

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency State Personnel Board
Rule No. 670-X-7
Rule Title: Position Classification Plan
_____ New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No _____

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No _____

Is there another, less restrictive method of regulation available that could adequately protect the public? No _____

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No _____

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No _____

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes _____

Does the proposed rule have an economic impact? No _____

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Jacqui Graham
Date 3/19/15

(DATE FILED)
(STAMP)

APA-2
07/04

ALABAMA STATE PERSONNEL BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Personnel Board

RULE NO. & TITLE:

670-X-1: Organization
670-X-2: Application of Policy and Rules
670-X-3: Definitions
670-X-4: Prohibition of Discrimination
670-X-5: Meetings, Minutes and Hearing Procedure
670-X-6: Responsibilities of the State Personnel Director
670-X-7: Position Classification Plan
670-X-8: Pay Plan and Pay Administration
670-X-9: Personnel Selection Procedures
670-X-10: The Working Test (Probationary) Period
670-X-11: Hours of Work
670-X-12: Holidays
670-X-13: Annual Leave (Vacation)
670-X-14: Sick Leave
670-X-15: Other Types of Leave
670-X-16: Performance (Service) Ratings
670-X-17: Records and Reports
670-X-18: Separations from Service
670-X-19: Employee Work Rules

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

670-X-1: Organization

The changes are not substantive and are only grammatical.

670-X-2: Application of Policy and Rules

The change will mirror the statutory language of Ala. Code, 1975, § 36-26-9.

670-X-3: Definitions

The changes are clarification changes, such as adding the definitions of job abandonment, separation during probation, and retirement.

670-X-4: Prohibition of Discrimination

The changes are simply updates to terminology.

670-X-5: Meetings, Minutes and Hearing Procedure

There are minor changes that reference statutory authority or clarify the hearing procedure. One addition was made to allow the hearing officer to dismiss an appeal should the employee fail to prosecute his or her case. Also, if the employee fails to attend the hearing, he or she forfeits his or her right to oral argument before the Board.

670-X-6: Responsibilities of the State Personnel Director

The changes are simple language clarifications.

670-X-7: Position Classification Plan

There are minor word changes throughout. There is an addition that the Governor must approve new classes and pay range changes. There will be a change under 670-X-7-.06 to increase the time that an incumbent must perform the duties for the reallocated classification from three months to one year. There is also an addition that an employee that is reallocated will be given permanent status in the new class and will not be eligible for a promotional or probationary increase. Paragraphs 6 and 7 under 670-X-7-.06 will be deleted.

670-X-8: Pay Plan and Pay Administration

There are minor wording changes throughout the chapter. There is an addition to 670-X-8-.01 that the State fiscal officer will be consulted on all of the maintenance and administration of the pay plan. Delete the archaic "impossibility" language in 670-X-8-.02. Also, there is an addition that an above the minimum appointment will be based on the employee's prior salary or experience of the new employee or competitive market. Under 670-X-8-.04(2), there is clarification of the procedures in the event raises are frozen. Also, there will be a cap of two steps for annual merit raises. There is a complete revision of demotions. There is a provision added to allow an employee to voluntarily diminish his or her salary under 670-X-8-.09(b). Under 670-X-8-.11, there is a provision that an employee will not receive a salary increase upon a transfer to a new agency.

670-X-9: Personnel Selection Procedures

There are wording and clarification changes throughout the chapter. Under 670-X-9-.01, an applicant must certify the truthfulness of his or her application. Any falsification may result in removal and bar from any and all employment registers. Under 670-X-9-.02, a probationary employee that is laid off will have to finish his or her probationary period upon reemployment. An applicant may request to be placed inactive on a register rather than be removed from the register. Limited tenure has been added under 670-X-9-.03. Under 670-X-9-.04, the State Personnel Director will be allowed to place an employee in a comparable classification for demotion purposes. Also, the rule is redefined to be more specific as to the rights of classified employees appointed to unclassified and exempt positions.

670-X-10: The Working Test (Probationary) Period

Clarification changes were made. Rule 670-X-10-.03 is deleted due to duplication in a previous rule.

670-X-11: Hours of Work

There are wording and clarification changes throughout the chapter. The requirement of the same number of hours for all positions in a classification is being deleted. The additions are as follows: (1) that FLSA exempt employees do not earn paid overtime or compensatory time without the approval of the State Personnel Board; (2) that the employee will be liable for any repayment of time improperly credited or paid; (3) that compensatory time may not be taken to work a second job during his or her regular work schedule; and (4) that subsistence for authorized law enforcement officers will be prorated in accordance with the actual time that the employee performs his or her duties as a law enforcement officer.

670-X-12: Holidays

The changes bring the chapter into statutory compliance with Ala. Code, 1975, § 1-3-8.

670-X-13: Annual Leave (Vacation)

There are statutory updates throughout this chapter. The additions are as follows: that employment time where leave was not accumulated in accordance with these rules will not be used in length of service calculations, and that an employee may not use annual leave to work a second job during his or her regular work schedule. There are clarification that an employee will be paid a maximum of 480 hours of accumulated annual leave in his or her career, and that an employee may not return to State service until he or she has been absent from State service for longer than the payment of annual leave.

670-X-14: Sick Leave

There are wording and clarification changes as well as changes to bring the chapter into statutory compliance. There is an addition that an employee will only be compensated for a maximum of 600 hours of accumulated sick leave in his or her career. There is an addition that an appointing authority may require an employee to maintain a minimum number of sick leave hours.

670-X-15: Other Types of Leave

There are wording and clarification changes as well as changes to bring the chapter into statutory compliance. One addition states that leave without pay may not be used for the employee to work during his or her regular work schedule.

670-X-16: Performance (Service) Ratings

The changes are clarification changes.

670-X-17: Records and Reports

The changes bring the chapter into statutory compliance.

670-X-18: Separations from Service

There are clarification and statutory changes throughout this chapter. There are additional changes that at the discretion of the appointing authority, an employee in an abolished position may move to a position in a lower classification and that at the discretion of the appointing authority and the approval of the State Personnel Director, a permanent employee may bump another employee during a layoff. Another change adds that an employee who abandons his or her position will have his or her action treated as a voluntary resignation.

670-X-19: Employee Work Rules

The changes remove outdated work rules, add new work rules, and move some work rules to the section that allows for suspension or discharge on the first offense, including “conduct unbecoming a State employee.”

TIME, PLACE, MANNER OF PRESENTING VIEWS:

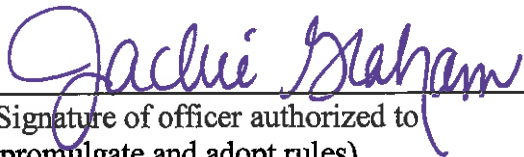
Comments can be presented at the public hearing scheduled at 9:00 am on Thursday, April 30, 2015 at the Alabama State Personnel Department located at the Folsom Administrative Building, 64 North Union Street, Room 319, Montgomery, Alabama 36130. Written comments may be addressed to the Tara Hetzel, Alabama State Personnel Department, at the same address or at www.personnel.alabama.gov. Written comments must be received by the close of business on Tuesday, May 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 5, 2015

CONTACT PERSON AT AGENCY:

Tara Hetzel, General Counsel
334-353-0046



(Signature of officer authorized to
promulgate and adopt rules)

**CHAPTER 670-X-7
POSITION CLASSIFICATION PLAN**

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670-X-7-.01 Maintenance.

(1) The Director shall administer and maintain the classification plan in accordance with the ~~state merit system law~~ State Merit System Law, such approvals required by the Board or the Governor, and these rules.

(2) The classification plan shall be maintained on a current basis by the timely establishment and abolition of classes, the allocation and reallocation of positions, and the periodic review of all positions and classes within the plan shall be accomplished every five years, either by instituting a program to ensure that approximately 20% of covered positions are reviewed each year; or causing a statewide review of all positions and classes at least once every five years.

Author:

Statutory Authority: Code of Ala. 1975, § 36-26-11.

History: Filed September 29, 1981. **Amended:** March 19, 2015, effective_____.

670-X-7-.02 Revision Of The Plan. Existing classes ~~or~~ positions may be abolished or changed or new classes added on recommendation of the Director and favorable vote of the Board in a ~~regular~~ meeting. New classes and pay range changes must be approved by the Governor.

Author:

Statutory Authority: Code of Ala. 1975, § 36-26-11.

History: Filed September 29, 1981. **Amended:** March 19, 2015, effective_____.

670-X-7-.03 Uses Of The Classification Plan. All provisions of the plan shall be observed in the handling of personnel activities and transactions. The titles assigned to positions by their allocation to the classes established by the classification plan shall be used in all personnel, accounting, ~~and~~ financial records, and communications of all state departments. Working titles ~~Titles~~ used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may be continued in use for these purposes.

Author:

Statutory Authority: Code of Ala. 1975, § 36-26-11.

History: Filed September 29, 1981. **Amended:** March 19, 2015, effective .

670-X-7-.04 Allocation Of Positions To Classes. Every position in the state service shall be allocated to one of the classes established by the classification plan. Those positions which are substantially similar with respect to difficulty, responsibility, and character of work, require generally the same kind and amount of training and experience for proper performance, and merit approximately equal pay shall be allocated to the same class. The class specifications for the ~~several~~ classes series in the service shall be considered in allocating positions to classes and shall be interpreted as follows:

(a) Class specifications are descriptive only and are not restrictive. The use of a particular expression of duties, qualifications, requirements, or other attributes shall not be held to exclude others not mentioned if such others are similar as to kind or quality.

(b) In determining the class to which any position shall be allocated, the specifications for each class shall be considered as a whole. Consideration is to be given to the general duties, specific tasks, responsibilities required, qualifications and relationships to other classes as affording together a picture of the positions that the class is intended to include.

(c) Class specifications shall be construed as a general description of the kinds of work characteristic of positions ~~properly to be~~ allocated to ~~that~~ a class and not

as prescribing what the duties of any position shall be, nor as limiting the expressed or implied power of the authority now or hereafter vested with the right to prescribe or alter the duties of any position.

(d) The fact that the actual tasks performed by the incumbent of a position do not appear in the specification for the class to which the position has been allocated shall not be taken to mean that the position is necessarily excluded from the class. Nor shall any one example of a typical task taken without relation to the parts of the specification be construed as determining that a position should be allocated to the class.

(e) The statement of ~~minimum qualifications~~ compensable factors expresses the minimum background in terms of education and experience which would likely be required of any new appointee to a position in the class as evidence of his ability to perform the work properly, and is to be so construed and not as imposing in itself any new or additional requirements upon incumbents of positions. Although they may not be expressed, such qualifications as should properly be required of incumbents of all or any positions, such as ~~good physical condition, freedom from disabling defects, citizenship, suitable age,~~ honesty, security clearance, sobriety and industry, are taken for granted.

Author:

Statutory Authority: Code of Ala. 1975, § 36-26-11.

History: Filed September 29, 1981. **Amended:** March 19, 2015, effective_____.

670-X-7-.05 Allocation Of New Positions. When new positions are created in any department, complete job descriptions shall be furnished to the Director by the department, and he shall study the duties and responsibilities of the new position and determine the proper classification. If any appropriate classification does not already exist he shall prepare a new class specification and submit it to the Board for approval ~~at its next regular meeting.~~

Author:

Statutory Authority: Code of Ala. 1975, § 36-26-11.

History: Filed September 29, 1981. **Amended:** March 19, 2015, effective_____.

670-X-7-.06 Reallocations.

(1) An appointing authority shall report to the Director the addition of new essential assignments or the taking away of old essential ones. The Director shall investigate such changes in order to provide a basis for determining the effect on the classification of the position.

(2) The Director shall, on his own initiative, make periodic investigations of any and all positions in order to determine changes in duties and responsibilities of positions as a basis for keeping the classification plan up-to-date.

(3) An employee may at any time make a request in writing to the Director for a review of the description of his position. The request shall set forth the employee's reasons for the review and must be substantiated by his supervisor and the ~~department head~~ appointing authority. If such reasons appear to be substantial, the Director shall make an investigation of the position with a view to determining the correctness or incorrectness of the allocation and the adjustment necessary.

(4) When it is found by any of the methods outlined above that a position is not in the most appropriate class, the Director shall reallocate it to the most appropriate class using the method listed below.

(5) A position that is reallocated to a higher class should normally be filled by certification and appointment from the open competitive or promotional ~~eligible~~ register ~~for the new class~~. However, if the incumbent has been performing the duties that are the basis for reallocation for ~~three months or more~~ one year in a completely satisfactory manner, ~~at the time the position is reallocated to a higher class,~~ he may be given status in the new class, if his name is among the upper one-half of those on the ~~competitive eligible list or promotional list,~~ as of the date of its establishment register at the time his name was originally placed on the register and official documentation is provided, ~~or when he passes an examination for the class with a similar rating.~~ Provided, however, that if the incumbent has been performing the duties that are the basis for reallocation for five years or more in a completely satisfactory manner ~~at the time the position is reallocated to a higher class,~~ he will be ~~given status in~~

reallocated to the new class if his name appears on the competitive or promotional eligible list, as of the date of its establishment register and official documentation is provided to support the higher classification; or when he passes an examination for the class with a similar rating. In both instances, the employee will be placed into the higher class with status and will not be eligible for either promotional or probationary increase.

~~(6) If a position is reallocated to a lower class in a series, the incumbent may be given regular status in the new class; but may remain eligible for three years to go into a position in the higher class.~~

~~(7) If a position is reallocated to a class in another series (as from clerical to stenographic) the incumbent shall be required to pass an examination qualifying for that part of the work not covered by the previous examination.~~

(§ 6) If the incumbent does not appear qualified for the new class to which the position is being reallocated, or if he fails to qualify on examination, he may be transferred to a position in the class for which he has previously qualified or be laid off if there is no position to which he may be transferred, and the position filled by a qualified person.

Author:

Statutory Authority: Code of Ala. 1975, § 36-26-11.

History: Filed September 29, 1981. **Amended:** March 19, 2015, effective _____.