

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-93 (rev. 9), “EMPLOYEE CLASSIFICATION”
JUNE 1, 2017
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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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SUPERSEDES: PD-93 (rev. 8)
August 1, 2010

EXECUTIVE DIRECTIVE

SUBJECT: EMPLOYEE CLASSIFICATION

AUTHORITY: Tex. Gov't Code §§ 493.001, 493.006(b), 654.001–.062; *General Appropriations Act*, Acts 2015, 84th Leg., R.S., ch. 1281, art. V, Department of Criminal Justice, § 2.01; BP-02.08, "Statement of Internal Controls"

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, or genetic information. To ensure employees are properly classified, the TDCJ develops and maintains job descriptions, conducts position classification reviews, and establishes 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 will 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* and includes all positions in classification Salary Schedules A, B, and C.

“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 shall be able to perform either with or without a reasonable accommodation.

“Job Description” is a TDCJ document defining the job summary, essential functions, minimum qualifications (education, experience, 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.

“Position Classification” includes the following specifications assigned to all hourly, part-time, temporary, and regular, full-time salaried positions: title, salary group, classification number, hazardous duty pay or longevity pay status, unit-based classification, 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.

“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 directs and oversees the work of other employees as indicated in the job description, completes subordinate employees' performance evaluations, approves subordinate employees' leave requests, and performs other supervisory duties.

PROCEDURES:

I. New Position Request

Any division director requesting a new position shall follow the procedures established in AD-14.08, “Procedures for Requesting Position Changes.” Additionally, a decision memorandum (DM) from the division director, through the human resources director, the budget director, and the deputy chief financial officer, to the chief financial officer (CFO) will provide the justification for the position, describe the duties and responsibilities, and include the current and proposed organizational charts.

II. Job Descriptions

A. Development or Revision of Job Descriptions

1. Departments shall ensure that job descriptions have been reviewed and updates submitted to Employee Classification at least once every five years.
2. A human resources representative shall electronically transmit a Job Description Request form, accessible from the Human Resources Representative Information site, to Employee Classification upon determination by departmental management that a job description should be developed or revised.
 - a. A request to revise an existing job description shall not be considered a request to review or change a position's classification. If a request to revise an existing job description includes significant changes, departmental management shall consult with Employee Classification prior to submitting the request.
 - b. When requesting a job description for a new position, the department will include on the Job Description Request form the position number(s) assigned by payroll and approved by management through the DM and Form 14.08, Position Modification Request.

3. Employee Classification generally develops or revises job descriptions in the date order the electronic transmissions of the Job Description Request forms are received.
 - a. The development or revision of a job description shall be based upon the information contained within the Job Description Request and the State Classification Job Description.
 - b. When a job description has been developed or revised, Employee Classification shall forward the proposed job description to the requesting department for approval by the department head or designee. Once the job description has been approved and signed by the department head or designee, the human resources representative shall return the signed original to Employee Classification. If a revised job description significantly affects an employee's duties, such as changes in essential functions, the human resources representative will determine the most efficient method of notifying the affected employee of the changes, such as posting a copy of the revised job description on the common-use bulletin board, or providing a copy to the affected employee.

B. Maintenance of Current Job Descriptions

1. Department human resources representatives shall:
 - a. Ensure a job description has been developed and approved by Employee Classification for every position within the respective department;
 - b. Ensure the department has reviewed the job description and submitted updates to Employee Classification at least once every five years;
 - c. Ensure job descriptions are reviewed through the annual evaluation process, in accordance with PD-52, "Performance Evaluations"; and
 - d. Advise the unit human resources representatives when a new or revised job description for a unit-assigned position is available on the Human Resources Representative Information site.
2. Unit and department human resources representatives shall ensure a copy of the current approved job description for each unit or department position is available in the human resources representative's office.

C. Job 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 job description, the TDCJ will reimburse the full-time employee's cost for obtaining or renewing the professional license or certification.
2. The department human resources representative is 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.

III. 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 PD-79, "Employee Transfers and Reassignments," or is working in a temporary alternate or modified duty assignment in accordance with the TDCJ's Return to Work program. A supervisor will 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.

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 wardens, laundry and food service managers, correctional officers, 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 or volume of work performed.
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 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 CFO, and the deputy executive director, to the executive 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, such as 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 list accurately reflecting the specific duties and responsibilities (not job description language) 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 reorganizing 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 will 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 will be returned to the human resources director. Upon receipt of the approved DM, the human resources director will advise Employee Classification to initiate a position classification review.
 - b. If disapproved by the executive director, the DM will 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 generally processes DMs requesting classification reviews in the order received, and provides advance notice to the unit or 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 no later than 180 calendar days after receipt of the approved DM. 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 or non-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 will seek assistance from Employee Classification to ensure:
 - a. The employee assigned to the position functions within the assigned classification;
 - b. An employee who was temporarily assigned job duties not identified within the employee's job description returns to performing those essential functions that are identified within the job description; and
 - c. Temporarily assigned job duties are appropriately assigned to another position(s).

E. Canceling a Classification Review

The human resources director through coordination with the deputy executive director and the executive director may determine when a classification review should be restructured or closed based on extenuating circumstances.

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

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 or division, even if a career ladder for the classifications are not established in other departments or 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 or a position classification review conducted.
 - b. Upon receipt of Employee Classification's recommendation, the human resources director will 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 reviewed and approved by Employee Classification and the division director prior to implementation of the career ladder.
2. The department human resources representative is 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 is eligible for progression to a higher level position classification, the supervisor shall ensure the employee

meets all the established criteria. A completed Form 14.08, Position Modification Request, is submitted by the human resources representative in accordance with AD-14.08, "Procedures for Requesting Position Changes."

- a. Upon receipt of an approved Form 14.08, the human resources representative at the requesting department will enter a payroll status change in the Payroll/Personnel System Payroll Status Change Update screen. The effective date shall be in accordance with PD-72, "Employee Salary Administration."
- b. If the Form 14.08 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.

Bryan Collier
Executive Director