

Classification Reviews GENERAL INFORMATION

The Human Resource Services Division (HRSD), Policy and Practice Review Program staff conduct agency personnel reviews and research. They 1) review specific human resource practices based on statute, rule and policy; 2) review position class assignments; and 3) research and analyze human resource issues.

ORS 240.311 mandates audits of position class assignments. HRSD has been doing these reviews since 1994. The purpose is to measure how well agencies are assigning their positions to the classes.

Human Resource Analysts review FLSA position designations as part of each class review. Since July 1, 1985, agencies have determined the FLSA status and kept a record of the workweek and overtime for each of their employees. Agencies should be consistent since the state is considered to be a single employer.

State statutes and policies, federal regulations, and collective bargaining agreements set the class assignment standards. Cited below are excerpts of those most pertinent to class reviews.

POSITION ALLOCATION

Oregon Statutes:

ORS 240.215(2), as amended by the 1995 Legislative Assembly (House Bill 2192) states: "The allocation of positions within the various operating agencies to the classifications in the classification plan shall be performed by the agency appointing authority with post-audit review by the division. Agencies shall allocate positions to the available class that most accurately describes the work based upon the assigned duties, authorities and responsibilities. If a position is found to be misallocated, the agency shall change the allocation of the position to the proper class for the work, whether or not the assigned duties have changed since the previous allocation decision."

HRSD Policies:

State Policy 30.000.01 (Position Management) states, in part, that an appointing authority shall:

(1)(a) Develop and maintain a complete and up-to-date description for each position that accurately describes the duties, authorities and responsibilities assigned by management;

(1)(b) Allocate each position to the available class that best depicts the assigned duties, authority and responsibilities and maintain written documentation of allocation decision rationale;

(1)(e) Review position allocations periodically and correct any allocation errors.

Policy Clarification: (2)(a) Allocation, reallocation and reclassification decision documentation includes an accurate, current written position description, an organization chart and a clear narrative explanation for the allocation based on relevant classification specifications to facilitate audit by the Division.

Other Guidelines:

The *Classification Guide*, issued by HRSD, is a good resource. It will assist in the use of class specifications, writing position descriptions and allocating positions.

FLSA DESIGNATION

Federal Regulations:

- 29 U.S.C. §§ 201 - 219: sections of the United States Code addressing the Fair Labor Standards Act. This is the law as it applies to the Act.
- 29 C.F.R. §§ 500 - 899: sections of the Code of Federal Regulations (CFR) that address the Fair Labor Standards Act. These regulations implement the law. Section 553.3 describes the amendments (1966, 1972, & 1974) that extend coverage to virtually all state and local government employees. It also applies the terms "employer," "employee," and "enterprise" to public agencies.
- FLSA Act Amendments of 1985.

Oregon Statutes:

- ORS 243.650(20) - Defines the term "public employer" as used in ORS 243.650 to 243.782 unless the context requires otherwise. "Public Employer" is the State of Oregon and certain political subdivisions.
- ORS 279.340 - Prescribes the payment by a public employer for time worked in excess of 40 hours a week.
- ORS 279.342 - Lists categories of employees that are exceptions to ORS 279.340.
- OAR 839-24-000 - Defines executive, supervisory, administrative, and professional personnel as used in ORS 279.340 to 279.342.

HRSD Policy:

State Policy 20.005.20 -- which applies to classified (where not in conflict with collective bargaining agreements), management service, unclassified unrepresented and temporary employees -- states in part that:

- (1)(a) The appointing authority shall determine the status of each employee, either exempt or nonexempt from the Act, using FLSA guidelines.

(1)(b) Exempt employees work a professional workweek, are paid on a salary basis, and shall not be eligible for overtime. An exception may occur for an exempt employee in an information technology position that qualifies for an Information Technology Retention Bonus (State Policy 20.005.30).

(1)(d) Non-exempt employees shall be eligible for overtime when time worked is in excess of 40 hours in a workweek.

Collective Bargaining Agreements:

Certain labor contracts define FLSA designation and overtime applicable to represented employees.