

## Creating New Positions, Reclassifying Existing Positions, Increasing or Decreasing Hours of Positions, and Appeal Process

<b>Objective:</b>	To establish procedures to create new positions, reclassify existing positions, appeal classification/grade, or increase/decrease hours of positions.	<b>Policy/Procedure Number:</b>	02-01
<b>Reference:</b> <i>(All applicable federal, state, and local laws)</i>	Civil Service Law, Article 2, Section 22 and Article 4, and Sections 61 and 64.	<b>Effective Date:</b>	<i>January 12, 1981</i>
<b>Legislative Policy Statement:</b>	It is the policy of Tompkins County to have clear procedures for creating and reclassifying positions, ensuring appropriate civil service classification and compensation, and including an appeals procedure. Procedures created pursuant to this policy shall be publicized to all county employees.	<b>Responsible Department:</b>	<i>Personnel</i>
<b>General Information:</b>	Per New York State Civil Service law, the Commissioner of Personnel is the sole authority when it comes to position classification or reclassification activities for all Tompkins County departments, as well as all classified positions in the various towns, villages, school districts and special districts under Tompkins County's jurisdiction except the City of Ithaca and Ithaca City School District and for elected officials.	<b>Modified Date (s):</b>	<i>November 9, 2004; June 22, 2005; April 7, 2015</i>
		<b>Resolution No.:</b>	<i>103-1972; 212-1990; 132-1991; 113-2005</i>
		<b>Next Scheduled Review:</b>	<i>September 2020</i>

### I. Definitions:

**New Position Classification** - The act of defining the minimum qualifications and any special requirements (such as licenses, certifications, etc.) necessary to perform the essential functions of the job; identifying the distinguishing features of a position; defining the essential functions; listing typical work activities to be performed; specifying the knowledge, skills, abilities, and personal characteristics necessary to be successful in the position; and allocating the position to an appropriate civil service classification and labor grade.

**Point-factor Rating System** - The point-factor rating system provides an impartial method of determining the labor grade for a position. This is done by comparing the individual components of a job against thirteen unique factors. Points are assigned based on ease or difficulty of the individual factor and are tallied to form a score. The score is compared to criteria provided in Resolution #132 of 1991 in order to establish the labor grade of a position.

**Reclassification** - The act of re-evaluating the nature of a position; re-defining the minimum qualifications and any special requirements (such as licenses, certifications, etc) necessary to perform the essential functions of the job; re-defining the distinguishing features of a position; re-defining the essential functions; re-aligning the typical work activities to be performed with reality; specifying the knowledge, skills, abilities, and personal characteristics necessary to be successful in the position; and allocating the position to an appropriate civil service classification and labor grade.

### II. Policy:

#### A. New Position Classification and Reclassification of Existing Positions.

In accordance with the powers conferred upon the Commissioner of Personnel

by Article 2, Section 22 of the New York State Civil Service law, before any new position shall be created or any existing position shall be reclassified, the proposal therefore, including a statement of the duties of the position, shall be referred to the Commissioner of Personnel. In response, the Commissioner of Personnel shall provide a certificate stating the appropriate civil service title for the proposed position or the position to be reclassified. Any new or reclassified position shall be created only with the title approved and certified by the Commissioner.

#### **B. Reclassification**

Article 4, Section 61-2 of New York State Civil Service law prohibits the performance of out-of-title work, "No person shall be appointed, promoted or employed under any title not appropriate to the duties to be performed and, except upon assignment by proper authority during the continuance of a temporary emergency situation, no person shall be assigned to perform the duties of any position unless he has been duly appointed, promoted, transferred, or reinstated to such position in accordance with the provisions of this chapter and the rules prescribed thereunder. No credit shall be granted in a promotion examination for out-of-title work."

#### **C. Appeal of Classification, Reclassifications or Point-Factor Ratings**

The existence of a procedure for requesting reclassification and appealing the Commissioner of Personnel's findings must be publicized by the Commissioner to all County employees. Employees and department heads are encouraged to submit appeals freely, without fear of retaliation. Establishment of labor grades and positions is a complex process. Appeals are an important part of the process, not a challenge to it. The Committee responsible for the Personnel function will receive Point-Factor Rating System training annually in order to be prepared to hear appeals.

#### **D. Increasing or Decreasing Hours**

The procedure for extending temporary positions and for increasing or decreasing the number of paid hours (or percentage of full time equivalent) of existing positions is the same as for creating new positions. For Civil Service Law governing the duration of temporary positions, see Article 4, Section 64, as amended L.1979, c. 185, s 1.

### **III. Procedure:**

#### **A. Creation of New Positions**

1. Each request for a new position must be forwarded to the Commissioner of Personnel (or his/her designee) for classification. The County Administrator will receive a copy for informational and budget planning purposes. It is the responsibility of each department head requesting a new position to furnish a Short Classification Form (available from the Personnel Department section of the County's Web site) and a "duties statement" (in an editable text format) outlining the proposed position. Such duties statement must include: proposed minimum qualifications; licenses, certifications or other special requirements necessary; the distinguishing features of the class; the typical work activities to be performed; and any specific knowledge, skills, abilities, and personal characteristics necessary to adequately perform the full scope of the work. E-mail attachments are preferred.

2. The Commissioner of Personnel, or designated staff, will work with the department head to finalize the duties statement and convert it into an official civil service job description. All newly created titles are automatically created in the competitive class of civil service.
3. Once the job description is finalized, the Commissioner of Personnel and a designated staff member will perform double-blind ratings of the position using the County's Point-Factor Rating System. Those ratings will be compared, reconciled, and the Commissioner will determine the labor grade.
4. The final job description, labor grade recommended, and point-factor ratings will be sent to the department head for review. If the department head agrees on the content of the job description and the labor grade assigned to the position, he or she will prepare a resolution to present to the department's program committee, as well as the budget committee of the Legislature. The resolution shall state: the reason for the position; number of hours requested; the Civil Service classification (competitive, noncompetitive, labor, or exempt); the labor grade; and the job code. The department's program committee and the budget committee must both review this resolution and make recommendation to move it to the full Legislature for action. If the department head disagrees with the rating of the position, he or she can appeal the rating to the County Administrator.
5. Once the position has been formally created by legislative action, the department must provide a "Request to Fill" form to the County Administrator. If the County Administrator recommends filling the position, the Commissioner of Personnel will proceed with recruitment. If the County Administrator recommends against filling the position, the Commissioner of Personnel is not authorized to recruit.

## **B. Reclassification of Existing Positions**

1. The existence of the procedure for requesting a reclassification must be publicized by the Commissioner to all County employees. A reclassification can be requested by a department head, an employee or class of employees within a given title.
2. If the department head, employee, or class of employees feels that the job duties have changed, or that the job description, title, civil service classification, or labor grade of a position are inappropriate and should be changed, the department head or employee(s) may submit a Short Reclassification form (The Short Reclassification Form is available from the Personnel Department section of the County's Web site) to the Commissioner of Personnel along with a revised job description (with changes tracked). Copies of the Short Reclassification Form and revised job description should go to the department head and the Commissioner of Personnel for review.
3. If the reclassification request was not initiated by the department head, he or she must review the request and submit written comments to the Commissioner of Personnel and to the employee(s) within thirty days of the date of receipt by the department head. If the department head cannot meet the above timeline, the employee(s) and the Commissioner of Personnel must be notified before the end of thirty days of the reason for

delay and shall be given a projected schedule for completion of the review.

4. Alternatively, the department head may initiate the reclassification process for any position in the department and send it to the Commissioner of Personnel and employee(s) for review and comment.
5. Once the department head has completed his/her review, the Commissioner of Personnel shall, within thirty days, develop and return to the department head a revised job description containing appropriate changes, the new job title (if necessary), and the civil service classification.
6. Once the job description is determined to be accurate and final, the Commissioner of Personnel and a designated staff member will perform double-blind ratings of the position using the County's Point-Factor Rating System. Those ratings will be compared, reconciled, and the Commissioner will make a decision on the rating and resulting labor grade. The Commissioner of Personnel will provide the final job description and recommended labor grade to the department head and employee within thirty days of being notified that the job description is final. If the Commissioner of Personnel cannot meet the above timeline, the employee and the department head, shall be given a projected schedule for completion of the review. The Commissioner of Personnel must include the recommended points allocated for each factor under the Point-Factor Rating System. In the event that the department head or employee does not agree with the Commissioner of Personnel's ratings, he or she may submit an appeal to the County Administrator or relevant legislative program committee.

### **C. Appeal of Classification, Reclassifications or Point-Factor Ratings**

1. If the final job description or labor grade recommended by the Commissioner of Personnel is not acceptable to the department head, or the employee(s), either or both should submit a written appeal to the Commissioner of Personnel in an attempt to resolve the disagreement(s). The Commissioner of Personnel must respond within thirty days of receipt of the appeal. If this timeline cannot be met, the Commissioner of Personnel must provide the department head and employee(s) with a projected schedule for completion of the review.
2. If after this first appeal the Commissioner of Personnel, department head, and/or the employee(s) still do not agree on the job description or labor grade proposed, the department head and/or employee(s) may forward an appeal to the County Administrator. The County Administrator must respond to the Commissioner of Personnel with an advisory recommendation within thirty days of receipt. If this timeline cannot be met, the County Administrator must provide the employee(s), the department head, and Commissioner of Personnel a projected schedule for completion of the review.
3. If an appeal to the County Administrator does not resolve the issue, the department head or employee(s) can submit a final written appeal to the Legislative committee responsible for the personnel function. The committee must respond with an advisory recommendation within thirty days from the date of the committee meeting in which the appeal is discussed. If this timeline cannot be met, the committee must provide the employee(s), the department head, the County Administrator, and the

Commissioner of Personnel with a projected schedule for completion of the review.

4. In the event that the employee reports to the Commissioner of Personnel, the Clerk of the Legislature, or the County Administrator, the department head or employee can appeal directly to the relevant legislative program committee. The committee must respond with an advisory recommendation within thirty days from the date of the committee meeting in which the appeal is discussed. If this timeline cannot be met, the committee must provide the employee(s), the department head, the County Administrator, and the Commissioner of Personnel with a projected schedule for completion of the review.
5. The committee responsible for the personnel function will review and submit a written advisory recommendation to the Commissioner of Personnel, with copies to the affected employee(s), the Department Head, and the County Administrator, within thirty days from the date of the committee meeting in which the appeal is discussed. The Commissioner of Personnel shall consider the advisory recommendation, shall make a final decision, and shall notify all affected parties in writing of this final decision within thirty days from the date of the committee meeting in which the appeal is discussed.
6. Following a reclassification, any affected employee shall be paid at the same point on the salary schedule as he or she was in the old title. If the reclassification request resulted in an increase in labor grade, the salary will be retroactive to the date that the reclassification was originally submitted.

#### **D. Increasing or decreasing the authorized hours of an existing position**

1. **Permanent changes** – In every instance where the authorized hours for a position are increased or decreased on a permanent basis from the originally established hours, a resolution shall be prepared for consideration by the department's program committee and the legislative committee responsible for the budget. The resolution shall state the reason for the change in hours, the civil service classification designation (competitive, noncompetitive, labor, or exempt), the labor grade, and the job code. If permanently increased, the resolution should also contain an explanation of the funding mechanism. This resolution will require approval of the department's program committee and the legislative committee responsible for the budget before being forwarded to the full Legislature for action.
2. **Temporary Changes** – The Commissioner of Personnel may temporarily increase or decrease the hours of an incumbent for a period not to exceed 90 days without a legislative resolution. It is important to note that reducing the hours of an employee without simultaneously reducing the authorized hours of the position will result in the employee receiving only partial retirement service credit.