



**STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES**

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TITLE:

**ADMINISTRATIVE REVIEW OF
CLASSIFICATION ACTIONS FOR CIVIL
SERVICE POSITIONS**

APPROVED:


Marie C. Laderta, Director

I. POLICY

Civil service employees may request an administrative review of the classification actions taken on their positions.

II. RATIONALE

The opportunity for employees to express concern or disagreement with employment actions that affect their situation is a sound human resource practice and statutorily required under certain circumstances.

A classification administrative review is a review of the facts, including the duties and responsibilities, and a reassessment of the classification taken on the position to resolve any disagreements on the action that an employee may have.

III. SCOPE

A classification administrative review involves a reassessment of the documented duties and responsibilities of a position in order to assure that the classification action taken on the position was correct. This procedure is available only to a civil service employee, as defined in §76-11, HRS, who was in the position at the time the classification action became effective or who was in the position up to the date of the notice of the final classification action.

An administrative review reassessment is limited to only those duties and responsibilities that were assigned to the position at the time the position description was prepared and which served as the basis for the classification action. Subsequent changes in duties and responsibilities will not be considered in the administrative review. New work assignments shall be reported in a redescription and submitted as a new request for classification action.

Only State civil service positions fall under the jurisdiction of the State executive branch classification program; therefore, evaluations of positions shall be made only with State civil service classes of work.

ADMINISTRATIVE REVIEW OF CLASSIFICATION ACTIONS FOR CIVIL SERVICE POSITIONS

POLICY NO. 200.008 (Eff. 10/27/03; Rev. 12/12/05; 03/30/07)

IV. PROCEDURE

A. INITIATION OF REQUEST BY EMPLOYEE

1. A classification administrative review request may be filed by a civil service employee, as defined in §76-11, HRS, who was in the position at the time the classification action became effective, or who was in the position up to the date of the notice of the final classification action.

An employee may be represented, by any person(s) of the employee's choosing, during the processing of a request for an administrative review.

2. A request for classification administrative review shall be filed as an internal complaint and submitted in writing (HRD Form 259, *Request for Administrative Review of Classification Action*) by the employee or his/her representative.
3. The request for classification administrative review shall be submitted to the office that took the classification action that is to be reviewed.
4. The request for classification administrative review shall be received by the Departmental Personnel Office (DPO) (or its designee) or the Department of Human Resources Development, Employee Classification and Compensation Division (HRD ECCD) within twenty (20) working days from the date of the notice of the classification action.
5. The date of the notice of classification action shall be the later of the following dates:
 - a. The date the classification action was signed by the director of HRD or his/her designee, or by the departmental personnel officer or his/her designee; or
 - b. The date of the correspondence to the civil service employee by the office that took the action, if such correspondence was sent to explain the action.

B. REQUIRED INFORMATION FOR REQUEST

The request for a classification administrative review shall include the following:

ADMINISTRATIVE REVIEW OF CLASSIFICATION ACTIONS FOR CIVIL SERVICE POSITIONS

POLICY NO. 200.008 (Eff. 10/27/03; Rev. 12/12/05; 03/30/07)

1. Name, mailing address and business phone number of the employee requesting the administrative review;
2. Employee's position number;
3. The classification action and effective date of the classification action being disputed;
4. Specific reasons for disagreement with the classification action taken;
5. Classification action requested; and
6. Copy of the HRD-1 and/or notification letter.

C. ACTION BY DEPARTMENT PERSONNEL OFFICE (DPO) (or its designee) or HRD EMPLOYEE CLASSIFICATION AND COMPENSATION DIVISION (ECCD)

1. Upon receipt of the request for classification administrative review, the DPO (or its designee) or HRD ECCD shall:
 - a. Date stamp, or otherwise indicate the date of receipt on the request;
 - b. Send an acknowledgement of the receipt of the request for administrative review to the employee within five (5) working days; and
 - c. Record the receipt of the administrative review request in the Human Resource Management System (HRMS).
2. In reviewing the request for classification administrative review, the DPO (or its designee) or HRD ECCD shall:
 - a. Determine whether the request conforms with the requirements for classification administrative review, e.g., facts and duties cited in the request do not conflict with the facts/duties that are set forth in the position description and/or the initial review, etc.;
 - b. Conduct necessary fact finding to understand the employee's basis for the disagreement and specifically address the reasons for the administrative review. Whenever the disagreement arises from a lack of

ADMINISTRATIVE REVIEW OF CLASSIFICATION ACTIONS FOR CIVIL SERVICE POSITIONS

POLICY NO. 200.008 (Eff. 10/27/03; Rev. 12/12/05; 03/30/07)

understanding of the classes involved and/or the purposes of the classification, the DPO or departmental classifier shall seek to educate the employee; and

- c. Prepare a classifier's report of the administrative review findings and justification for classification action;
- d. Take appropriate classification action on the HRD-1 and record the action in HRMS.

3. Non-delegated Classification Actions

If, after conducting the administrative review, the DPO believes the position under administrative review may be:

- a. Reallocated to a class in the Excluded Managerial Compensation Plan (EMCP), or
- b. Reclassified to a new class.

The DPO shall forward the request for classification administrative review with a report of findings, analyses, and recommendations, to HRD for evaluation and appropriate action.

D. NOTIFICATION OF ADMINISTRATIVE REVIEW RESULTS

1. For administrative review actions that are delegated to and taken by DPOs (or their designees), the DPO (or designee) shall:
 - a. Notify the employee in writing of the action taken, the reasons for such action, and his/her appeal rights; and
 - b. Notify HRD of the action taken by forwarding a copy of the administrative review request, classifier's report and the notification to the employee.
2. For administrative review actions that are not delegated to the operating departments and/or are taken by HRD ECCD, HRD shall notify the employee in writing of the action taken, the reasons for such action, and the employee's appeal rights. HRD will also send a copy of the notification to the employing department.

ADMINISTRATIVE REVIEW OF CLASSIFICATION ACTIONS FOR CIVIL SERVICE POSITIONS

POLICY NO. 200.008 (Eff. 10/27/03; Rev. 12/12/05; 03/30/07)

3. Copy of Administrative Review Results to Representative

If the classification administrative review was filed by a representative on behalf of the employee, the office taking the action (DPO or its designee, or HRD ECCD) shall send a copy of the notification to the employee's representative.

E. CLASSIFICATION APPEAL RIGHTS

If the employee disagrees with the classification administrative review action that is taken by the HRD director or the DPO, the employee may submit a classification appeal to the Merit Appeals Board ("MAB"), in accordance with §14-21.1-1 to §14-21.1-12, Hawai'i Administrative Rules, *Rules of Practice and Procedure, State Merit Appeals Board*.

V. AUTHORITIES AND REFERENCES

§ 76-11, Hawai'i Revised Statutes, *Definitions*

§ 76-13, Hawai'i Revised Statutes, *Specific duties and powers of the director*

§ 76-42, Hawai'i Revised Statutes, *Internal complaint procedures*

§ 14-1-3 (3) (A), Hawai'i Administrative Rules, *General responsibilities of director*

§ 14-1-4, Hawai'i Administrative Rules, *General responsibilities of departments*

§ 14-13.01-1 to § 14-13.01-6, Hawai'i Administrative Rules, *Internal Complaint Procedure*

§ 14-21.1-1 to § 14-21.1-12, *Rules of Practice and Procedure, State Merit Appeals Board*

VI. ATTACHMENTS

Attachment A: *Request for Administrative Review of Classification Action, HRD Form 259*