



## Temporary Classification Upgrades Policy

### I. PURPOSE:

To provide for the approval of a pay differential, as provided in the Division of Personnel *Administrative Rule*, W. Va. Code R. § 143-1-4.8, for employees who, during a specified limited period of time, perform the duties and responsibilities on a full-time basis of a position in a higher compensation range due to a separation or an extended leave of absence, for a short-term project of less than twelve (12) months in duration, or in an emergency situation.

### II. POLICY

- A. A temporary classification upgrade “temporary upgrade” is defined as a Division of Personnel (DOP) approved pay differential for employees who, during a specified limited period of time, perform the duties and responsibilities on a full-time basis of a position in a higher compensation range due to a separation or an extended leave of absence, for a short-term project of less than twelve (12) months in duration, or in an emergency situation. For all other terms not defined, see the *Pay Plan Policy* (DOP-P12). A temporary upgrade will be approved by the Director of Personnel on demonstration by the requesting appointing authority that all other management options have been duly considered, and determined to be ineffective in addressing the agency’s needs.
- B. Temporary upgrades should be the agency’s final, not initial, method for addressing the needs set forth in paragraph A of this section, as management may utilize its prerogative to schedule, staff, and adjust workloads as necessary.
- C. This policy applies to both classified and classified-exempt employees who are temporarily assigned the duties and responsibilities on a full-time basis of a position in a higher compensation range than those assigned to the position the employee currently occupies under the following conditions:
  1. The assignment must be to a position in an acting capacity as a result of the separation or extended leave of absence of an employee who occupies/ied a position assigned to a higher classification, for a short-term project of less than twelve (12) months in duration, or for an emergency situation. If the employee is not assuming the full complement of duties and responsibilities of the higher classification, a Position Description Form (PDF) must be submitted to the DOP for a classification determination prior to the personnel transactions for the temporary upgrade being entered.
  2. The assignment shall be for no less than 30 calendar days and no more than six (6) months, unless an extension is granted by the Director of Personnel.
    - a. Extensions may be granted in increments of up to three (3) months with the express written authorization of the Director of Personnel.
    - b. A written request for an extension must be submitted to the Director of Personnel no less than fourteen (14) days prior to the expiration date of the temporary upgrade assignment. The request must provide justification for the extension by including the following information:
      - 1) Number of times the position has been posted, the number of times registers have been requested, the number of names on the register and the number of internal applications received, if applicable. If the position has not been posted, the extension request shall provide an explanation as to why not.
      - 2) If the incumbent in the position assigned to the higher classification continues to remain on

leave and an expected return date.

- 3) If applicable, justification for the position remaining vacant based on a business necessity.
  - 4) Whether the agency has submitted a PDF to permanently realign duties.
- D. This policy provides that classified-exempt employees may only be temporarily upgraded within the classified- exempt service. While classified-exempt employees occupy positions classified by the DOP, the provisions of this policy relating to compensation does not apply to temporary upgrade assignments.
- E. A classified employee may serve in an acting capacity on a temporary basis in an exempt and/or appointed position without loss of his or her classified status. A classified employee who has been temporarily upgraded to a classified-exempt or exempt position where the salary is set in statute, shall receive the greater of the employee's regular salary or the statutory salary. A classified employee who has been temporarily upgraded to a classified-exempt or exempt position for which there is no salary set in statute, shall receive a salary determined by the agency which shall not be less than the employee's current salary.
- F. An employee assigned to a temporary upgrade by proper authority shall receive either a salary adjustment consistent with the pay on promotion provisions of the *Administrative Rule* and *Pay Plan Policy*, provided that discretionary incremental increases for each six (6) months of pertinent experience or equivalent pertinent training above the minimum qualification in the class specification are not available, or an increase to the minimum rate of the pay grade for the job class to which the employee is being temporarily upgraded, whichever is greater.
- G. A classified employee proposed for a temporary upgrade shall have attained permanent status and meet the minimum requirements of training and experience for the position to which they will be temporarily upgraded. Any licensure requirements must be satisfied at the time of the upgrade.
- H. An employee being assigned to a temporary upgrade must sign a document acknowledging understanding of the terms and conditions of the assignment, including, at a minimum, the reason, duration, upgraded job class, and upgraded salary. The letter shall be included in the documentation required to process the personnel transactions making the temporary upgrade effective.
1. Personnel transactions must be completed for placement of an employee into temporary upgrade status. The comment section of the transaction shall reflect the following: "Salary adjustment made due to reassignment of duties in compliance with the DOP *Temporary Classification Upgrades* policy."
  2. A personnel transaction is required to terminate a temporary upgrade and return the employee to the previous classification and salary. The previous salary shall include any salary increases the employee would have received irrespective of the temporary upgrade.
  3. When an employee separates while in a temporary upgrade, payment for terminal annual leave and accrued compensatory time will be paid at the rate of the employee's previous salary as described in this subsection.

### III. REFERENCES

- A. W. Va. Code § 29-6-2 *et. seq.*
- B. DOP *Administrative Rule*, W. Va. Code R. § 143-1-1 *et seq.*
- C. DOP Policy DOP-P12, *Pay Plan Policy*.
- D. DOP Policy DOP-P24, *Settlement Agreements*.

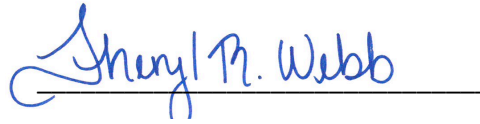
### IV. EFFECTIVE DATE: July 15, 1994.

**V. REVISIONS**

- A. Previous Revisions: June 19, 1997; August 1, 2004; January 1, 2006; May 17, 2007; and July 1, 2010.
- B. Latest Revision: July 1, 2019.

**VI. POLICY NUMBER: DOP-P13.**

Approved and issued by:



Sheryl R. Webb, Director of Personnel  
Date signed: July 1, 2019