

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**PD-93 (rev. 8), “EMPLOYEE CLASSIFICATION”**  
**AUGUST 1, 2010**  
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TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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## EXECUTIVE DIRECTIVE

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**SUBJECT:** EMPLOYEE CLASSIFICATION

**AUTHORITY:** *Position Classification Act*, Chapter 654 and Texas Government Code § 659.260; *General Appropriations Act*, 81st Leg. R.S., Art. IX, § 2.01

Reference: American Correctional Association (ACA) Standard: 4-4060

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**EMPLOYMENT AT WILL CLAUSE:**

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

**POLICY:**

The TDCJ promotes equal employment opportunity by classifying employees without regard to race, color, religion, sex (gender), national origin, age, disability, genetic information, or Uniformed Services status. To ensure employees are properly classified, the TDCJ shall develop and maintain position descriptions, monitor temporary assignments, conduct position classification reviews, and establish career ladders in accordance with applicable federal and state laws as well as the provisions within this directive.

The TDCJ has zero tolerance for all forms of employment discrimination. No employee or applicant for employment shall be subjected to harassment or retaliation for opposing or reporting employment discrimination.

**DEFINITIONS:**

“Career Ladder” is a series of positions with responsibilities and duties related to each other and requiring greater responsibilities, knowledge, skills, and abilities to function with less supervision as the classification level increases. Other terms having the same meaning are “career path” and “career program.”

“Career Ladder Position” is a classified position included in a specified career ladder.

“Classified Position” is a position identified in the *General Appropriations Act* as being included in the *Position Classification Plan*.

“Employee Classification Program Area” is a program area within the Human Resources Division responsible for ensuring the TDCJ employee classification system is in accordance with applicable federal and state laws.

“Essential Functions” are the fundamental job duties of a position that an applicant or employee must be able to perform either with or without a reasonable accommodation.

“Position Classification” includes the following specifications assigned to a position: title, salary group, classification number, hazardous duty pay or longevity pay status, unit pay differential, and *Fair Labor Standards Act* (FLSA) exempt or non-exempt (overtime eligibility) status.

“Position Classification Plan” is the part of the *General Appropriations Act* that provides the salary structure for state agency employees in classified positions, other than employees of institutions of higher education, university system offices, and the Texas Higher Education Coordinating Board. The salary structure includes position classification numbers, position titles, salary group allocations, and rates of pay in classification salary schedules.

“Position Classification Review” is a review conducted by the Employee Classification program area of the duties currently performed by the employee holding the position, the duties and responsibilities assigned to the position, and the relationship of that position to other positions in the TDCJ for the sole purpose of determining the position’s appropriate classification.

“Position Description” (Job Description) is a TDCJ document defining the job summary, essential functions, minimum qualifications, required or preferred knowledge, and skills and additional requirements with or without reasonable accommodations in reference to a specific position within the TDCJ. The “Additional Requirements with or without Reasonable Accommodation” section identifies the physical and mental characteristics necessary to perform the essential functions of that position, special conditions, and equipment used in performing the essential functions.

“State Classification Job Description” is a document developed and published by the State Classification Office that includes the following information for each classified position: position title, classification number, salary schedule and group, the position’s general description, examples of work that may be performed by the position, and general qualification guidelines.

“Supervisor” is an employee who is responsible for directing and overseeing the work of another employee, completing the subordinate employee’s performance evaluation, approving the subordinate employee’s leave requests, and performing other supervisory duties.

## **PROCEDURES:**

### I. Position Descriptions

#### A. Development or Revision of Position Descriptions

1. The Employee Classification program area (Employee Classification) shall review each of the TDCJ’s position descriptions at least once every five years.
2. A human resources representative shall electronically transmit a Position Description Request form, accessible from the Human Resources Representative Information site, to Employee Classification upon determination by departmental management that a position description should be developed or revised, or to request a new position.
  - a. A request to revise an existing position description shall not be considered a request to review or change a position’s classification. If a request to revise an existing position description includes significant changes to the position description, departmental management shall consult with Employee Classification prior to submitting the request.
  - b. When requesting a new position, the electronically transmitted Position Description Request form should be sent concurrently with a decision memorandum (DM) and completed Form 14.08, Request to Modify Position, available as an attachment to AD-14.08, “Procedures for Requesting Position Changes.”
3. Employee Classification generally develops or revises position descriptions in the date order the electronic transmissions of the Position Description Request forms are received.
  - a. The development or revision of a position description shall be based upon the information contained within the Position Description Request and the State Classification Job Description.

- b. When developing a position description for a new position, Employee Classification shall recommend the appropriate position classification for the newly established position based on the position's duties and responsibilities identified by departmental management in the DM, Form 14.08, Request to Modify Position, and the electronic Position Description Request.
- c. When a position description has been developed or revised, Employee Classification shall forward the proposed position description to the requesting department for approval by the department head or designee. Once the position description has been approved and signed by the department head or designee, the human resources representative shall return the signed original to Employee Classification for clearance to begin using the position description. If a revised position description significantly affects an employee's duties (e.g., essential functions), Employee Classification shall coordinate with the human resources representative to determine the most efficient method of notifying the affected employees of the changes (e.g., posting a copy of the revised position description on the common-use bulletin board, providing a copy to each affected employee).

B. Maintenance of Current Position Descriptions

- 1. Department human resources representatives shall:
  - a. Ensure a position description has been developed and approved by Employee Classification for every position within the respective department;
  - b. Ensure department position descriptions are reviewed and updated by Employee Classification at least once every five years; and
  - c. Advise the unit human resources representatives when a new or revised position description for a unit-assigned position is available on the Human Resources Representative Information site.
- 2. Unit/department human resources representatives shall ensure a copy of the current approved position description for each unit/department position is available in the human resources representative's office.

C. Position Descriptions Requiring Professional Licenses or Certifications

1. If an employee is required to obtain or retain a professional license or certification to continue meeting the minimum qualifications identified on the employee's current position description, the TDCJ shall reimburse the employee's cost for obtaining or renewing the professional license or certification.
2. The department human resources representative shall be responsible for:
  - a. Tracking the renewal dates of required professional licenses or certifications for such employees; and
  - b. Ensuring the employee has renewed the professional license or certification by the renewal date.

II. Ensuring Duties Remain within Current Position Classification

An employee's supervisor is responsible for ensuring the employee's duties remain within the employee's current position classification, unless the employee is working in an approved temporary assignment in accordance with the provisions within this directive or is working in a temporary alternate/modified duty assignment in accordance with the TDCJ's Return to Work program. A supervisor shall seek assistance from Employee Classification:

- A. If the supervisor is not sure an employee's duties are consistent with the employee's position classification;
- B. Prior to significantly changing an employee's duties, in order to ensure the new duties do not inadvertently result in the employee performing duties beyond the employee's position classification; and
- C. Prior to restructuring or reorganizing workflow and reporting structures.

III. Temporary Assignments

To facilitate the work of the TDCJ during emergencies or other special circumstances, any employee may be temporarily assigned to other duties for a maximum period of six months during any 12-month period; however, an employee may not be temporarily assigned to a position that is in a lower classified salary group.

A temporary assignment may include the provisional appointment of a non-correctional employee who has correctional officer experience with the TDCJ to a full-time correctional officer position during an emergency that may leave a unit understaffed. The employee must be able to perform the essential functions of a correctional officer position with or without a reasonable accommodation. The provisional appointment of a

non-correctional employee to a full-time correctional officer position shall be reviewed by the Employment Section, Human Resources Division, for confirmation of eligibility, and approved by the Correctional Institutions Division (CID) director.

Temporary alternate/modified duty assignments performed in accordance with the TDCJ's Return to Work program shall not count toward the six months an employee may be temporarily assigned to a position in accordance with this directive.

A. Supervisor's Responsibilities

1. Determining Employee Eligibility

Before an employee is temporarily assigned to a position, the supervisor shall determine which months, if any, during the prior 12-consecutive-month period the employee performed any other temporary assignment.

- a. If the employee did not perform temporary assignments for a total of six consecutive or interim months during the prior 12-consecutive-month period, the supervisor may temporarily assign the employee to a position.
- b. If the employee performed temporary assignments for a total of six consecutive or interim months during the prior 12-consecutive-month period, the supervisor shall not temporarily assign the employee to a position.

2. Determining the Temporary Assignment End Date

Prior to assigning an employee to a temporary assignment, the supervisor shall determine the maximum temporary assignment ending date. The supervisor shall notify the human resources representative of this date to ensure the employee does not perform a temporary assignment for more than six or interim months during any 12-consecutive-month period.

For example, from 2/1/09 to 1/31/10, an employee may be temporarily assigned to a position for six consecutive months (e.g., 08/01/09 to 01/31/10) or temporarily assigned to a position for six interim months (e.g., 02/01/09 to 03/31/09, 08/01/09 to 09/30/09, and 12/01/09 to 01/31/10).

3. Monitoring the Temporary Assignment

The supervisor shall monitor temporary assignments to ensure an employee does not perform a temporary assignment for more than six consecutive or interim months during any 12-consecutive-month period.

4. Developing an Alternate Solution

During a temporary assignment, the supervisor shall develop an alternate solution that shall be implemented on or prior to the end of the temporary assignment in order to accomplish the work of the TDCJ.

B. Effect on Rate of Pay

If an employee is temporarily assigned to a position in a higher classification salary group, the employee shall not receive an increase in the employee's rate of pay unless the executive director has specifically authorized a Payroll Status Change (PSC) for an increase. The authorized PSC shall be entered into the TDCJ Payroll/Personnel System (PPS) Payroll Status Change Update (PSCUPD) screen prior to the employee's performance of the assignment. Supervisors should consult Employee Classification prior to requesting an increase in an employee's rate of pay.

If the employee receives an increase in the employee's rate of pay, the increase shall not be considered a promotion. The employee shall be returned to the employee's previous rate of pay at the end of the temporary assignment or prior to receiving a merit salary increase, promotion, or demotion. The return to the previous rate of pay shall not be considered a demotion.

A change in the employee's rate of pay as a result of a temporary assignment shall be indicated on the PSC entered in the PPS PSCUPD screen at the beginning of the temporary assignment (i.e., "Temporary Assignment Beginning - Appropriate Rate of Pay Increase") and at the end of the temporary assignment (i.e., "Temporary Assignment Ending - Return to Previous Rate of Pay").

IV. Position Classification Reviews

A. General Provisions

1. A position classification review may be conducted for a Salary Schedule A position, a Salary Group B10 through B21 position, or a technical position in Salary Group B22 or above. Employee Classification does not make classification recommendations for manager or director positions in Salary Group B22 or above, or for Salary Schedule C positions.



2. A position classification review does not include evaluating the employee's job performance.
3. Not every position classification review results in a position reclassification.
4. The executive director shall review and approve or disapprove every request for a position classification review and any recommended position reclassification resulting from the review.

B. "Spot" Position Classification Review

A "spot" position classification review may be initiated by Employee Classification at any time to verify the position is appropriately classified. Prior to conducting a "spot" position classification review, Employee Classification shall obtain approval to conduct the review from the appropriate division director, the chief financial officer (CFO), the deputy executive director, and the executive director.

C. Supervisor-Requested Position Classification Review

1. Supervisors shall not request a position classification review in an effort to obtain a pay increase for an employee.
2. A supervisor may request a position classification review for an existing position only if the position has not been reviewed for a period of at least one year, unless otherwise specified during an earlier review. The executive director may waive the minimum one-year requirement.
3. The supervisor or department head requesting the position classification review shall submit a DM from the appropriate division director through the human resources director. The DM shall include:
  - a. Whether the position is encumbered or vacant;
  - b. An explanation as to what specific duties have been assigned and the resulting changes that have occurred in the duties and responsibilities of the position;
  - c. A justification as to why these changes in the duties were necessary (e.g., the addition of a new program);
  - d. The impact of these changes on other positions;

- e. The classification the supervisor believes would be more appropriate;
  - f. A position description accurately reflecting the specific duties and responsibilities currently assigned to the position;
  - g. A copy of the current and proposed organizational charts; and
  - h. The method for financing any recommended upgrades.
4. The human resources director shall forward the DM to Employee Classification for determination of the necessity of a position classification review, whether restructuring or reorganization can be accomplished with current position classifications, and potential fiscal impact of the requested changes.
5. Upon receipt of information resulting from Employee Classification's review, the human resources director shall forward the DM for concurrence or non-concurrence through the deputy executive director and the CFO, to the executive director for a final determination.
- a. If approved by the executive director, the DM shall be returned to the human resources director. Upon receipt of the approved DM, the human resources director shall advise Employee Classification to initiate a position classification review.
  - b. If disapproved by the executive director, the DM shall be returned to the deputy executive director or appropriate division director. The requestor shall seek assistance from Employee Classification to ensure the employee assigned to the position functions within the current assigned classification.

D. Conducting a Position Classification Review

- 1. Employee Classification shall provide advance notice to the unit/department before conducting a supervisor-requested or "spot" position classification review.
- 2. To recommend the most appropriate classification, Employee Classification shall conduct an audit of the position as part of the position classification review. The audit shall consist of comparing the duties and responsibilities of the position to those listed in the State Classification Job Descriptions and reviewing the TDCJ's and division's organizational structure, duty assignments, and internal alignment. In addition, the position classification review may include an interview with the

incumbent, the supervisor and any other persons with relevant information concerning the position.

3. Recommendations made by Employee Classification shall be forwarded for concurrence through the deputy executive director, the appropriate division director of the affected position(s), the human resources director, the budget director, the deputy CFO, the CFO, and to the executive director for a final determination.
4. The executive director shall forward the final determination and instructions for implementation to the appropriate division director and to the human resources director. If the position classification review results in a recommendation that the position not be reclassified or a recommendation for reclassification is not approved, the requestor shall seek assistance from Employee Classification to ensure:
  - a. The position functions within the assigned classification;
  - b. An employee who was temporarily assigned job duties not identified within the employee's position description returns to performing those essential functions that are identified within the position description; and
  - c. Temporarily assigned job duties are appropriately assigned to another position(s).

V. Non-Correctional, Non-Automated Career Ladder Positions

NOTE: These procedures apply to non-correctional, non-automated career ladder positions. See PD-72, "Employee Salary Administration" for correctional officer, parole officer, food service manager, and laundry manager career ladders.

A career ladder may be established for particular position classifications within a department/division, even if a career ladder for the classifications are not established in other departments/divisions. Positions within a career ladder shall not supervise other positions within the same career ladder.

A. Identifying and Requesting Career Ladder Positions

1. Employee Classification may identify career ladder positions and make the appropriate recommendations to management.
2. A manager may request establishment of a career ladder within the manager's department by submitting a DM from the appropriate division director through the human resources director.

- a. The human resources director shall forward the DM to Employee Classification for review and recommendation whether a career ladder should be established and/or a position classification review conducted.
- b. Upon receipt of Employee Classification's recommendation, the human resources director shall forward the DM through the deputy executive director and CFO, to the executive director for a final determination.

B. Promotions within Career Ladder Series

1. Once a career ladder series has been identified by Employee Classification and approved by the executive director, each department with career ladder positions within the series shall coordinate efforts with Employee Classification to develop criteria to distinguish between position classification levels and a method to determine when the criteria have been met. The criteria shall be submitted to Employee Classification for review and approval prior to implementation of the career ladder.
2. The department human resources representative shall be responsible for:
  - a. Tracking the projected date an employee may be eligible to progress to the next position classification within the career ladder;
  - b. Verifying the employee has met the minimum qualifications and eligibility requirements to progress to the next position classification on the projected date; and
  - c. Notifying the employee's supervisor when the employee is eligible to progress to a higher position classification.
3. Upon being notified by the human resources representative that an employee in a career ladder position meets all the established criteria for the higher level position classification, the supervisor shall ensure a completed Form 14.08, Request to Modify Position is submitted in accordance with AD-14.08, "Procedures for Requesting Position Changes."
  - a. Upon receipt of an approved Form 14.08, Request to Modify Position, the human resources representative at the requesting department shall enter a PSC in the PPS PSCUPD screen. The effective date shall be in accordance with PD-72, "Employee Salary Administration."

- b. If Form 14.08, Request to Modify Position is not approved, the supervisor may need to restructure or redistribute job duties to adjust the level of duties and responsibilities to be more consistent with the position's current classification.

**VI. Requests for Deviation**

Requests and justifications for deviations from this directive shall be routed by DM through the human resources director and the appropriate division director or deputy executive director to the executive director for approval.

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**Brad Livingston**  
**Executive Director**