

**550 COMPENSATION FOR INCONSISTENT DUTIES: TEMPORARY WORK
OUT OF CLASSIFICATION**

Education Code Sections

88009. Governing boards shall fix and prescribe the duties to be performed by all persons in the classified service and other nonacademic positions of the community college district, except those persons employed as a part of a personnel commission staff as provided in Article 3 (commencing with Section 88060) of this chapter. This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

88010. Classified employees shall not be required to perform duties which are not fixed and prescribed for the position by the governing board in accordance with Section 88009, unless the duties reasonably relate to those fixed for the position by the board, for any period of time which exceeds five working days within a 15-calendar-day period except as authorized herein.

An employee may be required to perform duties inconsistent with those assigned to the position by the governing board for a period of more than five working days provided that his or her salary is adjusted upward for the entire period he or she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his or her normal assigned duties.

Notwithstanding this section, a personnel commission and governing board, or a governing board in a non-merit system district, by written rule, may provide for an upward salary adjustment for any classified employee required to work out of classification for any period of time less than that required herein.

It is the intent of this section to permit community college districts to temporarily work employees outside of their normal duties but in so doing to require that some additional compensation be provided the employee during such temporary assignments.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

June 23, 2021

A. Definition.

1. "Temporary work out of classification" shall mean the performance of duties which are:
 - a. not fixed and prescribed for the employee's regular class,
 - b. not reasonably related to the duties of the employee's regular class,
 - c. evaluated as being at a higher level of difficulty and responsibility than those of the employee's regular class and
 - d. performed for a limited period of time for other than training or emergency assignment purposes.
2. Excluded from this definition are the following:
 - a. Assignments to perform the duties of an existing vacant position. In such instances, a limited-term assignment shall be processed in accordance with the provisions of Rule 671, LIMITED-TERM ASSIGNMENTS.
 - b. Assignments where established provisions for differential compensation exist. In such instances, the provisions of applicable Personnel Commission rules or contract provisions related to differential compensation apply.
 - c. Situations where the assigned duties of an employee have been permanently changed because of a change in organizational structure, change in technology, or the addition of what are considered to be higher-level duties. In such instance, the provisions of Rule 545, CLASSIFICATION STUDIES, apply.

B. Requirements for a Claim for Temporary Work Out of Classification:

1. The employee must be a regular status classified employee. Employees serving in a relief, substitute, provisional, or limited-term assignments are not eligible.
2. The employee must identify the specific time period on a prescribed claim form for each 15 calendar-day period during which the higher level duties were performed. If the work was performed on an intermittent basis, the employee must have performed the duties for more than five working days within each 15 calendar-day period for which a claim form is being submitted and must provide specific dates of service.
3. The employee must identify in detail the duties which are believed to be inconsistent with, or do not reasonably relate to, the duties of their regular class.

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4. The claim form shall be submitted on behalf of the employee to the Personnel Commission no later than 100 calendar days after the first date of temporary work out of classification was performed. In unusual circumstances, the Personnel Commission may excuse the untimely filing of a claim when there is credible documentation and the facts establish that there was a mistake, inadvertence, surprise or excusable neglect by an employee or supervisor.

Lack of knowledge of the existence or provisions of this rule will not excuse the untimely filing of a claim form.

C. General Provisions

1. If the duties reported and certified are found to be at a higher level than the employee's regular class the Personnel Commission staff shall determine an appropriate difference in compensation. The difference in compensation shall reasonably reflect the level and nature of assigned responsibilities and percentage of time performing the assigned duties. Where the work out of classification was on an intermittent basis, the employee shall be paid on a prorated basis. In no instance shall the salary benefits to an employee be greater than the benefits provided through promotion to the higher class.
2. Compensation for temporary work out of classification shall be from the first date of work out of classification through the last day on which the higher-level duties were authorized and performed provided that the claim has been filed as provided in Paragraph B.4.
3. Personnel Commission staff's determination in each case as to temporary work out of classification and appropriate salary differentials shall be submitted to the Personnel Commission for approval and, if approved, to the Board of Trustees for authorization of payment.
4. Nothing in this rule shall be construed as permitting an employee to refuse to perform duties assigned by a duly authorized person.