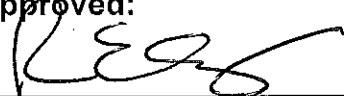




OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

Human Resources Division

Title:	Effect of Position Classification Change on Incumbents	HR_430_03
Supersedes:	HR_430_03, dated March 1, 2007	
Applicability:	Management service and executive service employees. Refer to labor agreement for classified represented employees.	
Reference:	State Policy 30.005.01	
Effective Date:	February 1, 2011	Approved: 

I. PURPOSE

To identify guidelines and requirements affecting an employee's status when implementing classification changes to filled positions.

II. POLICY

When making position classification changes, if no fundamental changes in duties and responsibilities have occurred and if the incumbent meets the minimum qualifications for the new class, the incumbent shall be retained in the position. If fundamental changes in position duties and responsibilities occur, a position change is accomplished by abolishment/establishment. The position shall be vacated and an incumbent selected in accordance with recruitment and selection rules and policies.

The effective date of an approved reclassification or a reallocation shall normally be the first day of the month following the day the request is received by the department's Human Resources Division. For a reclassification the Human Resources Administrator, in conjunction with the appropriate deputy director, may authorize a later effective date to reflect budgetary actions and reorganizations. An earlier date shall not be authorized.

Upon reclassification, an employee shall meet the minimum qualifications for the new classification. When making classification changes in cases where the incumbent does not meet the minimum qualifications of the new class, the incumbent shall be assigned to underfill in the new class provided the incumbent will meet the qualifications within a 24-month period. If the incumbent is in trial service at the time of the position classification change, the trial service status is unaffected. Attainment of regular status and meeting the minimum qualifications for the new classification are separate actions.

A. Reclassification

1. When an employee's classification is changed due to reclassification to a classification with a **higher salary range**:

- a. A salary increase to an established rate of pay (step) within the salary range of the new classification is appropriate.
 - b. A salary increase may be made retroactively in a situation where an individual has been performing the duties of the higher classification prior to final approval of a reclassification. An appointing authority may approve "work-out-of-class" pay prior to final approval if the process is delayed due to a pending action related to permanent funding for the reclassification.
 - c. When a position's change in duties warrants upward reclassification, but duties are removed and the reclassification is denied, the employee shall be paid for the period of time the duties of the higher classification were performed.
 - d. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.
2. When an employee's classification is changed due to reclassification to a classification with a **lower salary range**:
- a. The employee's salary rate from the previous higher classification is normally retained when the position is reclassified to a lower classification.
 - b. If the employee's current salary rate is within the salary range of the new (lower) salary range, place the employee's new salary rate at a corresponding step in the new (lower) classification. If retaining the employee's current salary rate places them off-step in the new salary range the employee's salary rate shall be increased at least one full step to a step in the new salary range on the next salary eligibility date (SED). The one step increase given on the employee's SED shall not exceed the top step of the new salary range.
 - c. If the employee's current salary rate is above the maximum rate of the lower classification, the employer will red-circle the rate of pay until the maximum rate of the lower classification equals or exceeds the employee's retained salary rate. At that time the appointing authority may adjust the employee's salary rate as appropriate.
 - d. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.
3. When an employee's classification is changed due to reclassification to a classification with a **equal salary range**:
- a. Retain the employee's current salary rate.
 - b. If retaining the employee's current salary rate places them off-step in the new salary range, the employee's salary rate shall be increased at least one full step to a step in the new salary range on the next salary eligibility date (SED).

The one step increase given on the employee's SED shall not exceed the top step of the new salary range.

- c. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.

B. **Misallocation** -- When a position is reclassified to correct a misallocation and the incumbent meets the minimum qualifications for the new class, an appointing authority shall continue a regular or trial service incumbent in the position with the same status (regular or trial service) formerly held in the previous class.

1. When an employee's classification is changed due to a misallocation to a classification with a **higher salary range**:

- a. The agency has the option of granting a salary increase.
- b. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.

2. When an employee's classification is changed due to a misallocation to a classification with a **lower salary range**:

- a. The agency has the option to retain the employee's salary rate if the rate of pay they were receiving in the old (higher) classification is above the maximum rate of the new (lower) classification. If the employee's rate of pay is retained, the employer will red circle the rate until the maximum rate of the lower classification equals or exceeds the employee's retained salary rate. At that time, the appointing authority may adjust the employee's salary rate as appropriate. If the employee's salary rate is not retained, the employer shall place the employee's salary rate at a corresponding step in the new (lower) classification not exceeding the top step of the new classification.
- b. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.

3. When an employee's classification is changed due to a misallocation to a classification with an **equal salary range**:

- a. Retain the employee's current salary rate.
- b. If retaining the employee's current salary rate places them off-step in the new salary range, the employee's salary rate shall be increased at least one full step to a step in the new salary range on the next salary eligibility date (SED). The one step increase given on the employee's SED shall not exceed the top step of the new salary range.

- c. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.

C. **Reallocation** -- When a position is reallocated due to a classification plan revision, an appointing authority shall continue a regular or trial service incumbent in the position with the same status (regular or trial service) formerly held in the previous classification.

1. When an employee's classification is changed due to a reallocation to a classification with a **higher salary range**:
 - a. If the employee's current salary rate is within the new (higher) salary range, retain the employee's salary rate and salary eligibility date.
 - b. If retaining the employee's current salary rate places them off-step in the new salary range, the employee's salary rate shall be increased at least one full step to a step in the new salary range on the next salary eligibility date (SED). The one step increase given on the employee's SED shall not exceed the top step of the new salary range.
 - c. If the employee's current salary rate is below the first step of the new (higher) salary range, place the employee's rate at the first step of the new salary range and set a new salary eligibility date based on the employee's status.
2. When an employee's classification is changed due to a reallocation to a classification with a **lower salary range**:
 - a. Retain the employee's current salary rate.
 - b. If the employee's current salary rate is within the salary range of the new (lower) salary range, place the employee's new salary rate at a corresponding step in the new (lower) classification. If retaining the employee's current salary rate places them off-step in the new salary range, the employee's salary rate shall be increased at least one full step to a step in the new salary range on the next salary eligibility date (SED). The one step increase given on the employee's SED shall not exceed the top step of the new salary range.
 - c. If the employee's current salary rate is above the maximum rate of the lower classification, the employee's current salary rate shall be retained. The employer will red circle the rate of pay until the maximum rate of the lower classification equals or exceeds the employee's retained salary rate. At that time, the appointing authority may adjust the employee's salary rate as appropriate.
 - d. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.

3. When an employee's classification is changed due to a reallocation to a classification with an equal salary range:
 - a. Retain the employee's current salary rate.
 - b. If retaining the employee's current salary rate places them off-step in the new salary range, the employee's salary rate shall be increased at least one full step to a step in the new salary range on the next salary eligibility date. The employee's salary rate due to the one step increase shall not exceed the top step of the new salary range.
 - c. The current salary eligibility date (SED) is generally retained. However, if the employee's SED is no longer available because the employee was at the maximum rate in the previous classification, the last SED in the previous classification will be used.

D. Effects of position change on the executive service

1. A regular classified or management service employee occupying a position that is placed in the executive service without a significant change in duties and responsibilities shall be directly appointed to the position in the executive service.
2. An unclassified executive service employee occupying a position that is abolished from the executive service and established in the classified unrepresented or management service shall be terminated in accordance with HR Policy 450_24, Unclassified Service Employment and Termination, but may be eligible for restoration in accordance with HR_450_08, Restoration of Removed Management Service Employees.

If the abolishment/establishment occurred without a significant change in position duties and responsibilities, the appointing authority may directly appoint the employee to the position in the classified unrepresented or management service.
3. An executive service employee occupying a position that is abolished and re-established in the executive service without a fundamental change in position duties and responsibilities may be directly appointed to the position.

E. Appeal rights

1. A management or executive service employee who disagrees with classification decisions, including allocation to a new or revised classification, may submit a written appeal request to the Deputy Director of Administrative Programs within 15 calendar days of receipt of the final classification decision notification. The appeal request shall identify the classification decision and include a narrative describing the classification believed to be correct.
2. The deputy director shall forward the appeal with a recommendation to the director who shall issue a final determination within 30 calendar days from the date of the employee appeal request.

