



General Order R-10

Subject “OUT-OF-TITLE” COMPENSATION		
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GENERAL INFORMATION

Out-of-title compensation shall be determined by using the guidelines provided within this Order and as delineated in Annex A. Groups eligible for out-of-title compensation are: Command Staff members (sworn and civilian), Unit I and Unit II members, City Union of Baltimore (CUB), Managerial and Professional Society of Baltimore, Inc. (MAPS), and The American Federation of State, County and Municipal Employees, AFL-CIO, Council 67 and Local 44 (herein referred to as Local 44).

POLICY

Out-of-Title Compensation for Command Staff Members (Sworn and Civilian)

- Out-of-title compensation for Deputy Majors and above **will not** be authorized if the higher ranking member is absent due to:
 - Holiday leave, unless an operational necessity requires the higher ranking position to be filled on the actual holiday.
 - Service on a Trial Board.
 - Service as Duty Officer.
- The highest rank to be filled by an out-of-title Command Staff member is that of Police Commissioner.
- In order for out-of-title compensation to be earned, the member must serve in an out-of-title basis for an entire workday.

Out-of-Title Compensation for Unit I and Unit II Members

- It should **not** be presumed that, because a supervisor is off, an employee of lesser rank must be appointed automatically to out-of-title status. When a supervisor of comparable rank is not available to assume the duties of the absent supervisor, Commanding Officers shall consider the following when determining whether or not out-of-title assignment is appropriate:
 - The out-of-title designee will perform supervisory duties in the supervisor's absence.
 - Any incident occurring during the work shift will be handled by the out-of-title designee and will not necessitate calling in the absent supervisor.

- Commanding Officers must also recognize that the appointment of an acting supervisor to one rank does **not** always require the same action in each preceding rank. (A sergeant appointed to fill a temporarily vacated lieutenant’s position does not automatically require that an officer/agent be appointed to fill the sergeant’s position.) In many instances, the member assuming out-of-title status can perform the additional duties required as well as the duties of the regular position.

EXCEPTION: In uniformed patrol, when a sector sergeant is appointed Sergeant in Charge (SIC), then the sergeant’s position **must** be filled by an officer/agent acting as Officer in Charge (OIC).

- Commanding Officers shall determine that the appropriate requisites have been met for a member to receive out-of-title compensation. Careful consideration must be given to determine that the out-of-title designee is actually fulfilling the duties and responsibilities of the higher rank and not simply performing regular duties while the supervisor is absent.

Out-of-Title Compensation for Non-Sworn Members

- Out-of-title compensation for civilian employees represented by CUB shall be granted in accordance with the provisions contained in Article 26 of the labor contract between CUB and the Baltimore City Administrative Manual. Employees represented by CUB will receive pay for out-of-title work from the first day of the out-of-title work.
- Out-of-title compensation for employees represented by MAPS shall be granted in accordance with the provisions contained in Article 16 of the Memorandum of Understanding between Baltimore City and MAPS. Employees represented by MAPS will receive pay for out-of-title work after working ten (10) consecutive working days: compensation is not effective until the 11th consecutive working day and is not retroactive.
- Out-of-title compensation for employees represented by Local 44 shall be granted in accordance with the provisions contained in Article 33 of the Memorandum of Understanding of the State, County and Municipal Employees, AFL-CIO, Council 67 and Local 44.
- Out-of-title compensation is entitled to the above listed non-sworn members when all of the following apply:
 - An employee has been assigned to perform the duties and responsibilities of a higher classification.
 - A memorandum signed by a Command Staff member officially authorizes the employee to perform the job duties of a higher class. An increase involving seven or more salary grades from the employee’s current position also requires written approval from the Department of Human Resources prior to beginning the assignment. This memorandum must be sent to the Department of Human Resources and the Central Payroll Division or the compensation may not be approved.

- The assigned employee in the higher class is absent for valid reasons including, but not limited to:
 - Illness or incapacitation.
 - Leave of absence.
 - Use of vacation, personal, sick, or compensatory leave.
 - Resignation/retirement.
- Compensation for employees authorized to work out-of-title shall follow the rules of promotion.
- Out-of-title work performed during the period in which the employee is authorized to perform such work must be certified by a Command Staff member.
- The initial out-of-title period shall not exceed 120 consecutive workdays; each extension period shall be limited to a maximum of 60 consecutive workdays.
- Compensation for out-of-title work is authorized only in units of whole days. If the whole day requirement has been met, then the employee who has been authorized to work overtime in the same out-of-title duties will be compensated for overtime at the out-of-title rate.
- Employees will receive the higher rate of pay for all leave days and holidays that fall within the certified period of out-of-title work.
- When an employee is assigned to work out-of-title in a class in another union or employee group, the following grades are equivalent: 90, 110, 440, and 540. Also, grade 410 is equivalent to grade 65.
- Employees working out-of-title retain those attributes associated with their regular class such as Fair Labor Standards Act status, maximum accumulated leave, health benefits, survivor benefits, and separation pay.

PROCEDURE

Payroll Clerk

- When advised by an appointing member that a sworn member within your payroll responsibilities is entitled to out-of-title compensation, on the City of Baltimore - Central Payroll Division Payroll Attendance Report, use **black ink** to:
 - Enter “Out-of-Title Compensation” and the date(s) worked under the “Remarks” column.
 - Enter the total amount of compensation under the “Dollars Adjusted to Gross” Column.
 - Enter the employee’s account number (obtained from the Payroll Attendance Report) under the “Account Numbers Other Than Normal” column. Substitute the number “8” for the last digit.
- If a civilian member has earned out-of-title compensation, on the City of Baltimore - Central Payroll Division Payroll Attendance Report, use **black ink** to:
 - Enter the total number of days to be paid under the “Exception Time Totals” and “Out-of-Title” columns. Enter in **red ink** directly under the total days, in the same

- column, any overtime hours subject to the out-of-title rate of pay.
- Enter the class number of the position being filled under the “Exception Time Totals,” “Out-of-Title,” and “Class” columns. The class number can be obtained from the second column of the Payroll Attendance Report where the absent individual’s information is listed, or the Personnel Section.
- Enter the total number of hours eligible for compensation under the “Distribution Time,” “Out-of-Title,” and “Hours” columns. Non-sworn employees work an eight (8) hour day. To obtain the number of hours, multiply the number of days by eight (8). Enter the class number of the position being filled under the “Out-of-Title” and “Class” columns.
- Under the “Account Number Other Than Normal” column, enter the employee’s account number (obtained from the second column of the Payroll Attendance Report) and substitute the number “8” for the last digit.
- Under the “Remarks” column, enter the job number of the higher graded position, which can be obtained from the second column of the Payroll Attendance Report where the absent individual’s information is printed, or the Fiscal Section. Obtain the initials of the appropriate Command Staff member.
- If any of the approved out-of-title time is from the immediate preceding pay period, prepare a correction letter. Out-of-title compensation cannot be posted as “Omitted Time.”

NOTE: The Department of Human Resources must approve any out-of-title compensation from two or more previous pay periods.

Commanding Officer

- When requesting that a civilian employee work out-of-title, ensure they meet the minimum qualifications for the position and discuss the matter with your respective Command Staff member, in keeping with the chain of command.
- Do not allow an employee who meets the requirements for out-of-title compensation to perform the duties of the higher class without receiving out-of-title compensation.

Command Staff

- When appointing a civilian employee to an out-of-title assignment, prior to the beginning of the assignment, prepare a written memorandum of application for out-of-title compensation which explains that the employee is officially assigned to perform the job duties of the higher class for a period of 120 consecutive work days or less.
 - When the out-of-title work involves an increase of seven or more salary grades from the employee’s current position, forward the memorandum, a completed “Out-of-Title Pay Request” (available in the Supply Unit), and a completed “Position Description Form” (available in the Personnel Section), to the Department of Human Resources, “Attn: Classification Division,” for approval.

NOTE: If the Department of Human Resources determines that the employee is assuming all of the duties and responsibilities of the higher class, and the request is for 120 consecutive

days or less, the payment of the out-of-title compensation will be approved. The Central Payroll Division and the Appointing Officer (Command Staff member) will be notified of all approved requests for out-of-title work or extension.

- When the out-of-title work involves an increase of six (6) or less salary grades, forward copies of the memorandum to the Department of Human Resources and the Central Payroll Division.
- Certify the out-of-title work performed during the period in which the employee is authorized to perform such work on the Payroll Attendance Report as follows:
 - Note the job number of the higher graded position in the “Remarks” section of the payroll.
 - Submit a letter, which includes the job number of the higher graded position, with the attendance sheet.
 - Initial the above for each bi-weekly pay period that such work has been performed, providing the 120 consecutive workdays limit is observed.

NOTE: Central Payroll Division shall submit a list of the names of those employees who have worked 80-90 cumulative workdays during the current fiscal year in an out-of-title assignment to the Director, Personnel Section.

- Submit requests to fill a vacant position to the Director, Personnel Section, via official channels.
- When requesting an extension of out-of-title work, submit a completed “Out-of-Title Pay Request” (available in the Supply Unit), and a memorandum to the Department of Human Resources, “Attn: Classification Division,” 30 days prior to the beginning of the proposed extension period. The following information shall be provided:
 - Specify the out-of-title position and the details which would effect approval for the extension.
 - Name of the employee.
 - Employee’s Social Security Number.
 - Current job number and the out-of-title job number.
 - Class titles and class numbers for the employee’s current position and the out-of-title position.
 - The grades of the employee’s current position and the out-of-title position.

NOTE: Do not assume approval of an extension without the specific action of the Department of Human Resources and the Expenditure Control Committee (ECC).

- In cases where out-of-title work receives late certification, before payment can be authorized, obtain specific approval from the ECC and/or the Board of Estimates as follows:
 - If the late certification is a result of failure to obtain approval, forward a memorandum to the Department of Human Resources, “Attn: Classification Division.” Outline the circumstances of the failure to properly certify the out-of-

title work in accord with this policy. Limit requests for late approval to the period that was not certified by a Command Staff member. (The Department of Human Resources will send its recommendation to the ECC.)

- In cases where the out-of-title work to be performed was approved by the appropriate Command Staff member; however, the performance of such work failed to be certified, and the employee is no longer performing the out-of-title duties, a memorandum must be forwarded to the Department of Human Resources, “Attn: Classification Division.” Outline the circumstances surrounding the failure to properly certify the out-of-title work performed. (The Department of Human Resources will forward its recommendations to the ECC. If approved by the ECC, the Board of Estimates must approve before any payment can be authorized to the employee.)

NOTE: The Central Payroll Division and the Command Staff member will be notified of all approved requests for out-of-title work or extension.

Director, Personnel Section

- When a position is vacant and it is the intention to fill it on a permanent basis, submit a “Request for Certification of Eligibles” and/or a “Request for Examination” to the Department of Human Resources. If a certifiable employment list exists, initiate the selection process immediately. If no list exists, out-of-title authorization or extension as applicable can be processed in keeping with Baltimore City policy until a certifiable list is available.

RECISION

Remove from files and destroy/recycle General Order R-10, “Out-Of-Title’ Compensation,” dated 7 December 1995.

COMMUNICATION OF POLICY

Supervisors shall be responsible for communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication and is to be read at all roll calls for five consecutive days and posted on Departmental Bulletin Boards.

By Order of Leonard D. Hamm, Police Commissioner

ANNEX

A. “Out-of-Title” Compensation.

ANNEX A

“Out-of-Title” Compensation

Command Staff I

Deputy Major	to	Major/Chief	\$18.00
Director	to	Chief	\$18.00
Major	to	Chief	\$18.00

Command Staff II

Lieutenant Colonel	to	Chief/Deputy Commissioner	\$18.00
Chief	to	Deputy Commissioner	\$18.00
Deputy Commissioner	to	Police Commissioner	\$18.00

Unit I Members

Officer/Agent	to	Sergeant	\$12.00
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Unit II Members

Sergeant	to	Lieutenant	\$12.00
Lieutenant	to	Deputy Major/Major	\$12.00

Non-Sworn Members

COMPENSATION EXAMPLES

Same Employee Group

Different Employee Group

A. Out-of-Title Grade	84	A. Out of Title Grade	90
		110, equivalent to grade	
B. Employee’s Current Grade	<u>75</u>	B. Employee’s current grade	<u>87</u>
C. Grade Difference (A – B = C)	9	C. Grade difference (A – B = C)	3
D. Difference x 1 1/3 (C x 1 1/3)	12%	D. Difference x 1 1/3 (C x 1 1/3)	4%
E. Employee’s Current Daily Rate	\$77.40	E. Employee’s Current Daily Rate	\$120.25
F. Out-of-Title increase (D x E)	<u>\$ 9.29</u>	F. Out-of -Title Increase (D x E)	<u>\$ 4.81</u>
G. Out-of-Title Daily Rate	\$86.69	G. Out-of-Title Daily Rate	\$125.06