8.05 CLASSIFICATION

Classified Service

The classified service of the City of Portland includes all positions in City service, which are not specifically exempted by the City Charter. Positions exempted by the Charter are:

1. All officers chosen by popular election or by appointment by the Council
2. Members of all boards and commissions
3. The City Attorney and Deputies of the City Attorney
4. City Engineer
5. Administrator and Chief Engineer of the Water Bureau
6. Administrator of the Civil Service Board
7. Auditor
8. Chief Deputy City Auditor
9. Secretary and administrative staff of each Council member
10. Chief of Police
11. All bureau directors hired after December 31, 2000
12. At the recommendation of the Director of the Bureau of Human Resources and with the approval of City Council by ordinance, employees may be excluded from the classified service if they are in a classification where a critical element is exercising independent judgment in the formulation of policies that have citywide impact or importance. A listing of Classifications exempt from the Classified Service is located in the Classification & Compensation section of the Bureau of Human Resources web site.

Classification Plan

The Classification Plan shall contain:

1. a foundation for establishing and maintaining a Compensation Plan;

2. all positions which are substantially similar with respect to the kind, difficulty and responsibility of duties are allocated to the same class; and,

3. appropriate selection methods to be used in filling all positions within the same class.

The Director of Human Resources, in consultation with bureau managers, shall be responsible for the administration, maintenance and periodic review of the classification plan to ensure that it reflects the duties performed by employees in the City service and the class to which each position is allocated.

The classification plan groups all positions in the classified service into classifications based upon their duties, authority and responsibilities. The classification plan consists of an index of positions arranged by broad categories or families, occupational groups within categories, and series within occupational groups.

Each classification shall have an official title which is descriptive, brief and consistent with other titles in the plan and which can be used in all official documentation. The use of unofficial job titles shall have no bearing upon the official classification of any position or employee.

The Director of Human Resources shall amend the classification plan as necessary including the addition of required new classes, combination and/ or revision of existing classes, and delete obsolete classes.

The Director of Human Resources shall analyze the duties and responsibilities to be assigned to incumbents of proposed new positions and using such appraisal as a basis, assign the position to the appropriate class within the classification plan.

Consideration shall be given to the specific duties and responsibilities, knowledge and skills and the relationship to other classes in the Classification Plan.

A new class specification or new specialty designation within an existing class specification shall be prepared to cover each additional position which is created and for which the classification plan does not provide a satisfactory description of the position.

Reallocations of positions under the provisions of this section shall be the responsibility of the Director of Human Resources.

The classification plan will be based on an analysis of job-related factors, and shall be utilized for decision making on compensation, selection, employee development, career advancement, upward mobility and other personnel program activities. In determining the class to which a position should be allocated, only the duties and responsibilities assigned to the position and actually performed shall be considered. The capabilities and performance of an incumbent shall not be a classification factor.

A position is presumed to be allocated to the appropriate class.

Classification Specification

Each classification shall be described in a written class specification which shall include:

1. Class title, class code number and whether it is designated as a generalist or specialist classification;

2. A definition of the job describing the level and type of work as well as the allocation factors to be considered in determining the appropriate classification;

3. A description of typical examples of duties involved in the class;

4. A description of the knowledge, skills and abilities necessary to perform the work of the position;

5. Any special requirements, physical characteristics, licenses or certificates required to do the work;

6. The date of adoption or revision by the Director of Human Resources;

7. If the classification is designated a specialist classification, the specialty designations and their assigned system code.

Specifications are intended to indicate the kinds of positions allocated to the various classes as determined by their duties, responsibilities and minimum qualifications and should be interpreted as a whole and in relation to others in the classification plan. A class specification shall be liberally construed as a general description of the work characteristics of similar positions properly allocated to that class.

Class specifications are descriptive and not restrictive and do not prescribe each and every specific duty of any position, nor do they limit the authority of management in assigning work. Particular phrases or examples shall not be isolated and treated as a full definition of the class.

Manager Responsibility

Bureau managers and supervisors are responsible for ensuring employees' positions are properly classified. Except as permitted for overfill/underfill and Working out of Classification, employees will not be allowed to work in a classification other than that of their individual position classification. Exception: Permanent employees accepting a limited term position may work in a different classification.

Request for Reclassification

If the duties of an existing position change permanently and sufficiently so that the current classification is no longer appropriate, a request for a classification review shall be submitted to the Director of Human Resources or designee.

To request a classification review, a Classification Request Form (P4) must be submitted to the Bureau of Human Resources including all requested supporting documentation required for the Director, or designee, to make a decision regarding position allocation. See Classification/Compensation Process for Requesting Reclassification.

A request for a classification review may be made by appointing authorities, bureau directors, managers and supervisors, or by an incumbent in a position. A request for review of the same position or group of positions or classification series may be submitted only once in a twelve-month period. The Director of Human Resources may initiate a classification review at any time.

The Director or designee shall act on a request for reclassification without unnecessary or undue delay and shall give notice to management and the affected employee(s) of the final classification disposition.

Effective Date of Reclassification

The effective date of the reclassification action with respect to the employee's tenure, seniority and status shall be the date the written request for reclassification and all required supporting documentation were filed with the Director of Human Resources unless another date is established by the Director.

Reclassification and Probationary Period

A reclassified employee shall serve a probationary period in accordance with the Administrative Rule on Probation unless;

1. The Director of Human Resources certifies that the selection process upon which the appointment of the employee to the original class was made tested substantially the same knowledge, skills and abilities as the selection process which will be used for the new class; or

2. The classification is the result of a gradual accretion of duties for at least a one-year period (see attachment); or

3. The reclassification is within the same occupational group as the former classification, as designated by the Bureau of Human Resources; or

4. Reclassification is taking place under the guidelines of the deep classification series; or

5. Unless otherwise expressly waived by the appointing authority with the approval of the Director of Human Resources.

Effect of Classification Actions Upon Incumbents

An employee occupying a position which has been reclassified may be granted status in the new classification under the following conditions:

1. If the employee is eligible for appointment and is appointed under the applicable rules; or

2. If the Director certifies that the selection process upon which the appointment of the employee to the original class was made tests substantially the same knowledge, skills and abilities as the selection process which will be used for the new class; or

3. Incumbents in a class that is consolidated with another class shall be granted status in the consolidated class; or

4. As part of the reclassification request (P-4) Bureau management requests the employee be granted status in the new classification and submits documentation that there has been a growth or an increase in the level of duties of the position by gradual addition or inclusion of higher level duties over at least a one year period, the reclassification is within the same occupational group or reasonably related to the former classification and the reclassification is a result of such accretion of duties (see attachment); or

5. If the employee is moving to a higher classification within a deep classification series.

In all cases the employee must meet the minimum qualifications of the position, including possession of any required licenses or certificates and be qualified to perform the work.

Salary and Reclassification of Incumbents

If a reclassification is to a classification which has a lower maximum salary, the incumbent may with the approval of the Director of Human Resources:

1. Be transferred to a vacant position having the same classification as that in which the employee holds status; or

2. Be granted status in the lower class without further examination and with no loss of pay provided that the incumbent's current compensation is within the compensation range of the lower class

If the incumbent's compensation is higher than the maximum allowed for the lower class, the incumbent's salary shall be at the highest maximum rate for the lower class and the incumbent shall be placed on a recall list for the former class. Alternatively, if the reduction in pay is at least 25% and the position at issue is determined critical by the director of the bureau, the Director of Human Resources may approve red-circling the incumbent's rate of pay at a level higher than the compensation range of the lower class as in the best interests of the City. Employees whose pay is red-circled are not eligible for pay increases, including cost of living increases, until their pay rate is within the pay grade of their assigned classification. See Administrative Rule on Compensation. If red-circling is approved, the employee shall not be placed on a recall list for the former class.

Employees in positions reclassified to a classification with a higher pay range shall be brought up to the minimum of the range if they are currently being paid below the minimum. If an employee is being paid within the reclassified range, his/her pay may be adjusted not to exceed the maximum of the new salary range.

Requests for Reconsideration

Any employee adversely affected by a change in classification, or whose request for reclassification was denied, and any appointing authority that disagrees with the classification determination, may file a request for reconsideration with the Director.

A request for reconsideration must be filed in writing within fourteen (14) calendar days of the date of the written notice of the classification action, and must specify the reasons for the request and the relief being sought.

The Director shall acknowledge the request for reconsideration within fourteen (14) calendar days of receipt of the request.

Appeal of Classification Actions

An employee, or an appointing authority, whose request for reconsideration is denied by the Director, may have that decision reviewed by the Civil Service Board. See Administrative Rule on Civil Service Board.

Notice

When proposing, amending, or abolishing a class specification, the Director of Human Resources shall provide the appointing authority and employees in the class with a notice of the proposed changes and a copy of the proposed specification upon request. Written comments by bureaus affected shall be submitted to the Director of Human Resources within thirty (30) calendar days.

The Director of Human Resources will communicate the final decision within a reasonable amount of time.

Deep Classification Series

The Deep Classification Series (DCS) are a group of job classes that specifies two or more levels of work which are closely related in duties and where the difference involve time in grade, complexity, degree of responsibility and similar factors. A deep class series typically includes trainees, sub-journey, journey and advanced journey level classes. Deep class series will not include supervisory classes. Establishment of a DCS allows bureau management the flexibility and authority to recognize an employee's increased capabilities and value through merit promotion in certain pre-designated deep class series, based on job performance, in lieu of a civil service examination.

As DCS are established, all Bureaus will be notified in writing and the affected class specifications will contain a statement that they are part of a deep class series.

For an employee to be promoted and receive status (See Administrative Rule on Types of Appointments) through a DCS, the employee's bureau must provide the Bureau of Human Resources with written documentation contained in the Deep Class Request Form justifying the promotion, including but not limited to, detailing the employee's capabilities of substantially performing the full range of duties of the higher job class.

The effective date of a deep class promotion with respect to the employee's tenure, seniority and status shall be the date the written request for employee reclassification in a deep class series and all required supporting documentation were filed with the Director of Human Resources unless another date is established by the Director.

Authorization for Classification Actions

Classification actions must have the specific approval of City Council under the following circumstances:

1. When a new position or group of positions is requested resulting in an increase in the number of budgeted positions in the unit; or

2. When the classification action results in the creation of a new classification or a change in the compensation of the classification; or

3. Where the reallocation of a position or positions from one classification to another involves a programmatic change in the work function of the bureau or work unit; or

4. When the fiscal impact of the action requires the additional appropriation of funds.

The Director of Human Resources may approve all other classification actions without Council approval.

Administrative Rule History	Adopted by Council March 6, 2002, Ordinance No. 176302 Effective April 5, 2002 Revised October 15, 2002 Revised July 1, 2004 Revised September 16, 2005 Revised July 9, 2007 Revised April 17, 2009

Guidance for HR Administrative Rule 8.05
Classification—Accretion of Duties
June 16, 2006

Issue

Provide guidance for reviewing "accretion of duties" requests from bureaus, which may be part of requests for reclassification action.

Background

As background, the City Charter requires an open competitive process for appointments and promotions. Granting status in a different classification to an employee via the accretion of duties principle may also be appropriate when it complies with the requirements of the HR Administrative Rules. The accretion of duties principle considers that an employee has already gained permanent status in a classification and takes into account the circumstances under which the employee has performed higher level work in this position over an extended period of time.

Normally, a bureau would choose to use a competitive process to hire and grant status to an employee for the reclassified position. This would be the more appropriate choice for a variety of reasons, which include:

- A bureau wishes to choose from a wider selection of candidates; or
- Morale issues would result from not using the competitive process; or
- The situation does not fit the criteria for accretion of duties.

However, when a bureau seeks reclassification of a position currently occupied by an incumbent, the bureau may choose to request that the incumbent gain status in the new classification if the bureau believes the incumbent's work in the position qualifies him/her for consideration of "accretion of duties." Such a request from the bureau is discretionary. The Bureau of Human Resources reviews the request to insure all the criteria for "accretion of duties" have been met.

Definitions

See BHR Administrative Rules 8.05 Classification--Section on "Effect of Classification Actions on Incumbents", which provides the following:

> An employee occupying a position, which has been reclassified, may be granted status in the new classification under the following conditions:
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> * * * * *
>
> 4. There is a growth or an increase in the level of duties of the position by gradual addition or inclusion of higher level duties over at least a one year period, the reclassification is within the same occupational group or reasonably related to the former classification and the reclassification is a result of such accretion of duties.

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General Guidelines

Key elements of the rule include:

a) *"a growth or an increase in the level of duties of the position"*

b) *"by gradual addition or inclusion of higher level duties*"

c) *"over at least a one year period"*

d) *"the reclassification is within the same occupational group or reasonably related to the former classification"*

Examples of cases which would not qualify as fitting the accretion of duties principle include, but are not limited to, the following (elements in parenthesis):

- The position is assigned higher level duties as a result of a reorganization (elements b and c);
- The employee was assigned the duties when they were hired into the position or shortly after they were hired (elements a, b and c):
- The employee was assigned discrete duties at different points in time, which resulted in the reclassification (element b)
- The employee has been in this position for a period of six months (element c);
- The employee currently has status as a Office Support Specialist II, and the bureau is seeking status via the accretion of duties principle, in the classification of Engineer Tech I. (element d)

Specific cases for which accretion of duties is not a valid request:

a) *The higher classification requires a license or certification not required by the current classification of the position.*
If a license or certification is required by the higher classification, but is not required to perform work in the current lower classification, a request by the bureau to gain status for the employee on the basis of accretion of duties is not likely valid. In most circumstances, an employee should not be performing the higher-level work due to the requirement of the license or certification. If he or she has the required license or certification and is assigned to perform such work, it may be a situation justifying out-of-class pay, but not one that supports granting status in that classification on the basis of accretion of duties, if the position is reclassified.

b) *The higher classification is one that allows for full supervision as an element of the classification or assigned position, when the classification of the current position does not.*
The additional assignment of full supervision is not an increase in responsibilities over time, as supervision must be assigned at a certain point in time. One does not "gradually" become a supervisor. Either an employee is assigned to be a supervisor on an ongoing basis, or he/she is not. If the

assignment is sporadic, it may be a situation that supports out of class pay, but not accretion of duties.

c) *Typically, the target classification should not be higher than "one level above" in a series, over the current classification.*
Bureaus should be vigilant over changes in assignments and levels of responsibilities, and they should request a review of a position as soon as there is a question of the appropriateness of an assigned classification.

d) *The employee should not have been receiving out-of-class or other types of additional pay for performing work at the higher level.* Additional pay indicates either that the bureau assigned higher level work at a specific point in time, which does not meet the gradual assignment criterion, or that the bureau has recognized the higher level of work but chose not to reclassify the position. Bureaus should be vigilant over changes in assignment and levels of responsibility and if the change is not a temporary situation, should request a review of a position as soon as there is a question of the appropriateness of an assigned classification.

e) *The Bureau should not have knowingly begun gradually assigning the employee higher level work.*
Use of the accretion of duties principle should not replace or be used in lieu of a training plan when a movement upward from one classification to another is part of a planned progression for an employee.

f) *Accretion of duties does not fit the situation in which an employee has been performing the same duties over a long period of time, such as several years.*
It may be a valid request for status via accretion of duties, but it is difficult to document, and therefore difficult to grant. Additionally, performing these duties for a longer time doesn't relieve the bureau for having a basis to qualify under the other criteria required for accretion of duties.