

MEMORANDUM

State of Alaska
Department of Administration
Division of Labor Relations

To: All Directors
All Supervisors

Date: February 28, 2006

From: Art Chance
Director
Division of Labor Relations

Phone: 465-4404

Subject: Temporary Upgrade of a Position's Classification

This memorandum establishes guidelines for temporarily upgrading a position to a higher classification and establishes the processes by which a temporary upgrade may be accomplished. It supersedes any prior guidance on this subject. This memorandum does NOT apply to the contractual upgrade provisions of the Labor, Trades, and Crafts (LTC) bargaining unit.

A temporary upgrade is distinguished from acting in a higher range by the fact that when acting a person is performing the duties of another position due to the absence or unavailability of the incumbent; a temporary upgrade is for the circumstance in which the incumbent of a position is directed to perform the duties of a higher classification where there is no vacant position. The most common example is assigning a person to subject matter expert duties on a major project. Temporary upgrades are distinguished from promotion and reclassification by the temporary duration of the assignment.

Temporary upgrades were countenanced by this office for a period in the past but were stopped by the perception of widespread abuse. We are prepared to entertain such requests again, but please be aware that such requests will be subjected to the strictest scrutiny.

A request for a Letter of Agreement will be considered when the following conditions exist:

- employee is assigned to a defined project or work assignment for a time specific period
- the assignment prevents the employee from performing essentially all of the duties assigned to their PCN

Requests must include:

- PCN
- employee's name
- employee's current job class title
- nature of project or work assignment
- duration of project or work assignment
- job class title requested
- detailed description of duties
- how the employee meets the minimum qualifications for the job class requested
- explanation of how the duties of the employee's permanent position will be accomplished
- other options that were considered in lieu of the temporary upgrade and why they are not feasible

Conditions:

- duties described must support the classification requested
- employee must meet the minimum qualifications for the job class assigned
- overtime eligibility will be determined based on the temporary duties
- employee's status will remain the same
- if probationary, time spent in "temporary upgrade" status will apply to completion of the probationary period
- step placement will be determined as if the employee was promoted within the bargaining unit
- employee will continue to receive merit increases in their permanent position
- upon receipt of a merit increase, the employee's "temporary upgrade" salary will be reviewed and adjusted if necessary to represent at least a one-step increase
- personal leave used and leave cashed-in will be paid at the employees regular rate of pay
- time spent at a longevity or service step in the range of the "temporary upgrade" will not be considered earned
- for the purpose of minimum qualification determinations, time served in "temporary upgrade" status will be credited at the level of the "temporary upgrade" classification
- the employee's permanent position is considered vacant for the purpose of conferring acting status on another employee

Any requests outside these parameters should be treated as requests for exception pay (See, memorandum at:

<http://dop.state.ak.us/index.php?id=88>) Requests for temporary upgrade agreements should be directed to the Director of Personnel by

the director of the employing division. Where the employing department's processes require that the Administrative Services Director approve reclassification upward, requests should be directed through the ASD of the employing department. Requests that would result in an upgrade of more than two ranges or assignment to Range 22 or above should be directed to the Director of Personnel through the Commissioner of the employing department and the Commissioner of Administration.

The Division of Personnel will review the duties for appropriate classification and the qualifications of the employee proposed to be upgraded in accordance with the criteria set out above and if the request is sufficient transmit the request to the Division of Labor Relations. The Divisions of Personnel and Labor Relations will assume that the requestor has followed all departmental processes and has insured that funds are available for the requested upgrade. Please be aware that these instruments require union agreement and the unions are not always cooperative and are under no obligation to be cooperative.

If you have questions or desire more information, please do not hesitate to contact me or a member of my staff.

cc:

Michael Tibbles
Deputy Commissioner
Department of Administration

Mila Cosgrove
Director
Division of Personnel
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All L/R Staff

L/R Website