



State of New York
Governor's Office of Employee Relations
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George E. Pataki, Governor

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Director

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M E M O R A N D U M

October 6, 2003

TO: Directors of Human Resources

FROM: John V. Currier

SUBJECT: Out-of-Title Work Grievances

The Office of the State Comptroller (OSC) and the Governor's Office of Employee Relations (GOER) have been re-evaluating the current practices for paying out-of-title grievance to better meet the needs of employees who remain in an out-of-title work situation after a step three grievance decision is made. Historically, OSC has limited the payment for working in an out-of-title capacity to no more than 30 days beyond the date of the decision. Because of the increased number of employees with out-of-title grievances and the increased duration of these out-of-title assignments, it has been decided that exceptions to the 30-day practice can be made under certain circumstances.

Generally, OSC will handle payment for out-of-title grievance settlements in one of three ways:

- In cases where the out-of-title work has ended and the beginning and ending dates of such work are specified in the decision, OSC will approve payments only for the period specified in the decision. (This is consistent with current practice).

- In cases where the out-of-title decision specifies a beginning date for the award but states “until the out-of-title work ceases,” and the work actually ended within 30 days of the decision, OSC will approve payments up to 30 days after the date of the decision, not to extend beyond the date the out-of-title work ended. (This, too, is consistent with current practice).
- In cases where the out-of-title decision specifies a beginning date for the award, but states “until the out-of-title work ceases,” and the work continues, OSC will continue to approve payments for such work provided the proper documentation is presented in accordance with the *Extended Out-of-Title Work Agency Protocol* (Attachment 1).

OSC will issue a payroll bulletin specifying the procedures for processing these transactions in the payroll system.

The *Extended Out-of-Title Work Agency Protocol* outlines the steps Agencies need take for OSC to continue payments as outlined above. Also enclosed is the proposed draft letter required by the Comptroller to facilitate the continued payments (Attachment 2). You will note these documents allow for each Department or Agency to designate the appropriate personnel to handle the required communication internally and with OER, Civil Service, and the Payroll Unit at OSC.

It is important that employees be made aware that the continuation of out-of-title payments without interruption is not tantamount to a promotion. This point must be conveyed to all appropriate personnel.

Please review both attachments and direct any questions to either Michael McDonald or Jeannine Morell at (518) 473-3130. I anticipate initiating this new procedure by November 3, 2003 for all out-of-title work grievances in the system at that time.

/das
Attachments (2)

cc: Robin Rabii