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# CITY OF NEWTON, MASSACHUSETTS

## DEPARTMENT OF HUMAN RESOURCES

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Telephone (617) 796-1260  
Facsimile (617) 796-1272  
TDD/tty # (617) 796-1089

Ruthanne Fuller, Mayor

Michelle Pizzi O'Brien, M.P.A.  
Director of Human Resources

### **ACTING ASSIGNMENT POLICY FOR H-GRADE (NON-UNION) EMPLOYEES**

#### 1. Purpose and Scope:

The purpose of this policy is to outline the circumstances under which an employee may be compensated for work performed at a higher grade/level in the absence of an incumbent and to establish procedures for granting such pay when placed in an Acting Assignment.

#### 2. Applicability:

- a. This policy applies to all permanent full and part-time compensated positions, excluding elected officials and employees of the School Department.
- b. While this policy applies to nonunion employees, there are circumstances where a union employee may be best suited or capable of performing the duties of a nonunion position on Acting Assignment. In this case, the Department is required to notify the Human Resources Department in advance of engaging with the union employee on the potential Acting Assignment in order to discuss how this policy and the applicable collective bargaining agreement might apply. Employees whose positions are covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy which are not specifically regulated by law or agreement.
- c. This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed to be consistent with the law.

#### 3. Eligibility:

- a. Intermittent/Seasonal/Temporary Employees, Interns, Volunteers, and part-time employees budgeted for and regularly scheduled to work less than 20 hours per week are not eligible to be compensated for working at a higher level in the absence of another employee.
- b. Regular permanent full-time and regular part-time employees budgeted for and regularly scheduled to work at least 20 hours per week, are eligible for being compensated for working at a higher level in the absence of another employee, in accordance with the provisions of this policy.

4. Policy:

- a. It is the policy of the City of Newton to compensate an employee for assuming, on a temporary basis, the duties and responsibilities of another position from which an incumbent is absent, when all of the following conditions have been met:
  - i. The employee is assigned by the appointing authority to perform all the significant duties of a budgeted, higher paid position from which an incumbent is absent (for the purpose of this policy, the duties assigned must represent at least 80% of the duties of the vacant position).
  - ii. The duties of the higher paid position are assigned to, and performed by, the designated employee for no less than fifteen (15) consecutive working days.
- b. Under no circumstance shall this policy exclude the City of Newton to assign to a nonunion employee work that is similar in nature to the position they hold.

5. Process:

- a. Department Representative/Appointment Authority should notify the Human Resources Department of their intent to place an employee on Acting Assignment, prior to engaging the employee or taking any other action.
- b. In the case of all H grade positions other than Department Head positions, the Department Representative/Appointing Authority should work with the Human Resources Department to obtain approval for the assignment and ensure that the employee being assigned meets any minimum entrance requirements or licensure requirements of the position being filled and that the Acting Assignment is appropriate and meets the needs of the Department and the City.
- c. The Department Representative/Appointing Authority should also obtain approval for this assignment with the appropriate Appointing Authority and ensure, prior to engaging with the employee or taking any other action, that there is proper funding to support a differential in pay. Where appropriate funding is not available, the Department Representative/Appointing Authority should work with the Executive Office and Human Resources Department to either go about obtaining funding or discuss alternative methods that may be available to compensate the employee or consider an alternative method to ensure business continuity.
- d. The Human Resources Department will provide support in applying the terms of this policy and communicating the assignment and pay differential to the employee and archiving in the employee personnel file.
- e. Department Representatives/Appointing Authorities should ensure that all relevant materials are provided in order to request and process this action.
- f. Department Representatives/Appointing Authorities should make every effort to engage in this process as early as possible to avoid delays in processing related actions and payroll changes. It is ideal for notice to be provided to the Human Resources Department immediately but no later than (10) ten days before the Acting Assignment is to commence.

## 6. Pay Differential:

### a. By Grade Level:

- i. For H-grade employees placed on Acting Assignment in a Department Head position, they will receive a ten percent (10%) weekly differential of their current rate of pay *or* the differential between the current weekly rate of pay of step 1 of the grade of the position they are acting in, whichever weekly amount is greater, while in the acting capacity. However, under no circumstance can the resulting differential exceed the budgeted weekly salary of the existing H grade employee being covered on Acting Assignment. The employee shall remain in their regular H grade during acting assignment but receive this weekly differential rate as a separate regular weekly pay in addition to their regular pay. All assignments are subject to funding.
  - ii. For H-grade employees placed on Acting Assignment in an acting Assistant Department Head role, they will receive an eight percent (8%) weekly differential of their current rate of pay *or* the differential between the current rate of pay of step 1 of the weekly rate of the grade of the position they are acting in, whichever weekly amount is greater, while in the acting capacity. However, under no circumstance can the resulting differential exceed the salary of the existing H grade employee being covered on Acting Assignment. The employee shall remain in their regular H grade during acting assignment but receive this weekly differential rate as a separate regular weekly pay in addition to their regular pay. All assignments are subject to funding.
  - iii. For H-grade employees placed on Acting Assignment for all other H-grade positions, they will receive either a six percent (6%) weekly differential of their current rate of pay *or* the differential between the current rate of pay of step 1 of the weekly rate of the grade of the position they are acting in, whichever weekly amount is greater, while in the acting capacity. However, under no circumstance can the resulting differential exceed the salary of the existing H grade employee being covered on Acting Assignment. The employee shall remain in their regular H grade during acting assignment but receive this weekly differential rate as a separate regular weekly pay in addition to their regular pay. All assignments are subject to funding.
- b. For the purpose of this policy, only the base wages shall be used in determining the differential in pay. All stipends such as longevity or other pay enhancements shall remain the same and not be impacted by the Acting Assignment.
  - c. In the case of a regular permanent part time employee being placed on Acting Assignment in a full time position, the hourly rate of pay shall be used to determine the differentials noted above and the employee shall be paid the additional hourly compensation plus the differential.
  - d. This policy will have no impact on the accrual of paid leave. The employee on Acting Assignment shall continue to accrue paid leave time on the same terms they do in their regular position, whether or not the Acting Assignment changes the hours of work.

- e. To the extent permitted by law, when an employee is receiving Acting Pay under this policy, any wages received at a rate higher than the employee's regular rate of pay in their permanent assignment shall not be considered regular wages, regular pay, or regular compensation for the purposes of determining any future benefits payable based on an injury incurred in the performance of, or during the period of, the acting assignment.
- f. The City of Newton has the right to end an Acting Assignment at any time. At the time the Acting Assignment is over, the employee who was on Acting Assignment will return to what their previous rate of pay would be at the time the assignment ends, with no break in service.

7. Exceptions and exclusions:

The Human Resources Department reserves the right to make exceptions to this policy during the review process and based on the specific circumstances of the Acting Assignment, when such exception comes at the recommendation of the Director of Human Resources and with the approval of the Executive Office.

*Policy established on August 12, 2019 and last updated in September of 2023*