

## **CHAPTER 4-07-03 CLASSIFICATION PLAN**

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### **4-07-03-01. Scope of chapter.**

This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

**History:** Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

**General Authority:** NDCC 54-44.3-12, 54-44.3-20

**Law Implemented:** NDCC 54-44.3-12(1)

### **4-07-03-02. Definitions.**

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapter 54-44.3 and section 4-07-02-01.

**History:** Effective September 1, 1992; amended effective July 1, 2004; July 1, 2014.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

### **4-07-03-03. Official class title.**

The official class title must be used to designate positions or employees when entering such information on payroll and personnel records, or in other communications related to human resource administration processes. However, any suitable or working title to designate persons or positions may be used.

**History:** Effective September 1, 1992; amended effective July 1, 2004; July 1, 2014.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

### **4-07-03-04. Interpretation of class descriptions.**

Class descriptions represent the duties typical of the class. Neither an appointing authority nor an employee may interpret class descriptions as restrictive, except for the specified minimum qualification

requirements. The inclusion of particular phrases in the descriptions that list the duties performed may not be interpreted to exclude other duties of a similar kind and quality. An appointing authority may, at any time, require an employee to perform any of the duties that are in the class descriptions or any other appropriate duties.

**History:** Effective September 1, 1992; amended effective July 1, 2004; July 1, 2014.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

#### **4-07-03-05. Classification or reclassification request.**

A request to have a position reviewed for classification or reclassification must be submitted by the appointing authority to human resource management services for review, if at least one of the following reasons apply:

1. A new position has been authorized.
2. A significant amount of responsibilities are newly assigned, reassigned, or changed for a position.
3. A position is classified in a class or class series that has been revised and the duties and responsibilities assigned to the position are no longer appropriate to the assigned class or class series.

**History:** Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004; July 1, 2014.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

#### **4-07-03-06. Information and forms required.**

A classification or reclassification request must be submitted to human resource management services using the designated forms with all required information and supplemental documents attached.

**History:** Effective September 1, 1992; amended effective July 1, 2004; July 1, 2014.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

##### **4-07-03-06.1. Certain classification decisions may be delegated.**

Human resource management services may delegate to an agency the responsibility for decisions on certain position classification assignments. Decisions are limited to those classes as specified by the division.

**History:** Effective November 1, 1996; amended effective July 1, 2004.

**General Authority:** NDCC 54-44.3-12(1)

**Law Implemented:** NDCC 54-44.3-12

##### **4-07-03-07. An employee may request a review.**

An employee may request that an appointing authority submit the employee's position to human resource management services for review if the employee demonstrates that one of the reasons in section 4-07-03-05 applies to the employee's position. An appointing authority shall consider an employee's request to submit the employee's position to human resource management services for review. The appointing authority shall, within sixty calendar days, determine if any of the reasons in

section 4-07-03-05 apply. If none of the reasons apply, the appointing authority shall notify the employee the request will not be submitted to human resource management services.

**History:** Effective September 1, 1992; amended effective July 1, 2004; July 1, 2014.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

**4-07-03-08. An appointing authority shall consider an employee's request.**

Repealed effective July 1, 2014.

**4-07-03-09. A request for a classification review must be submitted for all positions affected by a reassignment.**

Superseded by subsection 2 of section 4-07-03-05 effective November 1, 1996.

**4-07-03-09.1. Human resource management services may initiate a classification review.**

If human resource management services becomes aware of a potentially inappropriate classification assignment, the division may initiate a classification review and request updated documentation of the position.

**History:** Effective November 1, 1996; amended effective July 1, 2004.

**General Authority:** NDCC 54-44.3-12(1)

**Law Implemented:** NDCC 54-44.3-12

**4-07-03-09.2. Correcting class evaluation interpretation in inconsistencies.**

Human resource management services may correct inconsistencies in class evaluations as related evaluation interpretations occur. If revisions result in grade changes, human resource management services shall notify affected employees and appointing authorities of the proposed change and provide an opportunity to submit related documentation. After review of any documentation received, human resource management services shall provide notification as provided in section 4-07-04-09.

**History:** Effective July 1, 2014.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

**4-07-03-10. Classification process and notifications.**

Upon receipt of a classification or reclassification request, human resource management services shall initiate a review of the position and provide the agency with a determination within thirty calendar days or, if referred to the job evaluation committee, within sixty calendar days. If human resource management services concurs with the agency request, the classification or reclassification shall be implemented. Human resource management services also may determine another classification is more appropriate for the position or none of the existing classifications is appropriate for the position. If human resource management services determines none of the existing classifications is appropriate for the position, human resource management services shall draft an appropriate classification description for evaluation by the job evaluation committee. If the agency or employee does not agree with the determination made by human resource management services, human resource management services shall ensure the complete job information is gathered and prepared for presentation to the job evaluation committee for a determination. If the review is not completed within the authorized time period, human resource management services shall notify the appointing authority of the reasons for an extension and the anticipated schedule for completion of the review. Human resource management services shall notify the appointing authority and employee in writing of the job evaluation committee's

decision within fifteen calendar days. If either the employee or appointing authority disagrees with the job evaluation committee's decision, an appeal may be made as provided in chapter 59.5-03-02.

**History:** Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004; July 1, 2014; April 1, 2020.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)

#### **4-07-03-10.1. Effective date of classification assignment.**

The effective date of a classification assignment is the date specified by the appointing authority. However, the effective date may not be earlier than the month in which the reclassification request is approved pursuant to section 4-07-03-10. An earlier effective date may be applied with written approval from the director of human resource management services.

**History:** Effective November 1, 1996; amended effective April 1, 2020.

**General Authority:** NDCC 54-44.3-12(1)

**Law Implemented:** NDCC 54-44.3-12(1)

#### **4-07-03-10.2. Employee in a reclassified position shall meet minimum qualifications.**

When reclassification of a position is requested, the appointing authority shall ensure that the position incumbent meets the minimum qualifications for the position's new classification. If the employee does not meet the minimum qualifications, the appointing authority shall do one of the following:

1. Assist the employee in attaining the necessary education, training, or experience to meet the qualifications. The employee must meet the qualifications within one year from the effective date of the reclassification.
2. Reassign the employee to a position for which the employee qualifies.
3. Restructure the duties and responsibilities of the reclassified position to return it to a classification for which the employee qualifies.
4. Request review of the class.
5. Take other action to ensure compliance with the minimum qualifications.

**History:** Effective November 1, 1996.

**General Authority:** NDCC 54-44.3-12(1)

**Law Implemented:** NDCC 54-44.3-12(1)

#### **4-07-03-11. Request for reconsideration of classification decision.**

Repealed effective July 1, 2014.

#### **4-07-03-12. Grandfathering.**

When a current employee affected by a class or class series review does not meet new or revised qualifications as stated on the class description, the employee may be grandfathered into that employee's current position at the appropriate job class level without loss of pay or status. The employee must meet minimum qualifications as stated on the class descriptions of subsequent position reclassification actions in accordance with section 4-07-03-10.2.

**History:** Effective July 1, 2004.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12(1)