

POLICY

SUBJECT: Acting Capacity and Position Reclassification Policy


NUMBER: HR-610-12

APPLICABLE TO: All DJS Employees

EFFECTIVE DATE: July 27, 2012

REVIEW DATE: July 27, 2013

APPROVED:

 7/27/12
Sam Abed, Secretary

I. POLICY

The Department of Juvenile Services (DJS) Secretary establishes this Acting Capacity and Position Reclassification policy to set forth standard procedures for DJS management level staff to follow when assigning duties to an employee that may warrant a reclassification or when designating an employee to receive acting capacity pay when more than one employee in an organizational unit is qualified. Additionally, this policy establishes a DJS manager's responsibility to retain documentation that indicates each specific reason for the selection of a candidate for reclassification or acting capacity pay.

The appointing authority shall act in accordance with COMAR 17.04.02.06 and pay an employee additional compensation (acting capacity pay) when the authority designates an employee to temporarily perform all the duties of a position in a classification that has a rate of pay higher than the employee's classification.

II. AUTHORITY

- A. Md. Code, Human Services Article, §9-203.
- B. Md. Code, State Personnel and Pensions Article, §4-201 through §4-205.
- C. COMAR 17.04.02.06

III. DIRECTIVES/POLICIES RESCINDED

- A. Acting Capacity and Reclassification Policy, SD D1211-02-1.

IV. FAILURE TO COMPLY

Failure to comply with the Secretary's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed and are attached to the policy.



Maryland Department of
Juvenile Services
Treating • Supporting • Protecting

PROCEDURES

SUBJECT: Acting Capacity and Position Reclassification Policy

NUMBER: HR-610-12

APPLICABLE TO: All DJS Employees

EFFECTIVE DATE: June 4, 2012

REVIEW DATE: June 4, 2013

I. DEFINITIONS

- A. *Acting Capacity* - A manager's written designation of an employee to perform (on a temporary basis) all the duties of a position classification that has a rate of pay higher than an employee's current classification.
- B. *Acting Capacity Pay* - Additional compensation paid to an employee designated in acting capacity who meets the provisions of COMAR 17.04.02.
- C. *Appointing Authority* - The Secretary or designee.
- D. *Authorized* - When all of the criteria required for the reclassification of a position or acting capacity designation has been met, and documentation has been submitted to the DJS Office of Human Resources (OHR) and approved by the Department of Juvenile Services (DJS) and/or the Department of Budget and Management (DBM).
- E. *Manager* - A Deputy Secretary, Assistant Secretary, Director, Regional Director, Assistant Regional Director, Superintendent, Facility Administrator, or Program Manager.
- F. *Minimum Qualifications* - The least standard of education and experience that must be complied with for the attainment of a position.
- G. *Qualified Employee* - A non-temporary skilled or professional service employee who meets all requirements of the classification specification or classification description and any selective qualifications of the position.
- H. *Reclassification* - A change of a position from one classification to another classification and maybe to a classification with a higher salary, lower salary, or the same salary.
- I. *Secretary* - Secretary of the Department of Juvenile Services, unless otherwise specified.

II. ACTION REQUIRED

- A. **Acting Capacity**
 - 1. An appointing authority may designate an employee to perform temporary duties in a classification for which the rate of pay is higher

than that of an employee's current classification for one or more of the following reasons:

- i. A temporary absence of an incumbent;
 - ii. A vacancy exists for which recruitment is underway; or
 - iii. An unusual circumstance necessitates an assignment of duties at a level higher than that of an employee's classification.
2. A qualified employee with the most seniority in the unit where the acting capacity will occur will normally be given the opportunity to perform the higher level duties. When more than one qualified employee with the same entry exists, the appointing authority shall use a competitive process in designating which senior employee is selected for acting capacity whenever feasible and practical.
3. An appointing authority shall complete and maintain documentation for authorizing acting capacity.
4. An appointing authority shall ensure that an employee meets the minimum qualifications of a higher level classification, and each special requirement of a position, before designating an employee to receive acting capacity pay. (The DBM OPSB may grant an exception to this requirement.)
5. An appointing authority may not designate an employee to perform acting capacity if an employee's classification and the requested higher classification are within the same noncompetitive promotion classification series. (e.g., Case Management Specialist I, II, and III Classification).
6. A Manager shall request in writing, by completing a ***Personnel Transaction Request (Appendix 1)*** and the ***MS – 345 Acting Capacity Request Form (Appendix 2)***, that an employee receive acting capacity pay at the time s/he designates an employee to perform in acting capacity. The amount of acting capacity pay shall be an amount that an employee would receive if permanently promoted to the higher classification, unless otherwise provided by law.
7. DJS may not compensate an employee with acting capacity pay until:
 - i. A manager has designated an employee in grades one (1) through ten (10) to perform in a role of acting capacity and an employee has done so for more than ten (10) consecutive work days; or
 - ii. A manager has designated an employee in grades eleven (11) or above to perform in a role of acting capacity and an employee has done so for more than twenty (20) consecutive work days.
8. An initial period of acting capacity pay is limited to six (6) months or less. If a period of acting capacity is to be extended beyond the initial six (6) months, a manager shall request additional periods of acting capacity pay. Each subsequent approval of acting capacity pay may be

granted in segments of six (6) months or less. A manager shall complete and maintain documentation for the reason for extending an individual's acting capacity pay.

9. DJS may not relieve an employee from a period of acting capacity before the completion of the waiting period solely to avoid acting capacity payment, as evidenced by an employee's subsequent return to acting capacity status.
10. DJS may not rotate employees in an acting capacity position to avoid acting capacity payment and may not recurrently schedule employees in an acting capacity without compensation unless there are circumstances outside of DJS control or an employee voluntarily does so.
11. DJS may not negatively evaluate an employee, who is not paid acting capacity pay, for his/her performance in the acting capacity position and may not discipline an employee for actions that relate to the acting position taken in good faith.

III. Position Reclassification

1. An appointing authority should consult with the DJS Office of Human Resources (OHR) before assigning significant or long term additional duties and responsibilities to determine if a reclassification is required.
2. An appointing authority shall maintain documentation to indicate the effective date the additional duties were assigned, the specific reason for a selection of an individual to perform additional duties in a position and the justification for selecting one qualified candidate for additional duties over another in an organizational unit.
3. An appointing authority may promote a qualified candidate from within an organizational unit without requiring them to be on an eligible list for a particular classification if a qualified employee is an incumbent in the position that is reclassified and an appointing authority retains pertinent documentation justifying this decision.
4. A Manager shall maintain documentation that indicates a specific reason for selecting an individual to perform additional duties in a position whenever a selection may require a position reclassification and shall maintain written justification for selecting one qualified candidate in an organizational unit over another with greater seniority.
5. An appointing authority shall complete a ***Personnel Transaction Request (Appendix 1)***, the employee's MS - 22 (position description), an organizational chart, ***MS-2024 Reclassification Request Form (Appendix 3)*** and as appropriate, an ***MS-44 Reclass Questionnaire (Appendix 4)***, and shall submit it to the DJS OHR for each request for reclassification.

Note: The Secretary of DBM may void any action taken under this policy when a selected candidate does not meet each requirement of the classification specification and any selective qualifications of a position.

IV. Effective Dates of Position Reclassification and Acting Capacity Pay Designations

1. The effective date of a position reclassification or acting capacity designation shall be the date on which the duties and responsibilities warranting the reclassification or acting capacity pay designation are assigned to the position.
2. An effective date may not be earlier than one (1) year before the date on which the reclassification or acting capacity pay designation is authorized or within one (1) year of the date that an employee's grievance concerning a reclassification or acting capacity pay designation was filed.
3. A position reclassification or acting capacity pay designation that is a result of an adoption of a new or revised classification title or new or revised standards by the Secretary of the DBM shall be effective on the date determined by the Secretary of the DBM.

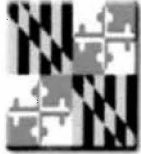
V. Documentation and Reports

1. The DJS OHR shall retain documentation regarding each promotional reclassification for a period of no less than five (5) years.
2. The DJS OHR shall retain documentation regarding each acting capacity pay designation for a period of no less than five (5) years after the acting capacity pay ends.
3. The DJS OHR shall provide reports documenting acting capacity pay determination, and promotional reclassifications as required by the Secretary for the DBM.

Appendices

All forms can be found on the DJS Intranet at: <http://intranet/forms.htm> under the section entitled "Personnel".

1. Personnel Transaction Request
2. MS – 345 Acting Request Capacity Form
3. MS – 2024 Reclassification Request Form
4. MS - 44 Reclass Questionnaire



Maryland Department of
Juvenile Services
Treating • Supporting • Protecting

**DJS POLICY AND STANDARD OPERATING
PROCEDURES**
**Statement of Receipt and Acknowledgment of
Review**

SUBJECT: Acting Capacity and Position Reclassification Policy
NUMBER: HR-610-12
APPLICABLE TO: All DJS Employees
EFFECTIVE DATE: July 27, 2012

I have received and reviewed a copy (electronic or paper) of the above titled policy. I acknowledge that I have read and understood the document, and agree to comply with it.

SIGNATURE

PRINTED NAME

DATE

THE ORIGINAL COPY MUST BE PLACED IN YOUR PERSONNEL FILE.