

Number 6.2 - CLASSIFICATION REVIEW

Effective Date: March 1, 1996

Applicable To: All classified employees with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William H. Sorrell, Secretary of Administration

PURPOSE AND POLICY STATEMENT

It is the policy of the State of Vermont that each classified position in State government be assigned an appropriate class title, pay grade, overtime category, bargaining unit determination, management level, Equal Employment Opportunity (EEO) Category, and Fair Labor Standards Act (FLSA) category. This policy outlines practices and procedures necessary to ensure that individual positions, or groups of positions, are routinely reviewed and updated consistent with the maintenance of a single State Classification Plan.

A review may be initiated by either the Department of Personnel, managers within a department or agency, or individual employees. In addition, the Vermont State Employees' Association, Inc. (VSEA) may (with the Department of Personnel's approval) submit a request for class action review on behalf of employees in the same position class by submitting a single filing of the same information.

The evaluation standards and process for reviewing a position are the same regardless of who initiates the request.

DEFINITIONS

CLASSIFICATION REVIEW - the process to determine whether an individual position, or any group of positions, is correctly allocated to a class, and/or the class is correctly assigned to pay grade.

POSITION DESCRIPTION - the job content questionnaire, *Request for Classification Action PER-10* (See Attachment A) form which is the primary document used for job evaluation and allocation to a class. It contains information describing a specific position: i.e., the specific duties of a position, nature and scope of supervision, job difficulty, financial impact, specific skill requirements, interaction with colleagues and clients, placement within the organization, working conditions, and other information relevant to the evaluation of the job.

NOTICE OF ACTION (NOA) - An official document used by the Department of Personnel, Classification Unit to identify and describe changes to a position and the

status of incumbents (See Attachment B). These changes may include items such as title, bargaining unit designation, management level, overtime category, FLSA designation, EEO category, position type, and pay grade. The NOA is the instrument which notifies departments and the VSEA of position changes, including positions newly created, abolished, or transferred.

EMPLOYEE NOTICE - A form used by the Classification Unit to notify employees of the result of a classification review (See Attachment C). It may include changes in job evaluation rating, title, pay grade, bargaining unit designation, management level, and overtime category. The collective bargaining agreement requires that this notice "will respond directly and pointedly to the specific reasons listed in the request for review and will specify any change in the point factor rating for that position."

GENERAL GUIDELINES

The Classification Review Article of the current Agreements between the State of Vermont and the VSEA must be adhered to when implementing this policy.

The following general guidelines describe when a classification review may be appropriate:

- When there has been a significant change in duties or responsibilities. The job should measurably have more or less difficulty, complexity, accountability, or responsibility as a result of the change in duties.
- When there has been a significant change in job knowledge and skill requirements, managerial skills, mental demands, problem solving requirements, accountability for results, or adverse working conditions.
- The addition of duties may in itself justify a change in classification if those duties are at a higher or lower level than previously assigned, or require an entirely new area of knowledge or responsibility. The withdrawal of duties also may justify a change if the remaining duties are at a level significantly lower than those on which the position was previously evaluated. A review may be appropriate if duties are transferred from one position to another and may also require the review of several related positions.

The following general guidelines describe when a classification review may not be appropriate:

- When an employee takes on duties not previously performed by that employee, but which are already reflected in the position description. Employees need a period of time to perform all aspects of a job requirement at the level at which the job is already classified. Duties that are new to the incumbent employee may already be included in the overall classification of a job and described in the applicable class specification.
- When positions naturally increase in complexity over a period of time. Changes in job requirements are necessary to keep pace with changes in government, society, and technology. This evolutionary change is expected to occur within the classification of a job and should not be the primary basis for requesting a review.

- When accounting for any of the many factors which have no bearing upon the classification of a position including: performance; qualifications of the incumbent employee; length of time in service, class, or pay grade; volume of work; and federal grants recommendations.

FILING A REQUEST FOR REVIEW

Requests for classification review are initiated by completing a *Request for Classification Action PER-10* form. The request may be initiated by an employee, a supervisor, a manager, the agency/department head, the Department of Personnel, or in the case of an approved class action request, by the VSEA.

In addition to describing the content of a position's duties, the *Request for Classification Action PER-10* form shall also detail the changes in duties or other circumstances which prompt the request. Employee initiated requests are submitted to the supervisor. Within ten (10) work days the supervisor must complete his or her response. Within five (5) more work days the request must be reviewed for accuracy by the personnel officer and the appointing authority and forwarded to the Department of Personnel.

Upon receipt of a request, the Department of Personnel, Classification Unit, will review it for completeness. Incomplete requests will be returned to the person who originated it with instructions for its completion and return. Completed requests will be logged in with the date of receipt and assigned for review.

The Department of Personnel will review and respond to completed requests usually within sixty (60) days for a single position request, and within ninety (90) days for multiple position class requests. The response will be in the form of an EMPLOYEE NOTICE (refer to definition section) detailing the results of the review and any applicable changes made to a position.

CONCURRENT FILING OF A REQUEST BY AN EMPLOYEE

An employee may initiate a review by filing a copy of the *Request for Classification Action PER-10* form directly to the Department of Personnel, Classification Unit, while concurrently submitting the original request to the supervisor. This dual filing ensures that the effective date of any corrective action will not be delayed should the review by the supervisor or appointing authority be delayed. The effective date of any resulting pay adjustments will be the first full pay period following the day the completed request was received in the Department of Personnel, plus fifteen (15) days. This additional fifteen (15) days is to allow time for the agency/department to conduct its review and approval.

WITHDRAWAL OF A REQUEST FOR REVIEW

The originator of the request for a classification review may ask that it be withdrawn by submitting a written statement to the Classification Unit with specific reasons for the

request. The Department of Personnel, Classification Unit, will notify the originator in writing whether the request to withdraw the review is approved or denied.

Reviews are automatically terminated if the position becomes vacant after a request is filed.

TEMPORARY REALLOCATION

A department may request that a reallocation of a position be made on a temporary basis. This reallocation may occur during a specified time frame such as a pending recruitment, reorganization, filling in for the absence of another employee, seasonal duties, or similar reasons. A temporary reallocation cannot be less than a full pay period and should not last longer than one (1) year. With the approval of the Department of Personnel, temporary reallocations may be made permanent when the period and purpose for the temporary change has expired. In such cases, employees are credited for the time in a temporary reallocation towards the completion of a promotional probationary period.

JOB AUDIT

The purpose of an audit is to obtain additional information regarding the job duties or to clarify information contained in the position description questionnaire. The primary source of information about a specific position is the *Request for Classification Action PER-10* form. The Department of Personnel may, at its discretion, also conduct job audits as necessary.

The audit may include personal or telephone interviews with the employee, supervisor, personnel officer, or manager, and may include reviewing additional documentation and work samples to support the request.

Interviews with co-workers or supervisors may reveal a need to review other positions within the organization, especially those positions which have some relationship with the position under review or where the reporting relationship has undergone a change.

JOB EVALUATION

The Department of Personnel will review the *Request for Classification Action PER-10* form and any audit results to determine the appropriate classification for a given job. This review may also include a revised point factor rating of the position which may be completed by an individual job evaluation analyst; a team of job evaluation analysts; a job evaluation committee; or a management committee. A management committee consists of agency/department managers, a personnel officer, and a job evaluation analyst from the Department of Personnel.

NOTIFICATION TO AGENCY/DEPARTMENT AND EMPLOYEE

Once the Department of Personnel has made a preliminary decision regarding the classification of a position, it is conveyed informally to the personnel officer or (if applicable) directly to the department manager. The agency/department is invited to comment on the decision and offer any additional information or to discuss the preliminary decision with the classification unit. When the final decision is made, the personnel officer is informally notified.

After the decision is finalized, the Department of Personnel issues the *Employee Notice* to the employee which explains the decision and any changes made to the position.

NOTICE OF ACTION (NOA)

The Department of Personnel issues a *Notice of Action* which is the system's official notice and official record of the classification decision and any changes made to the position. Copies are sent to the agency/department, and to the VSEA. Any final decisions made with respect to the status of a particular position and/or class are reflected in the *Notice of Action*.

INFORMAL MEETING

Within ten (10) work days of receipt of the *Employee Notice*, an employee may request an informal meeting with a staff member(s) of the Department of Personnel, Classification Unit, to discuss the decision. Efforts will be made to hold this meeting within fifteen (15) work days of the request, as outlined in the current collective bargaining unit agreements.

The purpose of this meeting is to allow the Department of Personnel to explain the rationale for the decision and to answer any questions the employee may have regarding the Position Evaluation System. At the conclusion of the informal meeting, the Department of Personnel may consider information discussed at the meeting and may reconsider the decision. Before making any subsequent changes, the employee's agency/department will be informally notified and be given the opportunity to review the tentative change.

At the conclusion of the informal meeting or any subsequent review, the employee will be notified in writing of the outcome. This notice concludes the informal meeting procedure.

CLASS SPECIFICATION CHANGES

If a new class is created as a result of a review, the specification may be included with the *Employee Notice*. If a change in a class specification results from a review, that change will normally be made within thirty (30) days of the final decision, and a copy sent to the affected employee. In cases where the employee is reallocated to another existing class, a copy of the specification for that class will be attached to the *Employee Notice*.

CHANGES AFFECTING EMPLOYEES

Effective Date of Corrective Action - As outlined in the current collective bargaining agreement(s), if there is a change in the status of a position as a result of a classification review (or classification grievance, if applicable), any pay adjustment will begin no earlier than the start of the first pay period following receipt of the completed request for classification review logged in at the Department of Personnel. If the Department of Personnel determines that circumstances giving rise to the corrective action came into existence after the appropriate filing date, the action shall be effective on the first pay period following that later date.

Under no circumstances may the effective date be retroactive to a date earlier than that of the filing.

Pay adjustments only affect incumbents in the position at the time the *Notice of Action* is issued. An exception to this applies to employees who were incumbents at the time the request was filed, and who remain active employees in the classified service when a final action is taken to reassign a class to a higher pay grade.

Corrective action may include adjustments to base pay, overtime compensation, compensatory time, personal leave categories, and EEO categories.

Pay Adjustment - Base pay adjustments are governed by the terms of the Salaries and Wages article of the collective bargaining agreement.

If the change results in movement to a higher pay grade, the salary adjustment shall be calculated as a promotion.

- If the change results in movement to a lower pay grade, and the change is imposed by management through no fault of the employee, the employee's salary will not be reduced. The salary of employees with less than three (3) years of service is limited to the maximum of the new pay grade.
- If the change results in a reallocation to a class in a lower pay grade and the change was voluntary, the salary adjustment shall be calculated as a voluntary demotion.

Overtime adjustments will also be corrected retroactively to the effective date of the corrective action. However in the unusual circumstance where an employee's overtime category is changed from a time and one half cash category (overtime category 11 or 12) to a straight time compensatory time-off category (overtime category 17 or 18), or vice-versa, an adjustment will be made only for the half-time premium.

Promotional Probationary Period - Employees whose positions are reassigned to a higher pay grade will be required to serve a promotional probationary period. Subsequent salary adjustment will depend upon whether such a period is satisfactorily completed.

If the review determines that the employee has served at the higher level class for a period of eighteen (18) months or longer, this provision will be waived.

Meeting Minimum Qualifications - Prior to reallocating a position, the incumbent of the position must meet the minimum qualifications of the new class (including any performance exams). The effective date of a reallocation may not be retroactive to a date earlier than the incumbent's meeting the position's minimum qualifications. If the review determines that the employee has served at the higher level class for a period of eighteen (18) months or longer, then meeting the minimum qualifications is waived.

Original Probationary Period - When a position is reallocated, incumbent employees who are serving an original probationary period will be required to start the new original probationary period over.

An original probationary period is not interrupted if the only change in the class is its reassignment to a higher or lower pay grade.

Employees at step 1 will go to step 1 of the new pay grade. Employees hired above step 1 will be placed on the step in the new pay grade closest to, but not lower than, their current rate.

RIF Reemployment Option - If a downward reallocation results from a reorganization or a management decision to substantially change the employee's job duties, the employee will be so notified through the *Employee Notice*. The employee may elect certain options of limited recall rights as outlined in Section 23 of the applicable Reemployment (RIF) article of the current collective bargaining agreement. The Department of Personnel, Classification Unit, may send a copy of the *Employee Notice* to the VSEA when this occurs.

MISCELLANEOUS

Review Process for New or Vacant Positions - The *Request for Reclassification Action PER-10* form is also the vehicle for requesting the allocation to a class for a new position or for changing a vacant position and the general procedures outlined above apply. The department must submit a *Request for Reclassification Action PER-10* form describing the duties of the proposed job to the Department of Personnel. Once the Department of Personnel completes its review, the department submitting the request will be notified of the decision and given the opportunity to discuss it with the Classification Unit prior to the final issuance of the *Notice of Action*. If a department is requesting the creation of a new class, it must also submit a proposed class specification as part of the review.

The Department of Personnel, Classification Unit, may elect to waive the requirements for a completed *Request for Reclassification Action PER-10* form in the following circumstances:

- when a department requests to have a vacant or new position allocated to an established class within that department and a significant number of positions in that class already exist there; and
- when a department submits a memorandum affirming that the duties of the new position have not changed.