



8.05 CLASSIFICATION

Classified Service

The classified service of the City of Portland includes all positions in City service, which are not specifically exempted by the City Charter. Positions exempted by the Charter are:

1. All officers chosen by popular election or by appointment by the Council
2. Members of all boards and commissions
3. The City Attorney and Deputies of the City Attorney
4. Chief Deputy City Auditor
5. Secretary and administrative staff of each Council member
6. Chief of Police
7. All bureau directors hired after December 31, 2000
8. At the recommendation of the Director of Human Resources and with the approval of City Council by ordinance, employees may be excluded from the classified service if they are in a classification where a critical element is exercising independent judgment in the formulation of policies that have citywide impact or importance. A listing of Classifications exempt from the Classified Service is located in the Classification & Compensation section of the Bureau of Human Resources website.

Classification Plan

The Classification Plan shall contain:

1. a foundation for establishing and maintaining a Compensation Plan;
2. all positions which are substantially similar with respect to the kind, difficulty and responsibility of duties are allocated to the same classification; and,
3. appropriate selection methods to be used in filling all positions within the same classification

The Director of Human Resources, in consultation with bureau managers, shall be responsible for the administration, maintenance, and periodic review of the classification plan to ensure that it reflects the duties performed by employees in the City service and the classification to which each position is allocated.

The classification plan groups all positions in the classified service into classifications based upon their duties, authority and responsibilities. The classification plan consists of an index of positions arranged by broad categories or families, occupational groups within categories, and series within occupational groups.

Each classification shall have an official title which is descriptive, brief and consistent with other titles in the plan and which can be used in all official documentation. The use of unofficial job titles is allowed and shall have no bearing upon the official classification of any position or employee.

The Director of Human Resources shall amend the classification plan as necessary including the addition of required new classifications, combination and/ or revision of existing classifications, and delete obsolete classifications.

The Director of Human Resources shall analyze the duties and responsibilities to be assigned to incumbents of proposed new positions and using such appraisal as a basis, assign the position to the appropriate classification within the classification plan. Consideration shall be given to the specific duties and responsibilities, knowledge and skills, and the relationship to other classifications in the Classification Plan.

A new classification specification or new specialty designation within an existing classification specification shall be prepared to cover each additional position which is created and for which the classification plan does not provide a satisfactory description of the position.

Reallocations of positions under the provisions of this section shall be the responsibility of the Director of Human Resources.

The classification plan will be based on an analysis of job-related factors, and shall be utilized for decision making on compensation, selection, employee development, career advancement, upward mobility, and other personnel program activities. In determining the classification to which a position should be allocated, only the duties and responsibilities assigned to the position and actually performed shall be considered. The capabilities and performance of an incumbent shall not be a classification factor.

A position is presumed to be allocated to the appropriate classification.

Classification Specification

Each classification shall be described in a written [classification specification](#) which shall include:

1. classification title and classification code number;
 2. a definition of the job describing the level and type of work as well as distinguishing characteristics;
 3. a description of typical examples of duties involved in the class;
 4. a description of the knowledge, skills and abilities necessary to perform the work of the position;
 5. any special requirements, physical characteristics, licenses or certificates required to do the work;
 6. the date of adoption or revision by the Director of Human Resources.
-

Specifications are intended to indicate the kinds of positions allocated to the various classifications as determined by their duties, responsibilities and minimum qualifications, and should be interpreted as a whole and in relation to others in the classification plan. A classification specification shall be liberally construed as a general description of the work characteristics of similar positions properly allocated to that classification.

Classification specifications are descriptive and not restrictive and do not prescribe each and every specific duty of any position, nor do they limit the authority of management in assigning work. Particular phrases or examples shall not be isolated and treated as a full definition of the classification.

Manager Responsibility

Bureau managers and supervisors are responsible for ensuring employees' positions are properly classified. Except as permitted for overfill/underfill and [Working out of Classification](#), employees will not be allowed to work in a classification other than that of their individual position's classification. Exception: regular employees accepting a limited term position may work in a different classification.

Request for Reclassification

If the duties of an existing position change permanently and sufficiently so that the current classification is no longer appropriate, a request for a classification review shall be submitted to the Director of Human Resources or designee.

To request a classification review, a [Classification Request Form](#) must be submitted to the Bureau of Human Resources including all requested supporting documentation required for the Director of Human Resources or designee, to make a decision regarding position allocation.

A request for a classification review made by supervisors and/or management may request reclassification of the position only or the position and the incumbent. Incumbents may request a classification review of their position only. A request for review of the same position or group of positions or classification series may be submitted only once in a twelve-month period. The Director of Human Resources may initiate a classification review at any time.

The Director of Human Resources or designee shall act on a request for reclassification without unnecessary or undue delay and shall give notice to management and the affected employee(s) of the final classification disposition.

Effective Date of Reclassification

The effective date of the reclassification action with respect to the employee's tenure, seniority, and status shall be the date the written request for reclassification and all required supporting documentation were filed with the Director of Human Resources unless another date is established by the Director of Human Resources.

Reclassification and Probationary Period

An employee promoted to a new classification via a reclassification request shall not serve a probationary period in accordance with the [Administrative Rule on Probation](#), unless required by a collective bargaining agreement.

**Effect of Classification
Actions Upon Incumbents**

An employee occupying a position which has been reclassified may be granted status in the new classification under the following conditions:

1. If Bureau management requests the employee be granted status in the new classification as part of the reclassification process; and
 2. If the employee meets the minimum qualifications of the position, including possession of any required licenses or certifications.
-

**Salary and Reclassification
of Incumbents**

If a reclassification is to a classification which has a lower maximum salary, the incumbent may, with the approval of the Director of Human Resources:

1. be transferred to a vacant position having the same classification as that in which the employee holds status; or
2. be granted status in the lower classification without further examination and with no loss of pay provided that the incumbent's current compensation is within the compensation range of the lower classification, so long as the pay rate is consistent with the City's Pay Equity Policy.

If the incumbent's compensation is higher than the maximum allowed for the lower class, the incumbent's salary shall be at the highest maximum rate for the lower classification and the incumbent shall be placed on a recall list for the former classification. Alternatively, if the reduction in pay is less than twenty-five percent (25%) and the position at issue is determined critical by the director of the bureau, the Director of Human Resources may approve red-circling the incumbent's rate of pay at a level higher than the compensation range of the lower classification as in the best interests of the City. Employees whose pay is red-circled are not eligible for pay increases, including cost of living increases, until their pay rate is within the pay grade of their assigned classification. See the [Administrative Rule 8.04 on Compensation](#). If red-circling is approved, the employee shall not be placed on a recall list for the former classification.

Employees in positions reclassified to a classification with a higher pay range shall be brought up to the minimum of the range if they are currently being paid below the minimum. If an employee is being paid within the reclassified range, their pay may be adjusted not to exceed the maximum of the new salary range. See [the Administrative Rule 7.02 on Promotions](#).

Employees in positions reclassified to a classification within the same pay range shall be paid in accordance with the transfer policy. See the [Administrative Rule 8.04 on Compensation](#).

**Requests for
Reconsideration**

Any employee adversely affected by a change in classification, or whose request for reclassification was denied and disagrees with the classification determination, may file a request for reconsideration with the Director of Human Resources.

A request for reconsideration must be filed in writing within thirty (30) calendar

days of the date of the written notice of the classification action and must specify the reasons for the request and the relief being sought.

The Director of Human Resources or designee shall acknowledge the request for reconsideration within fourteen (14) calendar days of receipt of the request.

**Appeal of Classification
Actions**

An employee whose request for reconsideration is denied by the Director of Human Resources may have that decision reviewed by the Civil Service Board. See the [Administrative Rule 3.15 on Civil Service Board](#).

**Authorization for
Classification Actions**

Classification actions must have the specific approval of City Council when the classification action results in the creation of a new classification or a change in the compensation of the classification in the following circumstances:

1. where the reallocation of a position or positions from one classification to another involves a programmatic change in the work function of the bureau or work unit; or
2. when the fiscal impact of the action requires the additional appropriation of funds.

The Director of Human Resources may approve all other classification actions without Council approval.

**Administrative Rule
History**

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised October 15, 2002
Revised July 1, 2004
Revised September 16, 2005
Revised July 9, 2007
Revised April 17, 2009
Revised April 25, 2016
Revised February 15, 2018
Revised February 13, 2019

Guidance for HR Administrative Rule 8.05

Classification—Accretion of Duties

June 16, 2006

Issue

Provide guidance for reviewing “accretion of duties” requests from bureaus, which may be part of requests for reclassification action.

Background

As background, the City Charter requires an open competitive process for appointments and promotions. Granting status in a different classification to an employee via the accretion of duties principle may also be appropriate when it complies with the requirements of the HR Administrative Rules. The accretion of duties principle considers that an employee has already gained permanent status in a classification and takes into account the circumstances under which the employee has performed higher level work in this position over an extended period of time.

Normally, a bureau would choose to use a competitive process to hire and grant status to an employee for the reclassified position. This would be the more appropriate choice for a variety of reasons, which include:

- A bureau wishes to choose from a wider selection of candidates; or
- Morale issues would result from not using the competitive process; or
- The situation does not fit the criteria for accretion of duties.

However, when a bureau seeks reclassification of a position currently occupied by an incumbent, the bureau may choose to request that the incumbent gain status in the new classification if the bureau believes the incumbent’s work in the position qualifies the employee for consideration of “accretion of duties.” Such a request from the bureau is discretionary. The Bureau of Human Resources reviews the request to insure all the criteria for “accretion of duties” have been met.

Definitions

See BHR Administrative Rules 8.05 Classification--Section on “Effect of Classification Actions on Incumbents”, which provides the following:

An employee occupying a position, which has been reclassified, may be granted status in the new classification under the following conditions:

* * * * *

4. There is a growth or an increase in the level of duties of the position by gradual addition or inclusion of higher level duties over at least a one year period, the reclassification is within the same occupational group or reasonably related to the former classification and the reclassification is a result of such accretion of duties.

* * * * *

General Guidelines

Key elements of the rule include:

- a) “a growth or an increase in the level of duties of the position”
- b) “by gradual addition or inclusion of higher level duties”
- c) “over at least a one year period”
- d) “the reclassification is within the same occupational group or reasonably related to the former classification”

Examples of cases which would not qualify as fitting the accretion of duties principle include, but are not limited to, the following (elements in parenthesis):

- The position is assigned higher level duties as a result of a reorganization (elements b and c);
- The employee was assigned the duties when they were hired into the position or shortly after they were hired (elements a, b and c);
- The employee was assigned discrete duties at different points in time, which resulted in the reclassification (element b)
- The employee has been in this position for a period of six months (element c);
- The employee currently has status as an Office Support Specialist II, and the bureau is seeking status via the accretion of duties principle, in the classification of Engineer Tech I. (element d)

Specific cases for which accretion of duties is not a valid request:

- a) The higher classification requires a license or certification not required by the current classification of the position.

If a license or certification is required by the higher classification, but is not required to perform work in the current lower classification, a request by the bureau to gain status for the employee on the basis of accretion of duties is not likely valid. In most circumstances, an employee should not be performing the higher-level work due to the requirement of the license or certification. If the employee has the required license or certification and is assigned to perform such work, it may be a situation justifying out-of-class pay, but not one that supports granting status in that classification on the basis of accretion of duties, if the position is reclassified.

- b) The higher classification is one that allows for full supervision as an element of the classification or assigned position, when the classification of the current position does not.

The additional assignment of full supervision is not an increase in responsibilities over time, as supervision must be assigned at a certain point in time. One does not “gradually” become a supervisor. Either an employee is assigned to be a supervisor on an ongoing basis, or the employee is not. If the assignment is sporadic, it may be a situation that supports out of class pay, but not accretion of duties.

- c) Typically, the target classification should not be higher than “one level above” in a series, over the current classification.

Bureaus should be vigilant over changes in assignments and levels of responsibilities, and they should request a review of a position as soon as there is a question of the appropriateness of an assigned classification.

- d) The employee should not have been receiving out-of-class or other types of additional pay for performing work at the higher level. Additional pay indicates either that the bureau assigned higher level work at a specific point in time, which does not meet the gradual assignment criterion, or that the bureau has recognized the higher level of work but chose not to reclassify the position. Bureaus should be vigilant over changes in assignment and levels of responsibility

and if the change is not a temporary situation, should request a review of a position as soon as there is a question of the appropriateness of an assigned classification.

e) *The Bureau should not have knowingly begun gradually assigning the employee higher level work.*

Use of the accretion of duties principle should not replace or be used in lieu of a training plan when a movement upward from one classification to another is part of a planned progression for an employee.

f) *Accretion of duties does not fit the situation in which an employee has been performing the same duties over a long period of time, such as several years.*

It may be a valid request for status via accretion of duties, but it is difficult to document, and therefore difficult to grant. Additionally, performing these duties for a longer time doesn't relieve the bureau for having a basis to qualify under the other criteria required for accretion of duties.