



DEPARTMENT OF ADMINISTRATIVE SERVICES

450 Columbus Boulevard, Suite 1501, Hartford, CT 06103

TO: AGENCY HEADS & AGENCY HUMAN RESOURCE ADMINISTRATORS

DATE: April 16, 2020

RE: General Letter No. 29 – Temporary Service in a Higher Class (revised)

PURPOSE

The purpose of this General Letter is to establish uniform procedures for temporary service in a higher classification (TSHC) appointments and supersedes previous General Letters on this topic. TSHC occurs when an appointing authority temporarily appoints an employee to a position in a higher classification and the employee assumes the essential functions of the higher classification.

POLICY

As part of appointing authorities' responsibility to deliver efficient, safe, and timely public services, they use their responsible judgement to appropriately manage and direct their agencies. Incorporated within this duty and obligation, appointing authorities may, for legitimate business purposes, make TSHC appointments under Sec. 5-209 of the Connecticut General Statutes, Management Personnel Policy 81-1 (MPP), and applicable collective bargaining agreements (CBA).

SCOPE

This General Letter applies to all TSHC appointments within the executive branch under the jurisdiction of the Department of Administrative Services (DAS) except for positions assigned to labor unit '01' or to the SE pay plan. Appointments to these appointed positions are not typically made on a temporary basis and may be made without the need of TSHC. However, there are situations when TSHC appointments to other appointed positions are appropriate, such as Warden or Superintendent, as those types of positions may need to be filled temporarily before a permanent appointment is made.

REQUIREMENTS

A TSHC appointment is permissible when it is either inappropriate or not possible to delegate the essential duties to other staff without the need for TSHC due to either of the following:

- The incumbent of a position is not available for a period of time greater than thirty (30) days and the appointing authority determines that the need for the service is immediate, essential, and in the best interest of the public; or
- A vacant position that cannot be immediately filled on a permanent basis and the appointing authority certifies that the immediate rendition of service is essential and in the best interest of the public.

TSHC appointments are restricted to bargaining unit employees serving in bargaining unit positions and non-bargaining unit employees serving in non-bargaining unit positions.

TSHC appointments are not to be used to circumvent the filling of approved vacancies and the use of reemployment, SEBAC and other mandatory lists.

Given that employees must qualify for the higher classification at the time of TSHC appointment, time served in a TSHC appointment is not credited toward meeting the minimum qualifications for the higher classification of the TSHC appointment. However, this experience can be credited toward meeting the minimum requirements for other class specifications.

RESPONSIBILITIES

Agencies and their assigned Human Resources Business Partner or Designee shall:

- Be judicious when making TSHC appointments pursuant to the above policy.
- Ensure TSHC appointments have a legitimate business purpose and are made in a fair, reasonable, and non-discriminatory manner.
- Inform employees of the requirements and benefits of TSHC in accordance with this policy and the employee's CBA or MPP.
- Appropriately manage employee work performance and attendance while serving TSHC. (Note: TSHC is at the direction of agencies. Therefore, approved and/or protected leaves of absence that occur during a TSHC do not break the continuity of the TSHC.)
- Ensure correct compensation while an employee serves in the TSHC appointment and immediately following the completion of the TSHC appointment (refer to "Compensation" section below).
- Retain and, when requested, provide approvals and other relevant documentation during DAS' post-audit.
- Render a decision on all requests for TSHC to ensure the:
 - TSHC is organizationally sound and the appropriate use of the proposed higher classification; and
 - Proposed employee meets the minimum qualifications of the higher classification, based on the experience and training requirements listed on the class specification.
- Appropriately process approved TSHC requests.

DAS/HR Policy and HRIS/Business Rules and Central Audit Unit shall:

- Conduct post audits of assigned TSHC.

PROCEDURES FOR MAKING TSHC APPOINTMENTS

If the appointing authority determines there is a need to make a TSHC appointment, the agency's Human Resources Business Partner or designee electronically shall send the following required documentation to the [DAS/HR Policy and HRIS/Business Rules and Central Audit Unit](#) for post audit purposes:

- Summary of the request, to include:
 - Requesting agency;
 - Reason for the TSHC;
 - Employee name;
 - Employee ID;
 - Permanent class title;
 - Class reassignment title;

- TSHC position number;
- TSHC start and end dates;
- Name of employee being replaced, if applicable; and
- Appointing letter to employee or other documents, if applicable.
- A current and completed Master Application in JobAps by the employee;
- The current and proposed organizational charts; and
- An acknowledgement from the Human Resources Business Partner or designee that the:
 - TSHC is organizationally sound and use of the proposed higher classification is appropriate; and
 - Proposed employee meets the minimum qualifications of the higher classification, based on the experience and training requirements listed on the class specification.

It is critical that TSHC requests be made ***prior to the commencement of the TSHC appointments*** to ensure proper authority exists to compensate employees working higher level duties. There is no authority to make TSHC appointments and compensate employees prior to such approval. (Emphasis added)

If the assigned Human Resources Business Partner or designee approves the TSHC, the Human Resources Business Partner or designee shall:

- Make TSHC appointments for the minimum duration required, not to exceed one year.
- Enter the TSHC in the employee's Job Data record in accordance with the [CORE-CT Job Aid](#).
- Return an employee to the last held position, classification and base rate of compensation as if the employee had never left at the completion of the assigned TSHC.
 - If the employee is promoted via permanent appointment to the higher classification (immediately) following completion of TSHC, retain the compensation rate s/he received while serving TSHC.
- Exceptions to TSHC appointments beyond 12 months are extremely limited. TSHC appointments beyond 12 months may be approved by an agency's Human Resources Business Partner or designee when the appointment is due to one of the following types of situations:
 - To cover a leave of absence due to the appointment of an employee to a union leadership position;
 - To cover a leave when operational needs require individuals who possess specialized, current knowledge to assist with training in the employee's particular area (e.g., DCF Training Academy rotation, etc.);
 - To implement collective bargaining agreement language concerning the temporary reclassification of an employee for certain assignments (e.g., DOT Workfare Supervision, etc.); or
 - To address a critical staffing need when a certified examination list is pending due to circumstances that are outside of DAS control.

COMPENSATION WHILE SERVING IN A TSHC APPOINTMENT

"Correct compensation" of an employee on a TSHC means the following:

- Paying the employee on the 31st consecutive calendar day or working day as determined by the applicable CBA or MPP, retroactive to the date of assumption of such higher duties and responsibilities.
- Assigning the employee appropriate hours of work that coincide with the requirements of the higher classification. When the hours differ from the last held permanent position, the employee accrues vacation leave in accordance with the last held permanent position.

- Providing the employee benefits and terms and conditions of employment based upon the employee's last held permanent position. This includes union dues, longevity payments and vacation payout (should the employee separate from state service while serving TSHC).
- Calculating the employee's base rate of compensation as if a promotion occurred and providing the following salary adjustments:
 - TSHC position is in the same bargaining unit as the last held permanent position: When a salary adjustment occurs, adjust the compensation accordingly in the TSHC position per the relevant CBA language. (Upon completion of TSHC, apply all salary adjustments to the last held position as though the employee never left that position.)
 - TSHC position is in a different bargaining unit than the last held permanent position: When a salary adjustment occurs in the last held position, virtually apply the adjustment (to the employee's pay in the last held position) and recalculate the promotion; adjust the TSHC pay, when appropriate. When a salary adjustment occurs in the TSHC position, apply the adjustment only to the TSHC pay.
- If the employee is promoted via permanent appointment to the higher classification (immediately) following completion of TSHC, retain the compensation rate s/he received while serving TSHC.

POST AUDIT

All transactions under this General Letter are subject to post-audit by DAS/HR Policy and HRIS/Business Rules and Central Audit Unit.

OTHER

Appointing authorities are responsible for the following regarding TSHC appointments:

- Responding to any administrative and/or legal challenges to TSHC appointments;
- Meeting all document retention requirements;
- Responding to all requests for information under the Freedom of Information Act (FOIA); and
- Maintaining the security and confidentiality of all TSHC appointment materials.

Employees should direct questions concerning this policy to their agency Human Resources Office. Questions from Human Resources staff are to be directed to the [DAS/HR Policy and HRIS/Business Rules and Central Audit Unit](#).