



TEMPORARY CLASSIFICATION TRANSITION POLICY

I. PURPOSE: To establish a uniform policy that authorizes appointing authorities to request approval to temporarily transition a permanent employee into a classification that is allocated to a lower or lateral classification without a loss in pay when the employee returns to work on limited duty, or is separating from employment due to retirement or resignation. The purpose of this policy is to support covered agencies in succession planning efforts, provide employees the opportunity to transition back to full employment after illness or injury, and ensure continuity of operations and services.

II. POLICY

The following provisions are established to address circumstances regarding the need to temporarily transition an employee into a vacant position at a lower or lateral classification. The classification transition shall occur with no loss in pay, including the salary of an employee which exceeds the maximum of the compensation range of the classification of the position the employee occupies. The classification transition must be approved by the Director of the Division of Personnel (DOP) upon written request by the appointing authority and after certain conditions outlined below have been met. The temporary classification transition shall be limited to a minimum of thirty (30) calendar days and a maximum as established in each respective section below.

A. LIMITED DUTY. When an employee provides the appointing authority with the DOP-prescribed State of West Virginia physician's/practitioner's statement (DOP-L3 or DOP-L5) and/or a workers' compensation form indicating the employee may return to work on limited duty and the appointing authority determines the employee cannot perform the essential functions of the position he or she occupies due to a temporary illness or injury, the appointing authority may request approval to place the employee in a lateral or lower classification with no loss in pay. The following conditions must be met:

1. The appointing authority shall either have a vacant position in the appropriate classification or submit a Position Description Form (PDF) to reallocate the vacant position or the position the employee currently occupies.
2. The employee shall meet the minimum qualifications for the position.
3. The employee shall retain his or her current salary or be brought to the minimum of the pay grade for the new classification, whichever is higher.



4. The timeframe shall be limited to the period of incapacity provided on the State of West Virginia physician's/practitioner's statement (DOP-L3 or DOP-L5) or workers' compensation form not to exceed six (6) months. An extension may be granted should the employee not be released from the physician/practitioner to return to full duty for up to one additional six (6) month period or the release date provided by the physician/practitioner, whichever occurs first. To request an extension, the agency must submit a written request to the Director of Personnel within thirty (30) days of the expiration established on the first physician/practitioner's statement. The appointing authority must verify the need for continued limited duty based on the employee's submission of an updated DOP-prescribed physician's/practitioner's statement or workers' compensation form. The approval will be communicated to the agency in writing by the Director of Personnel. Upon confirmation by the medical practitioner that the employee may return to full duty, the appointing authority shall place the employee back in the original position, and immediately reverse any temporary upgrade approved for another employee to perform the other employee's regular duties during his or her transition to full duty.

B. RETIREMENT/RESIGNATION. When an employee notifies the appointing authority of an impending retirement or resignation from a professional position, the appointing authority may seek to reallocate the retiring/resigning employee into a lateral or lower classification with no loss in pay to ensure training is provided to the individual appointed to the position the retiring/resigning employee occupies. For purposes of this policy, the term professional is defined as work which requires the application of theories, principles and methods typically acquired through completion of a baccalaureate degree or higher or comparable experience; requires the consistent exercise of discretion and judgment in the research, analysis, interpretation and application of acquired theories, principles and methods to work product. The appointing authority shall request permission for such a temporary classification change from the Director of Personnel who shall ensure all the following conditions are met:

1. The appointing authority shall have a vacant position.
2. The position the retiring/resigning employee is vacating shall be posted under the current position number and classification and an appointment must be made prior to duties being assigned.



3. The retiring/resigning employee must sign a Letter of Understanding which details the terms and conditions of the temporary transitional classification, including at a minimum, the reason, duration, new job classification, and salary. The agreement must also address the inability of the employee to rescind his or her retirement or resignation. The letter shall be included in the documentation required to process the personnel transaction effectuating the classification change.
 4. The retiring/resigning employee must meet the minimum qualifications for the new position.
 5. The retiring/resigning employee shall retain his or her current salary or be brought to the minimum of the pay grade for the new classification, whichever is higher.
 6. The temporary classification transition shall not be less than thirty (30) calendar days nor more than six (6) months and may not be extended.
- C. EXCEPTION.** When the appointing authority can substantiate unusual and extenuating circumstances, the Director of Personnel may authorize a temporary classification transition for a non-professional position. The Director of Personnel shall evaluate the request and related documentation as a basis for approval or disapproval of the request.

III. PERSONNEL TRANSACTIONS

- A. Failure of an agency to process the personnel transactions to return an employee who has been placed in a temporary transitional classification under this Policy to the appropriate classification and/or employment status within the guidelines and timeframes outlined in this policy will result in the exclusion of that agency from participation in this Policy.
- B. Sequence of Multiple Pay Actions. When two (2) or more pay actions have the same effective date, the transactions shall be processed in the sequence that is most beneficial to the employee.
- C. Effective Date. Personnel Transactions under this Policy shall not be effective until all necessary approvals have been obtained. Retroactive wages pertaining to discretionary increases will not be granted under this policy.

IV. REFERENCES

Division of Personnel *Administrative Rule*, W. Va. Code R. § 143-1-1 *et seq.*



V. **EFFECTIVE DATE:** May 1, 2018 – April 30, 2019, extended through May 31, 2019 revised and extended through May 31, 2020 (as pertains to the pilot policy); and June 1, 2020.

VI. **POLICY NUMBER:** DOP-P26.

Approved and issued by:


Sheryl R. Webb, Director of Personnel

Date Signed: 05/28/2020