

CHAPTER 52

JOB CLASSIFICATION

[Prior to 11/5/86, Merit Employment Department[570]]

[Prior to 1/21/04, see 581—Ch 3]

11—52.1(8A) Overall administration.

52.1(1) The director shall prepare, maintain, and revise a classification plan for the executive branch of state government such that positions determined by the director to be similar with respect to kind and level, as well as skill, effort, and responsibility of duties assigned may be included in the same job classification.

52.1(2) The director may add, delete, modify, suspend the use of or subdivide job classifications to suit the needs of the executive branch of state government.

11—52.2(8A) Classification descriptions and guidelines.

52.2(1) Classification descriptions are developed and published by the department as needed. They contain information about the job classification which may include examples of duties and responsibilities assigned, knowledges, abilities and skills required, and qualifications. They may be used by department staff as one of several resources for arriving at position classification decisions.

Classification descriptions are not intended to be all-inclusive. That some duties performed by an incumbent are or are not included in a classification description is in no way to be construed as an indication that a position is or is not assigned to the correct or incorrect job classification. Position classification decisions shall be based upon the preponderance of duties assigned to the position.

52.2(2) Position classification guidelines are developed and published by the department as needed. Their purpose is to document information about the duties and responsibilities that may be typically associated with a job classification or a series of job classifications. They may describe the kind and level of duties assigned, as well as the skill, effort, responsibilities and working conditions associated with job performance. Where the job classification being described is one in a series, the position classification guideline may compare and contrast the similarities and differences among levels in the series.

Position classification guidelines are generally intended for use by department staff as one of several resources that may be used in arriving at position classification decisions.

52.2(3) Nothing in a classification description or a position classification guideline shall limit an appointing authority's ability to assign, add to, delete or otherwise alter the duties of a position.

52.2(4) Changes to the minimum qualifications in a classification description shall have no effect on the status of employees in positions in that class, except where licensure, registration, or certification is changed or newly required.

11—52.3(8A) Position description questionnaires. Position description questionnaires shall be submitted to the director and kept current by the appointing authority on forms prescribed by the director for each position under an appointing authority's jurisdiction. The appointing authority shall assign duties to positions and may add to, delete or alter the duties of positions. An updated position description questionnaire shall be submitted to the department by the appointing authority whenever requested by the director or whenever changes in responsibilities occur that may impact a position's classification. Position description questionnaires are a public record.

11—52.4(8A) Position classification reviews.

52.4(1) The director shall decide the classification of all positions in the executive branch of state government except those specifically determined and provided for by law. Position classification decisions shall be based solely on duties permanently assigned and performed.

52.4(2) Position classification decisions shall be based on documented evidence of the performance of a kind and level of work that is permanently assigned and performed over 50 percent of the time and that is attributable to a particular job classification.

52.4(3) The director may initiate specific or general position classification reviews. An appointing authority or an incumbent may also submit a request to the director to review a specific position's

classification. When initiated by other than the director, position classification review decisions shall be issued within 60 calendar days after the request is received by the department. If additional information is required by the department, it shall be submitted within 30 calendar days following the date it is requested. Until the requested information is received by the department, the 60-calendar-day review period may be suspended by the department.

52.4(4) Position classification decision.

a. Notice of a position classification review decision shall be given by the department to the incumbent and to the appointing authority.

b. The decision shall become final unless the appointing authority or the incumbent submits a request for reconsideration to the department.

c. The request for reconsideration shall be in writing, state the reasons for the request and the specific classification requested, and must be received in the department within 30 calendar days following the date the decision was issued.

d. The final position classification decision in response to a request for reconsideration shall be issued by the department within 30 calendar days following receipt of the request.

52.4(5) The maximum time periods in the position classification review process may be extended when mutually agreed to in writing and signed by the parties.

52.4(6) Following a final position classification review decision, any subsequent request for review of the same position must be accompanied by a showing of substantive changes from the position description questionnaire upon which the previous decision was based.

a. A new position description questionnaire must be prepared and all new and substantively changed duties must be identified as such on the new questionnaire.

b. The absence of a showing of substantive changes in duties shall result in the request being returned to the requester.

c. A decision to return a request for failing to show substantive change in duties may be appealed to the classification appeal committee in accordance with 11—52.5(8A).

d. The classification appeal committee shall rule only on the issue of whether a substantive change in duties has been demonstrated by the appellant.

e. The appellant has the burden of proof to show by a preponderance of evidence that there has been a substantive change in duties.

52.4(7) The position classification review process is not a contested case.

11—52.5(8A) Classification appeals.

52.5(1) If, following a position classification review request, a decision notice is not issued within the time limit provided for in these rules, or the appointing authority or the incumbent does not agree with the department's final position classification review decision, the appointing authority or the incumbent may request a classification appeal committee hearing. The request shall be in writing and shall be mailed to: Classification Appeal Committee Chair, Department of Administrative Services—Human Resources Enterprise, Hoover State Office Building, Level A, Des Moines, Iowa 50319-0150. The classification appeal hearing process is a contested case as defined by Iowa Code chapter 17A.

52.5(2) A classification appeal committee shall be appointed by the director.

52.5(3) A request for a classification appeal committee hearing must be in writing, state the reasons for the request and the specific classification requested. The request must be received in the department within 14 calendar days following the date the final position classification review decision notice was or should have been issued by the department.

52.5(4) Hearings.

a. The classification appeal committee shall schedule a hearing within 30 calendar days following receipt of the request for a hearing unless otherwise mutually agreed to in writing and signed by the parties.

b. All exhibits to be entered into evidence at the hearing shall be exchanged between the parties prior to the hearing.

c. Hearings will be scheduled and the requester will be notified via mail of the date, time and location.

d. The appellant shall carry the burden of proof to show by a preponderance of evidence that the duties of the requested job classification are assigned and carried out on a permanent basis and are performed over 50 percent of the time.

e. The committee shall grant or deny the job classification requested, remand the request to the director for further review, or decide whether there has been a substantive change in duties pursuant to an appeal under subrule 52.4(6) or 52.5(6).

f. The committee's written decision shall be issued within 30 calendar days following the close of the hearing and the receipt of any posthearing submissions. The written decision of the committee shall constitute final agency action.

52.5(5) Requests for rehearing and judicial review of final classification appeal committee decisions shall be in accordance with Iowa Code section 17A.19.

52.5(6) Following a final classification appeal committee decision, any subsequent request for review of the same position must be accompanied by a showing of substantive changes from the position description questionnaire upon which the previous decision was based.

a. A new position description questionnaire must be prepared, and all new and substantively changed duties must be identified as such on the new questionnaire.

b. The absence of such a showing of substantive changes in duties shall result in the request's being returned to the requester.

c. A decision to return a request for failing to show substantive change in duties as defined in subrule 52.5(7) may be appealed to the classification appeal committee in accordance with 11—52.5(8A).

d. The classification appeal committee shall rule only on the issue of whether a substantive change in duties has been demonstrated by the appellant.

e. The appellant has the burden of proof to show by a preponderance of evidence that there has been a substantive change in duties.

52.5(7) As it relates to subrules 52.4(6) and 52.5(6), the phrase "substantive change" means that sufficient credible evidence exists, in the form of the deletion or addition to the duties in the requester's present classification, that would cause a reasonable person to believe that the duties of the requested classification are assigned and carried out on a permanent basis and are performed over 50 percent of the time.

11—52.6(8A) Implementation of position classification decisions.

52.6(1) Position classification changes shall not be retroactive and shall become effective only after approval by the director. Position classification changes approved by the director that are not made effective by the appointing authority within 90 calendar days following the date approved shall be void. Position classification changes that will have a budgetary impact shall not become effective approved by the department of management. If the appointing authority decides not to implement the change or the department of management does not approve funding for the change, duties commensurate with the current job classification shall be restored by the appointing authority within three pay periods following the date of that decision.

52.6(2) Except where licensure, registration or certification is required, an employee shall not be required to meet the minimum qualifications for the new job classification when a reclassification is the result of the correction of a position classification error, a class or series revision, the gradual evolution of changes in the position, legislative action, or other external forces clearly outside the control of the appointing authority.

52.6(3) An employee in a position covered by merit system provisions shall be required to meet the qualifications for the new job classification when the reclassification is the result of successful completion of an established training period where progression to the next higher level in the job classification series is customary practice, for reasons other than those mentioned in subrule 52.6(2), or when the reclassification is the result of a voluntary or disciplinary demotion. "Completion of an established training period" shall be the period provided for on the class descriptions for the class. In addition,

employees with probationary status must be eligible for certification in accordance with 11—Chapter 58, Iowa Administrative Code.

52.6(4) In all instances of reclassification where licensure, certification, or obtaining a passing score on a test is required, that requirement shall be met by the employee within the time limits set forth by the director. If this requirement is not met, the provisions of rule 11—60.3(8A) shall apply.

52.6(5) Reserved.

52.6(6) If an employee is ineligible to continue in a reclassified position and cannot otherwise be retained, the provisions of 11—Chapter 60, Iowa Administrative Code, regarding reduction in force shall apply.

52.6(7) An employee shall not be reclassified from a position covered by merit system provisions to a position not covered by merit system provisions without the affected employee's written consent regarding the change in merit system coverage. A copy of the written consent letter shall be forwarded by the appointing authority to the director. If the employee does not consent to the change in coverage, a reduction in force may be initiated in accordance with these rules or the applicable collective bargaining agreement provisions.

These rules are intended to implement 2003 Iowa Code Supplement section 8A.413 and Iowa Code chapters 19B and 70A.

[Filed 9/18/70]

[Filed 8/2/78, Notice 6/28/78—published 8/23/78, effective 9/27/78]

[Filed 11/7/80, Notice 9/3/80—published 11/26/80, effective 12/31/80]

[Filed 12/3/82, Notice 10/13/82—published 12/22/82, effective 1/26/83]¹

[Filed 3/22/85, Notice 10/24/84—published 4/10/85, effective 5/15/85]

[Filed emergency 4/23/85—published 5/8/85, effective 5/15/85]

[Filed 7/26/85, Notice 5/22/85—published 8/14/85, effective 9/18/85]

[Filed emergency 7/1/86—published 7/30/86, effective 7/1/86]²

[Filed 10/17/86, Notice 8/13/86—published 11/5/86, effective 12/10/86]

[Filed 7/24/87, Notice 6/17/87—published 8/12/87, effective 9/16/87]

[Filed 9/2/88, Notice 6/29/88—published 9/21/88, effective 10/26/88]

[Filed 9/29/89, Notice 8/23/89—published 10/18/89, effective 11/24/89]

[Filed emergency 11/9/89—published 11/29/89, effective 11/24/89]

[Filed 2/1/90, Notice 12/13/89—published 2/21/90, effective 3/30/90]

[Filed 5/25/90, Notice 4/18/90—published 6/13/90, effective 7/20/90]

[Filed 2/1/91, Notice 12/12/90—published 2/20/91, effective 3/29/91]

[Filed 5/23/91, Notice 4/17/91—published 6/12/91, effective 7/19/91]

[Filed 11/20/91, Notice 8/21/91—published 12/11/91, effective 1/17/92]

[Filed 3/26/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]

[Filed 12/12/96, Notice 10/23/96—published 1/15/97, effective 2/19/97]

[Filed 12/23/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]

[Filed 8/12/99, Notice 6/16/99—published 9/8/99, effective 10/13/99]

[Filed 12/31/03, Notice 11/26/03—published 1/21/04, effective 2/25/04]

[Filed 10/22/04, Notice 9/15/04—published 11/10/04, effective 12/15/04]

¹ Effective date (1/26/83) of 3.4 and 3.7 delayed 70 days by the Administrative Rules Review Committee. Delay lifted by Committee on 2/8/83. See details following chapter analysis.

² See IAB Personnel Department