

## WORKING OUT OF CLASSIFICATION - CLASSIFIED EMPLOYEES

ORIGINATOR: Human Resource Administration  
DATE: August, 1999 (revised)  
POLICY #83-14

### APPLICABLE TO:

All classified employees.

### RESPONSIBILITY:

1. Immediate supervisor for initiating the written request for approval.
2. Human Resource Administration for approval of request in accordance with collective bargaining agreements and State of Rhode Island Personnel Rules.

### BASIC POLICY:

1. The State Personnel Rules and contractual provisions of union contracts, provide for compensating employees who are required to work in a higher class of position for a period of three (3), five (5) or eleven (11) consecutive days or more.
2. The "three, five or eleven-day" rule should be exercised only when absolutely essential to the provision of adequate services. In such cases, the requirement must be made in writing to the employee in order to:
  - a. Identify the official directing such action.
  - b. Provide the specific reasons for the necessity to have an employee work in a higher class of position.
  - c. Avoid any confusion as to whether an employee was or was not directed to work in a higher class of position, and for what period of time.
3. The application of the "three, five or eleven-day" provision is not intended to cover vacation absences. The assignment of an employee who is on annual leave (vacation) should be covered by someone in a position of greater responsibility in the organizational structure.

### PROCEDURE:

Supervisors who feel that it is necessary to require an employee to function in a higher class of position will provide Human Resource Administration with written justification prior to notification of employee and prior to the start of the proposed temporary appointment. Human Resource Administration will notify the

supervisor of approval or disapproval within three (3) working days. Upon approval from Human Resource Administration, department initiates a CS-356 (Working out of Classification Form).

### Procedure

#### Three, Five, Eleven Day Rule

##### Summary of authority and Administrative Regulations:

Personnel Rule: 4.0217 When an employee is required to work in a higher class of position for a period of eleven (11) consecutive days or more, or for any number of days that may be stipulated in a particular union contract, such employee shall receive the lowest salary rate of that higher class which will provide a pay increase of at least one step over his/her present base rate retroactive to the first day of such assignment.

Union contracts: 5.7 When an employee is required in writing by the Appointing Authority or designee to work in a higher class of position for a period of more than three (3) consecutive working days, such employee shall receive the lowest salary rate of the higher class, which will provide a pay increase of at least one step over his/her present rate retroactive to the first day of such assignment. Written authorization or direction to an employee to work in a higher class of position shall be given to the employee within 24 hours of said direction and an employee may refuse such assignment if he/she does not receive such written notice or authorization.

Communications and Memorandums: 3, 5, or 11 Day Rule cannot be utilized if:

1. Position is frozen
2. Employee is on vacation
3. By assigning duties to employee a new position is created-- position is created by CS-205 only