

APPEAL PROCEDURE FOR CLASSIFICATION ACTIONS FREQUENTLY ASKED QUESTIONS

1. Do employees have the right to have their position reviewed to see if it is properly classified?

Yes. The Division of Personnel Administrative Rule, Section 4.5 (e) and (f), requires that the appointing authority inform the Division of Personnel when significant changes occur in the duties assigned to a position. If the agency fails to notify the Division of Personnel, then the employee can file a request to have his or her position reviewed for proper classification.

2. What is the basis for requesting a review of a position?

When new and significantly different duties are added to or deleted from a position the agency should have a new Position Description Form completed and sent to the Division of Personnel. If the agency fails to do this then the employee may submit the Position Description form on their own. But, remember, the Position Description Form requires that the immediate supervisor complete parts of the form. Also, the agency head or designee must certify and sign the form. If the required signatures are not on the form, then the Division of Personnel will return the form to the agency for certification and signature. By rule, the Position Description Form is the official description of the duties assigned to the position.

3. What happens after the completed Position Description Form is received by DOP?

The Position Description Form is sent to the Classification & Compensation Section for review. A Personnel Analyst who has responsibility for your agency will review the form to see if it is completed properly or if additional information is needed for the review. The Position Description Form is then compared to various class specifications to see if the position is properly classified. The review may include a field audit where the analyst goes to the work site and talks to the employee and the supervisor. Based on the information provided the analyst makes a classification determination which is then further reviewed by the Classification & Compensation Section manager. A memo explaining the classification decision along with the Position Description Form is returned to the agency personnel unit or to the agency head. The memo also explains the appeal rights permitted by regulations.

One of the important items the Classification & Compensation Section is looking for in the review is the addition of significant new duties to the position. Agencies and employees should not submit Position Description Forms for review unless a substantial change has been made to the position. It is not appropriate to request a classification review simply as a means to grant an employee a pay increase.

4. What can the agency or the employee do if they disagree with the decision made on the classification of the position?

Either the employee or the agency can submit a written request for reconsideration to the Director, Division of Personnel. The director will review all the information submitted by the employee and the agency as well as the analysis of the position by the Classification & Compensation Section and then render a final classification determination. This determination is submitted in writing to the employing agency and the employee.

5. What are the timelines for the classification appeals process?

The Division of Personnel has a stated goal of processing classification reviews within 30 days after receipt. Additional time may be required for the review if it is necessary to request additional information such as a more complete description of the duties or an organizational chart. Also, the timeline is necessarily extended if a field audit is required to complete the review. **The agency will receive a memo acknowledging receipt of the Position Description Form and the expected date of completion.** If the employee does not receive a response within 30 days he or she should contact the Classification & Compensation Section and inquire about the review. Section phone numbers and e-mail addresses are found in the [Contact Us](#) section of the Classification & Compensation site.

6. What if the employee disagrees with the Director of Personnel's determination on the classification of the position? Is there any way to get the decision reviewed?

Yes. State employees can have the decision reviewed under the state employees grievance procedure. WV Code §6C-2-1 et seq. allows employees to seek redress of classification issues through the grievance procedure. The grievance must be filed within 15 working days after receipt of the Director of Personnel's written notification. Employees needing assistance in filing a grievance should talk to his or her supervisor or call the **Division of Personnel, Employee Relations Section at (304) 558-3950 ext. 57209.**