

**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.