SECTION 9. CLASSIFICATION

9-1. Definitions.

(a) ***Administrative review:*** The review of a classification decision to downgrade an employee's position or class.

(b) ***Allocation:*** A classification assignment.

(c) ***Broadbanding:*** A classification and compensation system that is used to:

(1) group jobs into broad, generic occupational classes or pay bands based on their common functions, responsibilities, and delegation of authority; and

(2) consolidate 2 or more pay grades into a broad pay band.

(d) ***Class or occupational class:*** One or more positions assigned to the same classification.

(e) ***Classification:*** The assignment or allocation of:

(1) a position to an occupational class; and

(2) an occupational class to a pay grade or pay band on an approved salary schedule.

(f) ***Classification plan:*** The classification plan consists of:

(1) the official list of occupational classes;

(2) the assigned pay grade or pay band of each class;

(3) the class specification for each class;

(4) the arrangement of classes into occupational series;

(5) standards for the allocation of classes to pay grades or pay bands; and

(6) approved salary schedules.

(g) ***Job evaluation:*** A systematic and objective procedure used to analyze an occupational class and allocate it to a pay grade or pay band on an approved salary schedule.

(h) ***Pay grade or pay band:*** The salary range on an approved salary schedule to which an occupational class is allocated.

(i) ***Position Profile Form or PPF:*** This form is used to:

(1) create a position, abolish a position, or change information about the position in the position control data base; and

(2) document that a position was created or abolished or that the classification of a position was changed.

9-2. Policy on classification. The OHR Director must:

(a) classify positions on the basis of assigned duties and responsibilities and minimum qualifications required; and

(b) assign positions within the same salary schedule that require work of substantially equal value to occupational classes at comparable grade levels.

9-3. Classification plan.

(a) ***Responsibility for classification plan.*** The CAO and OHR Director must develop, maintain, and administer the County's classification plan according to the County Code and these Regulations.

(b) ***Class creation.***

(1) The OHR Director may create a new occupational class when the duties and responsibilities of one or more positions are not appropriately described in an authorized class in the classification plan.

(2) The OHR Director must assign a new class to an appropriate pay grade or pay band on an approved salary schedule under guidelines contained in these Regulations.

(3) Except for classes included in the MLS, the OHR Director must notify the MSPB of a proposed new class and give the MSPB reasonable opportunity to review and comment before creating the class.

(c) ***Class abolishment.*** The OHR Director may abolish an occupational class if the class is no longer needed.

(d) ***Allocation of a class to a pay grade or pay band.***

(1) ***Review of a class.***

(A) Pay for the classes on the salary schedules listed below is not determined by the use of a job evaluation system. Instead, pay is determined through the mechanism indicated:

(i) police bargaining unit and the firefighter/rescuer bargaining unit – collective bargaining;

(ii) minimum wage/seasonal – Federal minimum wage is key reference for salary schedule structure;

(iii) sworn police managers – criteria in County Code Section 33-11(b)(8); and

(iv) uniformed fire/rescue managers - criteria in County Code Section 33-11(b)(9).

(B) Before allocating a class in the classification plan to a pay grade or pay band, the OHR Director must use an objective job evaluation system adopted in these Regulations to evaluate the class if it is assigned to the:

(i) general salary schedule;

(ii) Office, Professional, and Technical/Service, Labor, and Trades (OPT/SLT) salary schedule; or

(iii) MLS salary schedule.

(C) The OHR director must use:

(i) a quantitative job evaluation system to evaluate a class on the general salary schedule or the Office, Professional, and Technical/Service, Labor, and Trades (OPT/SLT) salary schedule; and

(ii) a broadbanding system to evaluate a class on the MLS salary schedule.

(D) Guidelines for using the quantitative evaluation and broadbanding systems are included in these Regulations as Appendices E and F, respectively.

(2) ***Job evaluation system.*** A job evaluation system used by the OHR Director must:

(A) be approved by the CAO and adopted by the County Council in these Regulations;

(B) be objective;

(C) be consistent with merit system principles; and

(D) require the review of critical job elements, such as:

(i) knowledge, skills, abilities required;

(ii) physical and mental effort required;

(iii) complexity and scope of duties;

(iv) degree of autonomy and level of responsibility;

(v) personal contacts;

(vi) working conditions; and

(vii) supervision of others.

(E) include, as appropriate, a review of written job content documentation, organization charts, and information from a selected site visit, desk audit, or discussion with a supervisor.

(3) ***Consideration of other relevant factors in allocation.*** In allocating a class to a pay grade or pay band, the OHR Director may also consider other relevant factors such as:

(A) current salary rates for similar occupational classes in the public and private sectors to assure the County's comparability and competitiveness in the labor market; and

(B) employee recruitment and retention experience.

(4) ***Responsibility of OHR Director.***

(A) The OHR Director must review and evaluate an occupational class as necessary to ensure that the information in the class specification is appropriate.

(B) The OHR Director must review and evaluate, as necessary, an occupational class assigned to the general salary schedule or OPT/SLT salary schedule to ensure that the grade assigned to the class is appropriate.

(C) The OHR Director must review and evaluate MLS classes as necessary to ensure that the pay bands and compensation for the classes are appropriate.

(5) ***Request for review of an occupational class.***

(A) A department director may submit a request for review of an occupational class assigned to the general salary schedule, OPT/SLT salary schedule, or MLS salary schedule.

(B) The department director must submit the request during the months of June or December. If the last day of June or December falls on a Saturday, Sunday, or official County holiday, the department director may submit the request on the next working day.

(C) The department director must include with the request factual evidence of:

(i) difficulty in recruiting applicants to the class at the normal entry salary;

(ii) excessive turnover in the class; or

(iii) major and significant change in the work of the class due to technological changes or other unforeseen factors that have significant impact on the work.

(D) Within 30 calendar days after a request for review of an occupational class is received, the OHR Director must accept or reject the request and give a written response to the department director who requested the review.

(6) ***Responsibility of department director.*** At the conclusion of the OHR Director's review of an occupational class in a department, the department director must:

(A) distribute the OHR Director's findings and recommendations to affected employees in the department for their review and written comment;

(B) review all employee comments and provide additional written comments as necessary;

(C) submit the written comments of the department director, supervisors, and affected employees to the OHR Director within 30 calendar days after the OHR Director's report of findings and recommendations is received; and

(D) after receiving the OHR Director's final decision, distribute the decision to affected employees.

(e) ***Reallocation of a class.*** The OHR Director may reallocate a class from one pay grade or pay band to another if:

(1) a job evaluation indicates that the reallocation is appropriate;

(2) the salary range of the pay grade or pay band is no longer competitive in the labor market; or

(3) the OHR Director determines that the change is necessary to maintain the internal equity of the classification plan.

(f) ***Publication of classification information.*** The OHR Director must:

(1) publish annually the official list of classes, the assigned pay grade or pay band of each class, and approved salary schedules; and

(2) post changes to the classification plan within 30 days in all departments and offices that have employees affected by the change.

(g) ***Effective date of classification plan changes.*** The effective date of a class creation, class abolishment, or class reallocation is the beginning of the pay period after the date the OHR Director approves the action.

(h) ***Merit System Protection Board.***

(1) ***MSPB review of classification actions.*** The MSPB may conduct a review or audit of classification actions as it determines necessary to assure the accuracy and integrity of the classification plan. The MSPB must obtain comments from the OHR Director concerning its review or audit.

(2) ***Independent audit of classification and compensation plan.***

(A) At least once every 5 years, the MSPB must have a consultant who is a specialist in the field and independent of the County government conduct an objective audit of the entire classification and compensation plan and procedures.

(B) The MSPB must submit the results of the audit and the Board's recommendations to the County Executive, CAO, and County Council for appropriate action.

(C) The MSPB may postpone the independent audit with the approval of the County Council.

9-4. Position classification.

(a) ***Position creation.*** The OHR Director, subject to budget limitations and with the approval of the Office of Management and Budget, may create a position as needed to enable a department to complete work and fulfill responsibilities assigned to the department.

(1) A department director must submit a completed position description to OHR for review prior to the creation of a merit system position, unless the OHR Director determines that a position description is not needed.

(2) A department director need not submit a position description for the creation of a temporary position, unless the OHR Director requests a position description.

(3) The OHR Director must determine the classification of each new position.

(b) ***Request for review of the classification of a position.***

(1) The incumbent of a position, the incumbent's supervisor, or the incumbent's department director may ask the OHR Director to review the classification assignment of a particular position during the months of June or December. If the last day of June or December falls on a Saturday, Sunday, or official County holiday, the incumbent, supervisor, or department director may submit the request on the next working day.

(2) The party who submits a request for an individual position classification study must submit the following information to support the request:

(A) an organization chart that reflects the organizational location of the position and its reporting relationships;

(B) a current position description, completed and signed by the employee, the employee's immediate supervisor, division chief, and department director, that includes the following:

(i) an explanation of how and why the position's duties and responsibilities have changed and are no longer consistent with the position's current classification assignment;

(ii) an explanation of where the new duties and responsibilities originated;

(iii) a statement from the department director concurring that the position's duties and responsibilities have changed substantially;

(iv) a statement from the department director indicating agreement or disagreement with the employee's request for reclassification; and

(C) the current Position Profile Form for the position.

(3) The incumbent employee, the incumbent's supervisor, and the department director must cooperate to provide the above information regardless of which party submits the request for an individual position classification study.

(4) If the department director does not agree with the employee's description of the duties and responsibilities performed by the employee, the department director may submit an alternative description of the employee's duties and responsibilities to the OHR Director with the request for an individual position classification study.

(5) The OHR Director may return a request for review of the classification assignment of a particular position if the individual who requested the review:

(A) failed to submit the required information;

(B) submitted an untimely request;

(C) submitted a request that is appropriate for review as an occupational class study instead of an individual position study;

(D) submitted a request to review a position of an employee who is filling the position on a temporary, short-term, or acting basis; or

(E) submitted a request to review the same person in the same position within 12 months after an individual position classification study affecting that position was completed.

(c) ***Responsibility of OHR Director.*** The OHR Director must review the classification of an individual position by referring to class specifications to determine whether or not the position's duties and responsibilities are properly assigned and classified.

(d) ***Responsibility of department director.*** At the conclusion of the OHR Director's review of the classification assignment of a particular position, the department director must:

(1) distribute the OHR Director's findings and recommendations to the affected employee for the employee's review and written comments;

(2) review employee comments and provide additional written comments as necessary;

(3) submit the employee's written comments and the department director's own comments within 15 calendar days after receiving the OHR Director's recommendation; and

(4) after receiving the OHR Director's final classification study decision, share the decision with affected employees.

(e) ***Date of completion of a classification study.***
The study of the classification of an individual position is complete on the date of the OHR Director's final classification decision affecting that position.

(f) ***Reclassification.***

(1) Subject to subsection (2) below, the OHR Director may reclassify a position if a study of the position or the occupational class that includes the position indicates a significant change in the:

(A) type of work performed;

(B) difficulty and complexity of duties;

(C) level of responsibility; or

(D) knowledge, skills, and abilities required.

(2) The OHR Director must not approve an upward reclassification of a position between July 1 and December 31 of a year in which the County Executive is elected unless the CAO determines by a written finding that the reclassification is necessary for the efficient and effective operation of the County government. The OHR Director must give written notice to the County Council of each upward reclassification that the CAO approves during this time period.

(3) A department director should ensure that new duties and responsibilities, and duties and responsibilities that must be reassigned when a position is abolished or transferred, are assigned to employees in positions performing work of a similar nature and grade level.

(4) A department director may assign higher level duties or responsibilities to an employee if necessary. However, a department director must not assign higher level duties or responsibilities to an employee in a manner that circumvents the competitive promotional process.

(5) If the OHR Director determines that the reclassification upward of a position would have the effect of circumventing the competitive promotional process, the OHR Director must inform the department director, in writing, that the position will not be reclassified. In such a case, the department director may:

(A) reassign the higher-graded duties to an employee in a higher-graded position; or

(B) request the creation of a higher-graded position in the department to perform the higher-graded duties.

(g) ***Effect of reclassification on position incumbent.***

(1) The OHR Director must place the incumbent of a reclassified position in the new class if the incumbent meets the minimum qualifications for the class.

(2) An employee who is reclassified downward is eligible for noncompetitive promotion under Section 27-3(b)(2) of these Regulations.

(h) ***Effective date of an individual position reclassification.***

(1) A position reclassification upward is normally effective at the beginning of the first pay period after the OHR Director's or CAO's classification decision or 6 months from the date OHR received all information necessary to conduct the study, whichever occurs first.

(2) A position reclassification downward is normally effective at the beginning of the first pay period after the OHR Director's or CAO's classification decision.

(3) A position reclassification resulting from reorganization is normally effective at the beginning of the first pay period after the OHR Director's or CAO's classification decision.

(i) ***Position abolishment.*** The OHR Director may authorize:

(1) the abolishment of a vacant position; or

(2) the abolishment of a position under subsection 9-3(c) or Section 30 of these Regulations.

(j) ***Management Leadership Service.***

(1) ***Assignment of a position to the MLS.*** The OHR Director must assign a position to the MLS if the position, prior to its inclusion in the MLS, either:

(A) was classified under the quantitative evaluation system at grade 27 or higher and the duties of the position include all of the following;

(i) directing the work of an organizational unit of a department, such as a division, section, or team;

(ii) supervising at least 2 full-time employees, or the equivalent of 2 full-time employees;

(iii) assuming responsibility for the success of one or more significant County programs, functions, or services; and

(iv) influencing County policy in the assigned area; or

(B) the position was classified under the quantitative evaluation system at grade 30 or higher and the duties of the position include developing and promoting public policy for major programs and management functions that are:

(i) directly related to the broad mission of the County government; and

(ii) in direct support the County Executive or CAO, or both, or other elected or appointed official.

(2) ***Inclusion of a legislative branch position in MLS classes.*** The County Council must determine if a position in the legislative branch that meets the MLS requirements must be included in the MLS.

9-5. Special classification studies.

(a) The OHR Director may accept a request for a classification study of an occupational class or individual position during a month other than June or December if a department director requests the study because of extraordinary circumstances that justify a special classification study. The department director must submit a written description of the extraordinary circumstances that prompted the request.

(b) The CAO or the OHR Director may direct that special classification studies of occupational classes or individual positions be conducted without waiting for the prescribed month of June or December.

(c) The CAO or OHR Director may authorize a special classification study of:

(1) an individual position or occupational class affected by reorganization;

(2) an individual position or occupational class if there is reason to believe that the current classification assignment is not correct and immediate review is appropriate; and

(3) an occupational class affected by adjustments to the quantitative job evaluation system.

9-6. Administrative review.

(a) ***Review of proposed classification action.*** Before the CAO or OHR Director makes a classification decision on an individual position or an occupational class, the OHR Director must give the position incumbent and supervisor an opportunity to provide written comments.

(b) ***Review of a classification decision to downgrade.***

(1) The OHR Director must notify each affected employee of the employee's right to request administrative review of a classification decision that downgrades the employee's position or class.

(2) An employee who objects to a classification decision that downgrades the employee's position or class may file a request for an administrative review with the OHR Director. The employee must file the request and any additional information within 10 working days after receiving the OHR Director's notice of the downgrade and must provide a copy to the employee's immediate supervisor and department director.

(A) An employee who is filling a position on a temporary, short-term, or acting basis, or an employee whose request for an individual position classification study was returned under Section 9-4(b)(4), may not request administrative review.

(B) The OHR Director may consolidate two or more requests for administrative review. The OHR Director's decision to consolidate requests may be based on one or more of the following factors or other similar factors:

(i) the similarity of the classification assignments of the positions;

(ii) the organizational relationships of the positions; and

(iii) the dates on which OHR receives the requests.

(3) The employee requesting administrative review may be represented by anyone except an employee of OHR or the MSPB. The employee is responsible for the cost of such representation.

(4) The supervisor of the employee requesting administrative review, or the supervisor of an employee assisting another employee in the administrative review, may grant the employee up to 4 hours of

administrative leave to prepare information for the record. The employee must request and receive approval for the administrative leave in advance.

(5) The employee's immediate supervisor and department director may submit comments concerning the employee's request for administrative review to the OHR Director within 5 calendar days of receiving the employee's request. The supervisor and department director must provide copies of their comments to the employee.

(6) The OHR Director must arrange within 30 calendar days for an independent professionally qualified classifier to conduct a fact-finding review.

(A) The OHR Director must provide copies of all classification study file documents and other relevant documents to the independent classifier and must make these documents available to the employee or the employee's representative for review.

(B) The independent classifier must determine the methods that the classifier uses to conduct the study.

(C) The independent classifier may request a meeting with the employee during the employee's normal workday.

(7) Within 30 calendar days after the independent classifier receives the documents, the independent classifier must file a written report of findings and recommendations with the CAO. The CAO must provide the employee or the employee's representative with a copy of the report.

(A) The employee or the employee's representative must provide any written comments to the OHR Director within 10 calendar days after the employee or employee's representative receives the independent classifier's report.

(B) The OHR Director must provide:

(i) the CAO with written comments, if any, within 10 calendar days of receiving the independent classifier's report;

(ii) the CAO with a copy of the written comments of the employee or the employee's representative; and

(iii) the employee with a copy of the OHR Director's comments to the CAO.

(8) The CAO must issue a classification decision within 15 calendar days of receiving the independent classifier's report and any comments from the OHR Director, employee, or employee's representative concerning the report. The CAO may assign a higher grade, a lower grade, or the same grade to the affected position or class.

(9) The OHR Director may extend a time limit included in Section 9-6 at the request of the employee or upon notice to the employee.

(c) ***Date of completion of an administrative review.*** An administrative review is complete on the date of the CAO's classification decision affecting that position.

9-7. Appeal of CAO's classification decision.

(a) An employee may appeal the CAO's classification decision to downgrade a position or class to the MSPB only if there is a violation of the procedures described in Section 9-6 of these Regulations.

(b) An employee may not file a grievance or appeal over position classification decisions, except as stated in (a) above or for an alleged violation of due process.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to classification
Firefighter/Rescuer	5, Management Rights
OPT/SLT	2, Management Rights 5, Wages, Salary and Employee Compensation 9, Working Conditions
Police	42, Management and Employee Rights