

PERSONNEL SERVICES BULLETINS (PSBs)

100-3R

Subject: Out-of-Title Work

Supersedes: Personnel Services Bulletin No. 100-3

Source: Civil Service Law, Sections 61 and 100

Date: April 9, 1998

I. Background and Policy and Procedure

Out-of-title work is defined as assignment to duties which are substantially different from those appropriate to the employee's title. Assignment to out-of-title work is prohibited by Section 60 of the Civil Service Law. In addition, many collective bargaining agreements list assignment to out-of-title and out-of-level work as a grievable matter. Therefore, agencies should take all the necessary steps to ensure that employees are performing tasks consistent with their current civil service titles and assignment levels.

Payment for out-of-title work is precluded by law. However, if the employee's title is covered by an out-of-title grievance procedure, an arbitrator may award back pay for out-of-title work in accordance with the specific collective bargaining agreement, generally, from no more than 30 days prior to the date the Step I grievance was filed, up to the date the duties ceased. Once such an award is granted, the assignment should cease and desist or the employee should be properly appointed to the appropriate title.

Job specifications provide a description of the scope of each job and examples of typically performed tasks. They are not exhaustive lists of all possible assignments. In addition, every job specification provides that employees may perform "related duties," and performing "related duties" as such would not be considered out-of-title work.

Note

Agencies should be aware that temporary assignments to higher level duties are not necessarily considered out-of-title work. Employees may be assigned to any duty on a temporary basis in an emergency. For example, most employees are expected to fill in for their supervisors on a temporary basis when the supervisor is on vacation or is sick.

II. Procedure

A. Any questions regarding proper assignments for employees in a particular title or assignment should be directed to DCAS's Classification and Compensation Division.

B. Grievances should be filed promptly pursuant to the procedures set forth in the Citywide Agreement.

William J. Diamond
Commissioner

Inquiries: Classification and Compensation Division - (212) 669-7312

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