



## Classified vs. Classified-Exempt Service within the DOP Merit System

There are two classification plans established and administered by the Division of Personnel (DOP): classified and classified-exempt. Classified services are those positions covered under the DOP merit system standards. Classified-exempt positions are those that are classified by the DOP but are not covered under the DOP merit system standards.

Certain provisions within the DOP's legislative rules and policies are applicable only to classified positions and are not applicable to classified-exempt positions.

However, certain policies, rules, and benefits pertain to State employees regardless of the classification plan.

The following chart details the types of positions and benefits or regulations applicable to each:

Benefit or Regulation	Applicable to DOP Classified Positions	Applicable to Classified-Exempt Positions
Adherence to <b>all</b> provisions of the DOP <i>Administrative Rule</i>	Yes	No
Adherence to <b>certain</b> provisions of the DOP <i>Administrative Rule</i>	Yes. Adherence to <b>All</b> Rule provisions	Yes, Section 14: Attendance and Leave (Except 14.8.c.) Other Sections: Discretionary
Participation in the State retirement plan	Yes	Yes
Eligibility to join one of PEIA's health plans	Yes	Yes
Eligibility to join an employee federal credit union	Yes	Yes
Inclusion in the DOP's Classification Plan	Yes	Yes
Inclusion in the DOP's Compensation Plan	Yes	No
Subject to the Fair Labor Standards Act (FLSA)	Yes	Yes
Established work schedule	Yes	Yes
Right to transfer and/or to be reinstated into a position in the classified service	Certain Positions *See Footnote	No
Access to the Grievance Procedure for State Employees	Yes	Certain Positions *See Footnote
Adherence to <b>all</b> DOP and State policies	Yes	No
Adherence to <b>certain</b> DOP and State policies	Yes. Adherence to <b>All</b> DOP policies	Yes. Adherence to applicable policies: Examples. 1) Annual Increment 2) Drug-and-Alcohol-Free Workplace 3) Emergency Situations/Inclement Weather 4) Fair Labor Standards Act Interpretive Bulletin

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Benefit or Regulation	Applicable to DOP Classified Positions	Applicable to Classified-Exempt Positions
		5) Prohibited Workplace Harassment 6) Smoking Restrictions in the Workplace 7) Supervisor/Manager Training Program 8) Temporary Classification Upgrades 9) Temporary Transition 10) Whistle-Blower Law Interpretive Bulletin 11) Witness/Jury Service 12) Workers' Compensation/Sick Leave 13) Workplace Security
Certain DOP-Legislative Rules apply	Yes	1) Leave Donation Program Rule 2) Paid Leave for Organ Donation Rule 3) State Employees for Reimbursement Training, Education, and Professional Development Rule 4) Workers' Compensation Temporary Total Disability Rule
Position duties are established by the DOP Classification Specifications	Yes	Yes
Minimum requirements of education and experience for the position as established by the DOP.	Yes	Recommended
Compensation range for positions as established by the DOP	Yes	Recommended
Minimum salary increase upon promotion or reallocation (reviewed by the DOP)	Yes	No
Eligibility for salary advancement (merit/discretionary pay increase)	Yes	Yes
Annual Salary Increment Increase	Yes	Yes
Paid Holidays	Yes	Yes
Examination for appointment	Yes	No
Certain political affiliation required	No	For limited positions
Competitive hiring from a DOP Certification of Eligibles (Register) and job posting required	Yes	No

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Must successfully complete a probationary period.	Yes	No
Layoff and preference rights	Yes	No
At-will employment status	No	Yes
Tenure for State service	Yes	Yes
Accrual of annual leave	Yes	Yes
Maximum carry forward of annual leave hours ( <i>amount limited</i> )	Yes	Yes
Accrual of unlimited sick leave	Yes	Yes
Eligibility for Family and Medical Leave Act (FMLA) leave and Parental Leave Act	Yes	Yes
Leaves of absence without pay	Yes	Discretionary
Paid Military Leave	Yes	Yes
Paid court, jury, and hearing leave	Yes	Yes
Eligibility for subsidized educational leave	Yes (with available agency funds)	Discretionary
Free training and development opportunities through the DOP	Yes	Yes (DOP-covered agencies or fee-paying agencies only)
DOP employee performance evaluations required annually	Yes	Discretionary
Eligibility for membership in Employee Representative Organization(s)	Yes	Yes
Eligibility for Workers' Compensation benefits	Yes	Yes
Eligibility for Unemployment Compensation benefits	Yes	Yes
Eligibility to participate in the Donated Leave Program	Yes	Yes
Protection from unlawful discrimination	Yes	Yes
Eligibility to participate in payroll savings plans	Yes	Yes
Eligibility for parking on a State-owned lot or inside the State parking garage	Yes	Yes

\*Beginning July 1, 2025, newly appointed individuals and employees in classified service who voluntarily change positions within the Department of Commerce, Department of Tourism, Bureau of Senior Services, Department of Administration, Department of Environmental Protection, Department of Revenue, and Department of Veterans' Assistance shall be transferred to the classified-exempt service and shall be exempt from the state grievance procedures.

Provided, the Commissioner of the Bureau of Senior Services and the secretary of each of these departments have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with federal law, federal regulation, or the requirements for receipt of federal funding or assistance.

## **Classified vs. Classified-exempt Service within the DOP Merit System**

House Bills 2008, 2009, and 2013 do not apply to the Department of Health, Department of Human Services, Department of Homeland Security, the Public Service Commission, or Division of Natural Resources Police Officers.