

Chapter 4

CLASSIFICATION

4-1 POSITION ESTABLISHMENT AND CLASSIFICATION

4-1.1 Requirement

All positions must be established in the classified service unless specifically exempted or excepted by article 11, section 5, of the constitution, or these rules.

4-1.2 Classification

A position established in the classified service must be reviewed to classify the position properly.

4-1.3 Authority to Establish

The appointing authority may establish a position for reasons of administrative efficiency. An appointment cannot be made to a position until it has been established and classified.

4-1.4 Classification Plan

The commission shall authorize an official classification plan for all positions in the clas-

sified service. The department of civil service shall administer the official classification plan.

- (a) **Classification.** Every position established must be classified in accordance with the official classification plan.
- (b) **Reclassification.** The department of civil service may reclassify an employee if the employee's position has experienced gradual growth and accretion of higher level duties and responsibilities. The appointing authority must certify that the employee is satisfactorily performing the duties of the position.
- (c) **Predetermined classification and classification levels.** An appointing authority may establish positions in predetermined classifications and classification levels in accordance with the regulations.
- (d) **Selective position requirements.** If the department of civil service has established selective position requirements for a position, the appointing authority shall appoint only a candidate who meets the selective position requirements.

4-1.5 Effective Date of Establishment

Positions are established and classified on a current basis.

[Rule 4-1 last amended effective March 18, 2001]

4-2 POSITION CLASSIFICATION REVIEW

The department of civil service shall provide for both a periodic and ongoing review of positions in the classified service to ensure positions continue to be properly classified.

- (a) **Position review.** An appointing authority shall give notice to the department of civil service of material changes in the duties and responsibilities that may impact the proper classification of a position. If the appointing authority does not notify the department of civil service of material changes, the employee occupying the position may initiate a position review by filing an updated position description and a written request with the department of civil service.
- (b) **Frequency of review.** The classification of an occupied position may be reviewed once in any 12-month period, unless otherwise approved by the state personnel director. When a significant, substantial, or material change has occurred in the duties and responsibilities, the department of civil service may require the appointing authority to establish a new position that is properly classified. The classification of a position or appointment of an employee to a position constitutes a position review for the purposes of this rule.
- (c) **Effective date of change.** A change in the classification of a position based on a

review under this rule is on a current basis, except as otherwise approved by the state personnel director.

- (d) **Preauthorized review.** An appointing authority may reclassify a position in accordance with regulations governing preauthorized positions.

[Rule 4-2 last amended effective March 18, 2001]

4-3 APPEALS

Only the appointing authority may appeal the classification of a newly established position. Either the appointing authority or an adversely affected employee may appeal a change in the classification or classification level of a previously established position through authorized technical appeal procedures.

[Rule 4-3 last amended effective March 18, 2001]

4-4 POSITION ABOLISHMENT

4-4.1 Authority to Abolish

The appointing authority may abolish a position for reasons of administrative efficiency, including, for example, lack of work, lack of adequate funding, change in departmental mission, or reorganization of the work force.

4-4.2 Rescinding of Classification

The department of civil service may rescind the classification of a position that remains vacant for 6 months.

4-4.3 Notice

The department of civil service shall notify each appointing authority of any rescinded classification.

[Rule 4-4 last amended effective March 18, 2001]

4-5 WORKING OUT OF CLASS

(a) **Working-out-of-class assignment.** An appointing authority may temporarily assign an employee to work out of class only if (1) the employee is performing the duties and responsibilities of an existing position or (2) the department of civil service has approved in advance a request for the employee to work out of class. A working-out-of class assignment cannot exceed one year.

(b) **Working-out-of-class pay.** If an employee is assigned to work out of class for more than 10 consecutive work days, the employee is entitled to supplemental pay and benefits for the temporary assignment in accordance with the civil service rules and regulations.

(1) **Claims for working-out-of-class pay.** If an employee is assigned to work out of class and does not receive authorized supplemental working-out-of-class pay and benefits, the employee may request a technical working-out-of-class determination.

(A) **Time limit.** A request for a technical working-out-of-class determination must be filed during the working-out-of-class assignment or within 28 calendar days after the end of the assignment.

(B) **Back pay.** In a technical working-out-of-class determination, the civil service review officer may award back pay and benefits for working out of class for a maximum of one year before the end of the working-out-of-class assignment. No supplemental working-out-of-class pay or benefits are payable for any period longer than one year even if the employee worked out of class for more than one year.

(2) **Relation to collective bargaining.** Working out of class is a prohibited subject of bargaining. The exclusive procedure for any employee, including an exclusively represented employee, to bring a claim for working-out-of-class pay or benefits is to file a request for a technical working-out-of-class determination.

(c) **Exclusions.** An employee in any of the following circumstances is not considered to be working out of class:

- (1) The employee is working in a preauthorized position.
- (2) The employee is occupying a position downgraded for training.
- (3) The employee is occupying a position that is reclassifiable.
- (4) The employee is an overall assistant who normally substitutes for the employee's supervisor.

[Rule 4-5 last amended effective January 1, 2002]

4-6 SENIOR EXECUTIVE SERVICE (SES)

4-6.1 Defined

The senior executive service (SES) consists of the highest level classified positions in which the employees typically (1) report directly to state department directors or boards and commissions heading principal departments, (2) formulate and implement major policy, or (3) influence major programs and policies relating to the critical mission of each state department.

4-6.2 Conditions of Employment

- (a) **Performance pay.** All positions in the senior executive service are included in a performance-pay program.
- (b) **Qualifications; limited appointment.** A position in the senior executive service must be filled by a qualified person under a senior executive service agreement approved by the state personnel director. The agreement must provide for a limited-term appointment, the duration of which cannot exceed 2 years.
- (c) **Lateral job changes.** An employee in a senior executive service position may receive a lateral job change to another senior executive service position. A lateral job change within the employee's own department or autonomous entity is not grievable except as authorized in rule 8-1 [Grievances].
- (d) **Removal during term.** During the term of an appointment and before the expiration of the term of appointment, an employee may be removed only (1) for cause, including unsatisfactory performance, or (2) if the position is abolished. A senior executive dismissed before the expiration of the term of appointment

may appeal the dismissal through the civil service grievance and appeal procedure. However, except when required to implement subsections (g)(1) and (g)(2), no damages may be awarded for any period after the date of expiration of the term of appointment.

(e) Reappointment.

- (1) **No right to reappointment.** An appointee to the senior executive service has no expectation in, or right to, a reappointment at the expiration of an appointment. There is no requirement that a department provide any reason or justification for not reappointing a person to a further term in the senior executive service. Reappointment is solely within the discretion of the appointing authority. No action by an appointing authority may create an expectation in, or right to, reappointment.
- (2) **Time limits.** If an appointing authority reappoints a senior executive, the appointing authority and the senior executive shall execute a new senior executive agreement to take effect at the expiration of the original appointment, subject to the approval of the state personnel director. A senior executive agreement cannot be executed more than 6 months before the earliest effective date of the appointment. Any senior executive agreement executed more than 6 months before the effective date of the appointment is void and cannot be enforced. Any senior executive agreement that purports to be effective for more than 2 years is void and cannot be enforced.
- (3) **Continuation in position not effective.** A person cannot continue

in a senior executive service position without a valid appointment agreement. Continuation in a senior executive service position without a valid appointment agreement approved by the state personnel director, with or without the consent of the appointing authority, cannot create an enforceable appointment.

- (4) **Improper classification.** If the department of civil service determines that a senior executive service position is not properly classified, an appointing authority cannot appoint or reappoint any person to the position or execute a senior executive service position agreement for the position until the department of civil service has approved an updated position description and properly classified the position.
- (f) **Exemptions.** An employee occupying a senior executive service position cannot be displaced by another employee exercising employment preference.
- (g) **Termination of appointment.** When (1) the parties mutually agree to terminate a senior executive service agreement, (2) an SES position is abolished, or (3) the term of appointment expires, the employee's future status is established according to the following provisions:
- (1) **Employee with prior status.** If the employee had continuing status at the time of appointment to the senior executive service, the following options are available:
- (A) **Employment preference.** The employee may return to a position in accordance with and subject to the civil service rules and regulations governing employment preference in

effect at the time the employment preference is exercised. If the employee is required to return to a position at a lower classification than held at the time of appointment to the senior executive service, the employee may later receive a lateral job change to any position in the classified service, not exceeding the classification held at the time of appointment to the senior executive service, for which the employee is otherwise qualified. Such a lateral job change requires the approval of the employee, the appointing authority, and the state personnel director.

- (B) **Approved placement.** The employee and the appointing authority may, with the consent of the state personnel director, mutually agree upon an appropriate placement.
- (2) **Pay protection.** If an option in subsection (g)(1) is exercised, the employee returns to a position with a base salary not less than the base salary of the employee immediately before entry into the senior executive service. The state personnel director shall approve a base salary for the employee which is equal to the base salary of the employee before appointment to the senior executive service, adjusted for any general salary increases approved during the period of appointment to the senior executive service. This pay protection expires when the employee accepts a position with a base salary exceeding the protected base salary received upon return from the senior executive service or

at such other time as provided in the regulations.

- (3) **Employee with no prior status.** If the employee had no continuous status in the classified service at the time of appointment to the senior executive service, the appointing authority shall separate the employee from the classified service, unless otherwise properly appointed to another position.
- (4) **Termination for cause.** Notwithstanding any other provision to the contrary, if an appointee to senior executive service is terminated for cause during the term of appointment, the appointing authority shall separate the employee from the classified service, irrespective of any status at the time of appointment or fall-back agreement.

4-6.3 Senior Executive Service Agreement

- (a) **Agreement.** No person can be appointed to a senior executive position except as provided by this rule and the regulations and unless the person executes a senior executive service agreement in a form authorized by the state personnel director. An appointing authority is not authorized to vary the fixed provisions on any senior executive service agreement form approved by the state personnel director.
- (b) **Minimum provisions.** The senior executive service agreement must include the following minimum provisions:
 - (1) The term of the appointment cannot exceed 2 years.
 - (2) The agreement automatically expires at the end of the term.
 - (3) The employee agrees that the appointing authority is under no obligation, implicit or explicit, to offer the employee a new senior executive service agreement at the expiration of the term. The appointing authority may decline to offer the employee a new senior executive service agreement for any reason or for no reason. However, an appointing authority is prohibited from discriminating against any candidate or employee regarding appointment or compensation, as provided in rule 1-8 [Prohibited Discrimination].
 - (4) Appointment to the senior executive service does not result in any employment preference or other right to continued employment with the state. A person appointed to the senior executive service who did not have continuing status in the state classified service at the time of appointment to the senior executive service does not acquire any employment preference rights, fall-back rights, or other rights to continued employment with the state at the expiration of the term of appointment.
 - (5) If the person appointed to the senior executive service has continuing status in the classified service at the time of appointment to the senior executive service, the employee has the rights and options to retain a position in the classified service in accordance with, and subject to, the civil service rules and regulations in effect at the time of the expiration of the appointment.
 - (6) Any other provisions required by the state personnel director.

4-6.4 Transitional Provisions

- (a) **Abolition of classified executive service.** Effective January 31, 1994, the civil service commission abolished the classified executive service and regulations. Effective on that same date, all positions in the classified executive service were reclassified as provided in the amendments to the compensation plan.
- (b) **Protection of contractual rights.** All rights that accrued to any member of the classified executive service prior to November 28, 1993, as a result of a specifically negotiated and written contractual provision which established particular fall-back rights for the employee, are enforceable by the employee in the classified position to which the employee's classified executive position is reclassified. Any rights are not enforceable if the employee takes another position in or out of the senior executive service.
- (c) **Frozen SES-eligible position.** A position that meets the criteria for inclusion in the senior executive service is designated as an *SES-eligible position*. An SES-eligible position remains a frozen position until (1) it becomes vacant or (2) the employee occupying the position executes an agreement converting the position to the senior executive service and accepts the position.
- (d) **Automatic conversion of SES-eligible positions.** Upon an occurrence provided in subsection (c), the SES-eligible position automatically ceases to be a frozen classified position and becomes a classified position in the senior executive service. Any appointment to the position thereafter must be made in conformity with the rules and the regulations. A position converting to the senior executive service cannot be reclassified outside

the senior executive service except upon approval of the state personnel director.

- (e) **Treatment of incumbent employees.** Employees in SES-eligible positions as of the effective date of the abolition of the classified executive service continue in their status during any continuous appointment in a frozen, SES-eligible position, subject to all civil service rules and regulations. An SES-eligible position, and the employee occupying an SES-eligible position, are subject to this rule only insofar as the rule (1) applies to conversion of the SES-eligible position to the senior executive service or (2) modifies any other civil service rule or regulation applicable to the classified service. An employee may, but is not required to, execute a senior executive service agreement for the SES-eligible position that the employee occupies.

[Rule 4-6 last amended effective January 1, 2002]

4-7 SENIOR EXECUTIVE MANAGEMENT ASSISTANT SERVICE (SEMAS)

4-7.1 Defined

The senior executive management assistant service (SEMAS) consists of senior executive management assistant positions that report to members of policy-making boards and commissions, department directors, members of the senior executive service, and other equivalent unclassified positions. Employees in these positions perform administrative support, management assistant, and related executive support activities.

4-7.2 Conditions of Employment

- (a) **Performance pay.** All positions in the senior executive management assistant service are included in a performance-pay program.
- (b) **Qualifications; limited appointment.** A position in the senior executive management assistant service must be filled by a qualified person under a senior executive management assistant service agreement (SEMAS agreement) approved by the state personnel director. The agreement must provide for a limited-term appointment, the duration of which cannot exceed 2 years.
- (c) **Lateral job changes.** An employee in a senior executive management assistant position may receive a lateral job change to another senior executive management assistant position. A lateral job change within the employee's own department or autonomous entity is not grievable except as authorized in rule 8-1 [Grievances].
- (d) **Removal during term.** During the term of appointment and before the expiration of the term of appointment, an incumbent employee may be removed only (1) for cause, including unsatisfactory performance, or (2) if the position is abolished. A senior executive management assistant dismissed before the expiration of the term of appointment may appeal the dismissal through the civil service grievance and appeal procedure. However, except when required to implement subsections (g)(1) and (g)(2), no damages may be awarded for any period after the date of expiration of the term of appointment.
- (e) **Reappointment.**
- (1) **No right to reappointment.** An appointee to the senior executive management assistant service has no expectation in, or right to, a reappointment at the expiration of

an appointment. There is no requirement that a department provide any reason or justification for not reappointing a person to a further term in the senior executive management assistant service. Reappointment is solely within the discretion of the appointing authority. No action by an appointing authority may create an expectation of, or right to, reappointment.

- (2) **Time limits.** If an appointing authority reappoints a senior executive management assistant, the appointing authority and the senior executive management assistant shall execute a new senior executive management assistant service agreement to take effect at the expiration of the original appointment, subject to the approval of the state personnel director. A senior executive management assistant service agreement cannot be executed more than 6 months before the earliest effective date of the appointment. Any senior executive management assistant service agreement executed more than 6 months before the effective date of the appointment is void and cannot be enforced. Any senior executive management assistant service agreement which purports to be effective for more than 2 years is void and cannot be enforced.
- (3) **Continuation in position not effective.** A person cannot continue in a senior executive management assistant position without a valid appointment agreement. Continuation in a senior executive management assistant position without a valid appointment agreement approved by the state personnel director, with or without the consent

of the appointing authority, cannot create an enforceable appointment.

- (4) **Improper classification.** If the department of civil service determines that a senior executive management assistant service position is not properly classified, an appointing authority cannot appoint or reappoint any person to the position or execute a SEMAS agreement for the position until the department of civil service has approved an updated position description and properly classified the position.
- (f) **Exemptions.** An employee occupying a senior executive management assistant service position cannot be displaced by another employee exercising employment preference.
- (g) **Termination of appointment.** When (1) the parties mutually agree to terminate a senior executive management assistant service agreement, (2) the position is abolished, or (3) the term of appointment expires, the employee's future status is established according to the following provisions:
- (1) **Employee with prior status.** If the employee had continuing status at the time of appointment to the senior executive management assistant service, the following options are available.
- (A) **Employment preference.** The employee may return to a position in accordance with and subject to the civil service rules and regulations governing employment preference in effect at the time the employment preference is exercised. If the employee is required to return to a position at a lower classification than held at the
- time of appointment to the senior executive management assistant service, the employee may later receive a lateral job change to any position in the state classified service, not exceeding the classification held at the time of appointment to the senior executive management assistant service, for which the employee is otherwise qualified. Such a lateral job change requires the approval of the employee, the appointing authority, and the state personnel director.
- (B) **Approved placement.** The employee and the appointing authority may, with the consent of the state personnel director, mutually agree upon an appropriate placement.
- (2) **Pay protection.** If an option in subsection (g)(1) is exercised, the employee returns to a position with a base salary not less than the base salary of the employee immediately before entry into the senior executive management assistant service. The state personnel director shall approve a base salary for the employee which is equal to the base salary of the employee before appointment to the senior executive management assistant service, adjusted for any general salary increases approved during the period of appointment to the senior executive management assistant service. This pay protection expires when the employee accepts a position with a base salary exceeding the protected base salary received upon return from the senior executive management assistant service or at

such other time as provided in the regulations.

- (3) **Employee with no prior status.** If the employee had no continuous status in the classified service at the time of appointment to the senior executive management assistant service, the appointing authority shall separate the employee from the classified service, unless otherwise properly appointed to another position.
- (4) **Termination for cause.** Notwithstanding any other provision to the contrary, if an appointee to the senior executive management assistant service is terminated for cause during the term of appointment, the employee shall be terminated from state employment, irrespective of any status at the time of appointment or fall-back agreement.

4-7.3 SEMAS Agreement

- (a) **Agreement.** No person shall be appointed to a senior executive management assistant position unless the person executes a senior executive management assistant service agreement in a form authorized by the state personnel director. An appointing authority is not authorized to vary the fixed provisions of any senior executive management assistant service agreement form.
- (b) **Minimum Provisions.** The senior executive management assistant service agreement must include the following minimum provisions.
 - (1) The term of the appointment cannot exceed 2 years.
 - (2) The agreement automatically expires at the end of the term.

- (3) The employee agrees that the appointing authority is under no obligation, implicit or explicit, to offer the employee a new senior executive management assistant service agreement at the expiration of the term. The appointing authority may decline to offer the employee a new senior executive management assistant service agreement for any reason or for no reason. However, an appointing authority is prohibited from discriminating against any candidate or employee regarding appointment or compensation, as provided in rule 1-8 [Prohibited Discrimination].
- (4) Appointment to the senior executive management assistant service does not result in any employment preference or other right to continued employment with the state. A person appointed to the senior executive management assistant service who did not have continuing status in the state classified service at the time of appointment to the senior executive management assistant service does not acquire any employment preference rights, fall-back rights, or other rights to continued employment with the state at the expiration of the term of appointment.
- (5) If the person appointed to the senior executive management assistant service has continuing status in the classified service at the time of appointment to the senior executive management assistant service, the employee has the rights and options to retain a position in the classified service in accordance with, and subject to, the civil service rules and regulations in effect at the time of the expiration of the appointment.

- (6) Any other provisions required by the state personnel director.

4-7.4 Transitional Provisions

- (a) **Frozen SEMAS-eligible position.** A position that meets the criteria for inclusion in the senior executive management assistant service is designated as an *SEMAS-eligible position*. A SEMAS-eligible position remains a frozen position until (1) it becomes vacant or (2) the employee occupying the position executes an agreement converting the position to the senior executive management assistant service and accepts the position.
- (b) **Automatic conversion of SEMAS-eligible positions.** Upon an occurrence provided in subsection (a), the SEMAS-eligible position automatically ceases to be a frozen classified position and becomes a classified position in the senior executive management assistant service. Any appointment to the position thereafter shall only be made in conformity with the civil service rules and regulations. A position converting to the senior executive management assistant service cannot be reclassified outside the senior executive management assistant service except upon approval of the state personnel director.
- (c) **Treatment of incumbent employees.** Employees in SEMAS-eligible positions as of the effective date of the creation of the classified executive management assistant service continue in their status during any continuous appointment in a frozen, SEMAS-eligible position, subject to all the applicable civil service rules and regulations. A SEMAS-eligible position and the employee occupying a SEMAS-eligible position are subject to this rule only insofar as this rule

- (1) applies to conversion of the SEMAS-eligible position to the senior executive management assistant service or
- (2) modifies any other applicable rule, regulation, or procedure applicable to the classified service. An employee may, but is not required to, execute a senior executive management assistant service agreement for the SEMAS-eligible position that the employee occupies.

[Rule 4-7 last amended effective January 1, 2002]

4-8 EQUITABLE CLASSIFICATION PLAN (ECP) GROUP 4

4-8.1 ECP Group 4 Defined

Group 4 of the Equitable Classification Plan (ECP) is that part of the classified service which includes the second highest tier of classified management positions that administer programs within a state agency. Employees in these positions play an integral role in the management of state services. These employees typically (1) report directly to senior executive service positions or other higher level Group-4 executives; (2) recommend, develop, or implement agency policies governing high-level programs; (3) define program objectives, staffing, and organization at the division, office, or bureau levels; (4) coordinate the efforts of designated organizational components; and (5) evaluate the performance of subordinates who manage or directly work under their control. These positions are typically restricted to division directors, office directors, bureau directors, their deputies, and to other positions that are organizationally or functionally equivalent.

4-8.2 Conditions of Employment in Group 4

- (a) **Performance pay.** All positions in ECP Group 4 are included in a performance-pay program.
- (b) **General.** Positions in Group 4 are subject to the civil service rules and regulations applicable to nonexclusively represented employees, except as specifically modified for Group-4 positions.
- (c) **Lateral job changes.** An employee in a Group-4 position may receive a lateral job change to any other Group-4 position within the employee's principal department. A lateral job change is not grievable except as authorized in rule 8-1 [Grievances].
- (d) **Protection from employment preference.** An employee occupying a position in Group 4 cannot be displaced by another employee exercising employment preference.
- (e) **Abolishment.** When a Group-4 position is abolished, the employee may exercise employment preference in accordance with and subject to the civil service rules and regulations governing employment preference in effect at the time the employment preference is exercised.
- (f) **Base salary and pay protection.** The base salary rate after an employee exercises employment preference is determined in accordance with the compensation plan, unless the employee is eligible for pay protection as provided in this subsection.
 - (1) **Eligibility for pay protection.** When an employee in Group 4 exercises employment preference rights and the employee's new base salary rate would be less than the base salary rate the employee

received immediately prior to the employee's initial Group-4 appointment, adjusted for any general salary increases during the period of appointment in Group 4, the employee is eligible for pay protection. If the employee had no continuous status in the classified service at the time of appointment to Group 4, the employee is not eligible for pay protection.

- (2) **Pay protection plan.** An eligible employee's protected base salary rate is equal to the employee's base salary rate immediately prior to entry into Group 4, adjusted for any general salary increases approved during the period of appointment in Group 4.
- (3) **Expiration of pay protection.** The pay protection received by an eligible employee expires on the first occurrence of any of the following:
 - (A) The employee accepts a position with a base salary rate equal to or exceeding the protected base salary rate.
 - (B) The employee accepts a lateral job change to another position, unless the appointing authority agrees to continuation of the pay protection in the new position.
 - (C) The employee accepts a lateral job change to a position in another principal department or autonomous agency, unless the appointing authority agrees to continuation of the pay protection in the new position.
 - (D) The employee is demoted for unsatisfactory performance.

- (E) The employee is demoted at the request of the employee.
 - (F) The employee is separated from the classified service for any reason, including, but not limited to, dismissal, voluntary quit, retirement, lay-off, or waived rights leave of absence.
 - (G) The employee accepts an appointment to an exempt or excepted position.
- (4) Continuation of pay protection.**
An employee with pay protection may continue to receive pay protection in a new position in any of the following circumstances:
- (A) The employee accepts a promotion to a position within any department with a base salary rate lower than the protected base salary rate.
 - (B) The employee receives a lateral job change to another position in the employee's principal department or autonomous agency.
 - (C) The employee is involuntarily demoted under any of the circumstances authorized in rule 3-3.2(b)(2), (4), (5), or (6) [Appointments and Job Changes: Demotion].

[Rule 4-8 last amended effective March 18, 2001]

4-9 EQUITABLE CLASSIFICATION PLAN (ECP) GROUPS 1, 2, AND 3

4-9.1 ECP Group 1 Defined

Group 1 of the Equitable Classification Plan (ECP) is that part of the classified service which includes nonsupervisory classifications that typically require less than a bachelor's degree for entry. Employees in these positions typically provide technical, office, para-professional, and other services that do not require a four-year degree. They are accountable for attaining program objectives and have responsibility for assigned functions, duties, and processes. They typically report directly to Group-3 supervisors but may report to Group-4 executives and other top-level officials. These positions are usually located within a program, section, or unit.

4-9.2 ECP Group 2 Defined

Group 2 of the Equitable Classification Plan (ECP) is that part of the classified service which includes nonsupervisory classifications that typically require a bachelor's degree or higher, or an equivalent combination of education and experience, for entry. Employees in these positions are accountable for attaining program objectives and typically provide professional services, with responsibility for assigned functions, duties, and processes. They typically report directly to Group-3 managers but may report to Group-4 executives and other top-level officials. These positions are usually located within a program, section, or unit.

4-9.3 ECP Group 3 Defined

Group 3 of the Equitable Classification Plan (ECP) is that part of the classified service which includes the managerial and supervisory classifications that direct programs within a state agency and play an integral role in the management and supervision of state services. Employees in these positions are responsible for planning, directing, and administering a section or unit and are accountable for attaining program objectives by: (1) recommending, developing, or directing agency programs; (2) defining section or unit program objectives, staffing, and organization; (3) coordinating the efforts of designated organizational components; and (4) evaluating the performance of subordinates who work directly under their control. They typically report to higher level Group-3 employees or to Group-4 executives. These positions are typically limited to section heads, unit heads, and to other positions that are organizationally or functionally equivalent.

4-9.4 Conditions of Employment in ECP Groups 1, 2, and 3

- (a) **General.** Employees occupying positions in ECP Groups 1, 2, and 3 are subject to the civil service rules and regulations applicable to nonexclusively represented employees, except where a rule or regulation specifically provides otherwise.
- (b) **Lateral job changes.** Employees occupying positions in ECP Groups 1, 2, or 3 may receive a lateral job change subject to the civil service rules and regulations governing lateral job changes.
- (c) **Abolishment.** When a position in Group 1, 2, or 3 is abolished, the employee occupying the position may exercise employment preference in accordance with the civil service rules and regulations governing employment preference

in effect at the time the employment preference is exercised.

- (d) **Base salary upon reduction-in-force.** The base salary rate after an employee exercises employment preference is determined in accordance with the compensation plan.
- (e) **Inclusion in a performance-pay program.**
 - (1) Employees occupying positions in ECP Groups 1, 2, or 3 may be included in a performance-pay program. Only the state personnel director is authorized to designate positions or classifications for inclusion in a departmental performance-pay program.
 - (2) The appointing authority shall notify employees occupying positions in ECP Groups 1, 2, or 3 who are eligible for conversion to an approved performance management system of the details of the plan and their individual performance standards.
 - (3) Conversion to an approved performance management system is not a classification review and is not grievable or appealable.

[Rule 4-9 last amended effective March 18, 2001]

[End of Chapter 4]