

Out of Class Claims Made Easy

If you have been doing the work of a higher paying scientific classification, but aren't getting paid for it, then an out of class claim may be the answer. An OOC claim is a written demand that a scientist must be compensated for higher level work. A formal claim can get recognition for the work, compensation for that work, and credit for promotional exam. Each claim must be tailored to individual circumstances - one size definitely does NOT fit all. If your department refuses to pay your claim, a grievance can be filed by CAPS. Details of the grievance process can be found in the CAPS Unit 10 MOU at Section 17.2. Here's how it works.

Prepare a Draft Duty Statement. You must first prepare a DRAFT Duty Statement. There is usually an old one for a starting point. See if it describes the type and level of work currently performed. Then look at the class specification for the **higher lever class** (found at www.calhr.ca.gov). Evaluate the Definition of Levels, and Knowledge and Abilities. A successful out of class claim will show that you have worked at least 50% of the time in that classification.

Blow Your Horn! For many scientists, the hardest part of filing an OOC Claim is telling others what truly interesting and important work is being done. Members working at the technical professional, master's degree or PhD levels should also prepare a summary statement that more fully describes the work. Limit that to no more than three pages.

Look Back One Year. If out of class assignments go back further than one year, that should be noted but you can't be paid further back than one year. Compensation is limited to the past 12 months, plus future work which may be assigned. A Job Audit form can be found on the CAPS web page and must be submitted with the OOC Claim. Most departments require that this document be submitted some time during the process.

Comply with Deadlines. Take a moment to read article 17.2 of the CAPS MOU. Become familiar with the process. After CAPS files the OOC Claim, the department has 45 days to respond. If no response is received, or you don't concur with the decision, CAPS can then appeal to CalHR within 21 days. CalHR has 60 days to respond. If no response is received or you don't concur with the results, CAPS can appeal the claim to arbitration. This request is required within 30 days, but the CAPS Representation Committee must approve all arbitration hearings.

A OOC MAY Help with a Promotion. Article 17.2 specifically "excludes" appealing for a promotion. However, CAPS has been able to secure many promotions through the out of class process. This usually results from the process, which educates the appointing power about the specific nature of the work being performed. In those cases where a department completes the job audit and concurs with the OOC Claim, it MAY find that it needs to continue assigning the same work, and a promotion MAY result. The flip side is that management can also restructure the workload to make sure that it reflects the work of the scientist's current class. To be promoted, a scientist must be reachable on a list. If no list exists, a spot exam can be requested as part of the OOC Claim remedy. Once the exam is given, management can then promote.

Are You Ready to File?

To discuss the possibility of filing an out of class claim, please email a draft duty statement directly to caps@capsscscientists.org. A CAPS staff representative will assist you.