA)
- iii. Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
- iv. City Association of Management Personnel, IFPTE Local 21 (CAMP)
- v. Municipal Employees' Federation, AFSCME, Local 101 (MEF)
- vi. International Association of Firefighters, Local 230 (IAFF)
- vii. International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
- viii. International Union of Operating Engineers, Local 3 (OE#3)
- ix. San José Police Officers' Association (SJPOA)

POLICY

For purposes of administration of this policy, higher classification is defined as any classification which has a higher salary range than the salary range of the classification to which the employee is permanently appointed.

1. **ELIGIBILITY.** This policy and procedure is applicable to any represented employee in a bargaining unit listed above, who works in a higher classification, subject to the following conditions:
 - a. Assignment to work in a higher classification must be approved by the Department Director or designee, using the attached form.
 - b. Generally, an assignment can be made only to an existing authorized position which is not actively occupied due to the temporary absence of the regular employee. Such assignment shall not be made to a vacant position, unless specifically authorized by the

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relevant Memorandum of Agreement. The following MOAs allow for higher class assignment into a vacant position:

- i. Association of Building, Mechanical and Electrical Inspectors (ABMEI)
- ii. Association of Engineers and Architects, IFPTE Local 21 (AEA)
- iii. Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
- iv. City Association of Management Personnel, IFPTE Local 21 (CAMP)
- v. International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
- vi. International Union of Operating Engineers, Local 3 (OE#3)
- vii. Municipal Employees' Federation, AFSCME, Local 101 (MEF)

Assignments to a vacant position may have a maximum time period. Please refer to the applicable Memorandum of Agreement.

2. **SALARY STEP.** Employees specifically assigned to the duties of a higher classification shall be compensated at the rate in the salary range of the higher class which is at least five percent (5%) higher in the salary range schedule than the rate received by the employee in the employee's present class. In no event can the compensation be higher than the maximum pay of the higher classification.
3. **JOB DUTIES.** To be eligible for compensation for working in a higher classification, the employee must be able to assume the most significant and central duties of the higher classification. The employee must be assigned and expected to perform the central duties of the higher classification during the higher class assignment.
4. **STEP INCREASES.** Time spent working in a higher classification counts towards step increases in the employee's regularly assigned classification. Additionally, if an employee is due a step increase in his/her regular class, while working in a higher class, the rate for the higher class will be adjusted accordingly.
5. **STEP UPON COMPLETION.** When an employee's assignment to the higher classification is completed, the employee shall return to the previously held salary range and step of the employee's regularly assigned classification. However, if the employee would have earned a salary increase in his/her regularly assigned classification during the higher class assignment period, the employee's salary step will be adjusted accordingly upon return to the classification to which he/she is regularly assigned.
6. **LENGTH OF ASSIGNMENT REQUIRED.** The length of assignment to a higher classification required before compensation for such assignment can be made varies depending upon the employee's bargaining unit. Please review the applicable Memorandum of Agreement for the minimum and maximum time requirements for working in a higher class.
7. **PAYMENT FOR ACTUAL TIME WORKED.** Compensation for work in a higher class will only be given for actual time worked in the higher class assignment.

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It is the responsibility of the Department Director or designee to ensure adherence to the provisions of this policy. The Department is responsible for ensuring that payment for working in a higher class is made only if all requirements are met in the applicable Memorandum of Agreement and ensuring that the Higher Class Pay form has been completed and approved.

PROCEDURES

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| Supervisor/Manager | 1. Review applicable MOA provisions on Higher Class Pay to ensure the assignment meets the requirements as outlined. For non-management employees, complete Higher Class Pay Request Form and submit to Department Director or designee for pre-approval. For management employees, the Department must submit a memorandum and obtain approval for the Higher Class Pay assignment from the Human Resources Department prior to assigning the duties of the higher classification to the employee. Retroactive requests shall not be approved. |
| Department/Office Director | 2. Review and approve or deny HCP Request Form consistent with the terms and requirements of the Working in a Higher Class Policy and the applicable MOA. Forward any approved request for payment to the supervisor/manager. |
| Supervisor/Manager | 3. Make copies of the approval form and submit to employee and the timekeeper. <u>Non-management employees shall not receive HCP until the form has been approved and a copy has been provided to the employee.</u> |
| Employee | 4. After receipt of the approved HCP form, non-management employee records Higher Class Pay on their timesheet. Management employees do not need to report higher class pay on their timesheet. |
| Supervisor/Manager | 5. Supervisor reviews and approves non-management employee's timesheet, ensuring that the job code and number of hours reflecting HCP is correct and that the employee is compensated in accordance with the terms of the applicable MOA. For example, employees represented by MEF who are in a higher class assignment due to a vacancy are compensated for City observed holidays at the higher class pay rate. Additionally, supervisors should review to ensure that it only reflects hours actually worked in the higher class assignment (i.e. not paid leave hours). |
| Departmental Timekeeper | 6. Review the HCP Request Form to ensure that it has been filled out completely and approved by Department Director or designee. Process request. |

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- Supervisor/Manager 7. Ensure that any claim of HCP on a timecard has an approval form on file.
- Departmental Timekeeper 8. Ensure that work is being performed in the Higher Classification.

Procedures for an extension of a Higher Class Pay assignment:

- Supervisor/Manager 1. Review applicable MOA provisions on HCP to ensure the assignment meets the requirements as outlined in the MOA. Complete Extension Request portion of the Higher Class Pay Request Form and submit to Department Director or designee for pre-approval.
- Department/Office Director 2. Review and approve or deny HCP Extension Request consistent with the terms and requirements of the Working in a Higher Class Policy and the applicable MOA. Forward any approved request to the Office of Employee Relations for processing and final approval or denial.
- Office of Employee Relations 3. Determine whether the Higher Class Pay assignment is due to a temporary absence or a vacant position. If necessary, consult with the bargaining unit regarding the Extension Request. Obtain the bargaining unit’s written authorization and attach this to the extension request form. Approve or deny such Extension Request, and inform the Department Director or designee.
- Employee, Supervisor/
Manager, Departmental
Timekeeper 4. Follow steps 3 - 8 in the procedure for a normal Higher Class Pay assignment as detailed above.

Approved:

/s/ Jennifer Schembri
Director of Employee Relations
Director for Human Resources

November 1, 2023
Date

Approved for Posting:

/s/ Jennifer A. Maguire
City Manager

November 1, 2023
Date

NON-MANAGEMENT HIGHER CLASS PAY APPROVAL FORM

INSTRUCTIONS

Supervisor/Manager should follow the instructions below to complete this form and submit it to the Department Director or designee for approval. After approval, submit to Departmental Timekeeper for processing and provide a copy of this form to the employee for their records. If necessary, contact the Office of Employee Relations for approval of initial higher class pay assignment. If an extension is necessary, complete Page 3 of this form and send this completed form to the Office of Employee Relations to obtain bargaining unit approval.

GENERAL INFORMATION

Is the Employee on Probation? Yes No

If Yes, and the Employee is represented by MEF or SJPDA and is serving their **initial** probationary period, then this employee cannot serve in a higher class assignment. (See Article 12.6 in the 2023-2026 MEF MOA or Article 12.6 in the 2023-2026 SJPDA MOA).

If Yes, and the Employee is represented by OE#3, then this employee cannot serve in a higher class pay assignment. (Please see Article 5.4 in the 2021-2024 OE#3 MOA.)

If No, and the Employee meets the criteria to serve in a higher class pay assignment, please complete the information below.

Name

Employee ID#

Department

Classification

Employee's Phone Number

Job Code

Bargaining Unit

Complete the following questions for MEF-Represented Employees Only:

A. Does the MEF-Represented Employee meet minimum qualifications for the higher classification?¹ Yes No

B. Is the MEF-Represented Employee Full-Time or Part-Time Benefited? Yes No

C. If the MEF-Represented Employee is Part-Time Unbenefited, number of years of service: _____

If the employee is represented by MEF, and the answer is "No" to A and B above, and the employee has less than five (5) years of service, then the higher class pay assignment requires MEF approval prior to the employee serving a higher class pay assignment.

MEF approval is required prior to beginning a higher-class assignment when the employee:

1. Is represented by MEF, and
2. Is Part-Time Unbenefited, and
3. Has fewer than five (5) years of service, and
4. Does not meet the minimum qualifications for the higher classification.

To obtain MEF approval, send this form to the Office of Employee Relations. An employee who meets the criteria listed above cannot commence a higher class pay assignment without OER and MEF approval.

Please complete the information on Page 3

¹ This represents the department's good faith review of the employee's education / work experience and does not supersede the Human Resources Department's analysis of the employee's education / work experience.

HIGHER CLASS PAY PROVISIONS

Please review the applicable Memorandum of Agreement and City Policy Manual Section 4.1.2 Working in a Higher Class, for applicable Higher Class Pay provisions.

HIGHER CLASS PAY ASSIGNMENT

Job Code & Classification of Higher Class
Assignment

Position Number (PCN) of Higher Class Assignment

Indicate Whether Position is Vacant or
Temporarily Unoccupied

Start
Date

Completion
Date

Overall
Length

(Temp. Unoccupied positions typically occur when the incumbent is on leave, or when the incumbent is also higher classing)

Was this higher class assignment made available to other department staff? (Y/N) _____

Estimated Higher
Class Rate (\$)

Higher Class Assignment job duties:

SIGNATURE AND APPROVAL

Read the following statement and sign below:

I verify that this request meets the conditions as outlined in the applicable Memorandum of Agreement and the City Policy Manual Section 4.1.2, Working in a Higher Class.

Employee Signature: _____

Date: _____

Supervisor Signature: _____

Date: _____

Department or designee Approval:

By my signature on this form, I hereby certify that this request meets the following conditions:

- There is a vacant position or a position that is temporarily unoccupied.
- The length of the assignment meets the requirements under the applicable Memorandum of Agreement.
- This employee will be completely undertaking the duties of the higher class assignment.

I verify that this request meets the conditions as outlined in the applicable Memorandum of Agreement and the City Policy Manual Section 4.1.2 on Working in a Higher Class.

Signature: _____

Date: _____

EXTENSION REQUEST (PAGE 1 OF 2)

When an extension for a Higher Class Assignment is requested, a copy of this form must be submitted to the Office of Employee Relations at least 14 days prior to the expiration date of the higher class assignment to obtain bargaining unit approval. Failure to submit this form in a timely manner may result in the denial of the request.

Has the Budget Office been contacted to request an exemption to fill this vacancy? (Y/N)	Start Date	Completion Date	Overall Length
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Reason for Extension Request:

Name of manager making the extension request	Indicate Whether Position is Vacant or Temporarily Unoccupied (Temp. Unoccupied positions typically occur when the incumbent is on leave, or when the incumbent is also higher classing)
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If vacant, provide date position was originally vacated by permanent staff	Extension Start Date	Extension Expiration Date	Overall Length
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Date(s) of last time employee worked in a higher class (if any)	Was this higher class assignment made available to other department staff? (Y/N) _____
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Has this position been filled by another staff person(s) prior to this position?
(Y/N) _____

If yes, please list the names and dates of all previous HCL positions held:

If this HCL is filling a vacancy, has a job posting (internally or externally) been made?
(Y/N) _____

EXTENSION REQUEST (PAGE 2 OF 2)

Has this HCL position already received an extension? (Y/N)

If yes, please identify why the Department could not permanently fill the position in the last six months.

Can the HCL position be rotated to another staff person? (Y/N)

If no, please describe why not.

Please provide any additional information you would like the union to consider.

Read the following statement and sign below:

I verify that this request meets the conditions as outlined in the applicable Memorandum of Agreement and the City Policy Manual Section 4.1.2, Working in a Higher Class.

Employee Signature: _____

Date: _____

Supervisor Signature: _____

Date: _____

Department or designee Approval:

By my signature on this form, I hereby certify that this request meets the following conditions:

- There is a vacant position or a position that is temporarily unoccupied.
- This employee will be completely undertaking the duties of the higher class assignment.

I verify that this request meets the conditions as outlined in the applicable Memorandum of Agreement and the City Policy Manual Section 4.1.2 on Working in a Higher Class.

Signature: _____

Date: _____