

Office of Human Resources
1100 Classification and Compensation

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Georgia Department of Human Services Human Resources Policy #1101

Classification and Compensation

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The Classification and Compensation policy provides operational guidelines, and procedures used to classify positions and compensate employees.

Section A: General Provisions

1. The Classification and Compensation policy:
 - a. Aligns the Vision, Mission, Core Values and Strategic Goals to its classification and compensation practices;
 - b. Supports current and future workforce initiatives in areas such as recruitment, diversity and retention;
 - c. Prioritizes compensation decisions to ensure effective use of fiscal resources;
 - d. Provides a resource for educating employees about classification and compensation;
2. Agency leadership is committed to an ongoing communication and education process to define and develop the roles and responsibilities necessary to make responsible, equitable and legally defensible decisions.
3. Agency leadership is committed to providing the following information to every manager and supervisor who participates in the compensation process.
 - a. The fundamentals of the classification and compensation system.
 - b. The legal constraints and requirements that govern compensation decisions.
 - c. How to make sound decisions when hiring, managing, and rewarding employees.
 - d. How to effectively use the tools available to them.
 - e. The roles and responsibilities of Division/Office leadership and OHR when implementing compensation initiatives.
4. A truly effective Compensation policy requires continuous assessment and improvement. Agency leadership works to identify and solve compensation issues that can be addressed col-

laboratively within the Department. Agency leadership also works to identify and solve broader compensation issues through partnerships with other State agencies and governing bodies outside of DHS.

Section B: Classification and Compensation System

1. As an Executive Branch agency, DHS adheres to the job classification and career path (JCCP) system provided by the Department of Administrative Services (DOAS) - Human Resources Administration (HRA) Division and State Personnel Board Rules.
2. Decisions about job titles, job descriptions, required qualifications and the pay grade to which a job is assigned are based on the job to be performed and the work it represents rather than the qualities of the person who occupies the job.
3. DHS uses an objective job evaluation process when determining how a job is classified. The following factors may be used for consideration:
 - a. Knowledge, skills and competencies required to perform the job;
 - b. The level of responsibility and accountability for programs, resources and service delivery required of the job;
 - c. The degree of direction/supervision each job task requires;
 - d. The degree of planning required to perform the job ranging from the responsibility of planning one's own work up to planning the work of an entire agency;
 - e. The complexity of the work which includes, but is not limited to difficulty of problems to be solved, creativity, and analytical capabilities;
 - f. How a job impacts the whole agency and the lives of the citizens served by the job;
 - g. Challenge or difficulty of working conditions;
 - h. External requirements, market factors and other considerations outside the control or influence of DHS.

Section C: Classification

1. Job classification is determined by the skills and abilities needed for the position. The skill level and ability of those currently occupying the position are not used as determining factors. Jobs are classified (grouped with other like jobs and assigned a descriptive title) based on:
 - a. The purpose of the job defined by the reason it exists and the need it is designed to fill.
 - b. The occupational group to which it belongs (general support, social services, financial, human resources, etc.).
 - c. The essential functions to be performed.
 - d. Level of authority within an organization.
 - e. Qualifications which are defined as education/training, experience, and competencies necessary to perform job duties successfully.

Section D: Allocations and Reallocations

1. An allocation is the establishment of a new position. Allocations are processed when a newly created function is needed and there are no other available position numbers to which the new function can be assigned.
2. A reallocation is a change of an established position from one job title/code to another. The change can be lateral, upgrade/promotion, or downgrade.
3. The types of reallocations include:
 - a. **Lateral Job Change** – change in an established position from one job title to another on the same pay grade; position can be filled or vacant.
 - b. **Grade/Job Change** – change in an established position from one job title to another on a lower or higher pay grade; position is vacant.
 - c. **Promotion** – the reclassification of a filled position from a job on a lower pay grade to a job on a higher pay grade.
 - d. **Demotion** – the reclassification of a filled position from a job on a higher pay grade to a job on a lower pay grade.
 - e. **Job Reclassification** – the reclassification of a filled position to a lateral, higher, or lower job based on changes in duties or scope of work. Job reclassification does not automatically result in a salary increase or decrease.

Section E: Job Analysis

1. The purpose of a job analysis is to collect detailed information about the essential job functions performed in the position, as it currently exist. It can also be used to develop or revise job descriptions and evaluate whether the position is assigned to the appropriate job classification. The essential job functions are the duties and responsibilities of the job that involve the fundamental nature of the job and occupy a large portion of the employee's time.
2. Most positions can be reviewed for proper classification by providing a detailed overview of the assigned job duties and responsibilities using a Position Description Questionnaire (PDQ). However, a desk audit may be conducted by OHR when a reclassification request requires additional information. A desk audit is an interview with the employee that focuses exclusively on the current work assigned and does not address proposed or anticipated duties.
3. Positions are classified based on regular and recurring duties. Duties related to special projects or temporary assignments that are not part of the regular job are not included in the job analysis. Minor or temporary duties and volume of work do not affect the classification of a position.
4. **Job Analysis Requests**
 - a. Job Analysis Requests should go through the Division/Office internal approval process.
 - b. If Division/Office leadership approves the review request, it should be submitted to the assigned Compensation Specialist. The request should include:
 - I. Position number, current job title, and new/requested job title.
 - II. Brief description of job duties and rationale for request (the generic job description may be used as a guide; however, it is important to be specific about current duties).

III. Current organizational chart.

5. Compensation Specialist will review the request, follow-up with the Requestor and discuss the findings and recommendation (approve, modify, deny).

Section F: Position Level Reduction

1. When it is determined that the responsibilities of a position have been reduced to the extent that the position would be more appropriately assigned to a job on a lower pay grade, DHS shall reallocate the position to the appropriate job. Such position level reduction is a classification action and, if the position is filled, should not be considered a reflection of the employee's quality of work.
2. When a filled position is reallocated through position level reduction, the employee has the right to request a review of the action. The decision of the official reviewer which is the Deputy Commissioner of Human Resources Director or designee, is final.
 - a. The review request must be submitted in writing and received by the Deputy Commissioner of Human Resources Director or designee within ten (10) calendar days of receipt of the written notification of the position level reduction. A copy of the Performance Management Plan (PMP) provided to the employee must be included with the request for review.
 - b. The request for review must include the reasons why the employee believes that the PMP does not accurately reflect the responsibilities and expectations of the position.
 - c. A review will be conducted only to determine if the PMP developed for the employee accurately reflects responsibilities and expectations consistent with the lower job to which the position is reallocated.
 - d. A decision will be issued in writing by the Deputy Commissioner of Human Resources Director or designee to the employee within fifteen (15) calendar days of receiving the request for review and all other documentation needed to make an accurate determination.
 - e. This method is the only process for review of a position level reduction. A position level reduction is not appealable to the State Personnel Board or grievable through the DHS Grievance Procedure.
3. The salary of an employee remains the same upon position level reduction, even if such salary is above the pay grade maximum for the new job.
4. The employment status of an employee remains the same upon position level reduction. An exception exists if a classified employee was within a working test period in the position at the time of the position level reduction and had previously attained permanent status in the job to which the position is being reallocated. In such case, the employee would have permanent status in the lower job upon position level reduction. In all cases, a classified employee remains classified, and an unclassified employee remains unclassified.

Section G: Fair Labor Standards Act (FLSA) Exemptions

1. All employees are covered by the wage and Hour provisions of the federal Fair Labor Standards Act (FLSA) unless specifically exempted. The provisions of FLSA include guidance for establish-

ing work periods, payment of minimum wages, hours of work, overtime compensation and required record keeping.

2. To qualify for exemption, employees must meet certain tests regarding their job duties and be paid on a salary basis of at least \$684/week (\$35,568/year). Job titles do not determine exempt status.

3. Non-Exempt Employees

- a. **Non-exempt employees** are covered by the Wage and Hour provisions of FLSA. If a non-exempt employee **works** more than 40 hours in a work period, the employee is to receive FLSA compensatory at the rate of time and a half for overtime worked.
- b. FLSA compensatory time is not granted to non-exempt employees who may have been in pay status for more than 40 hours during a work period due to a holiday or use of accrued leave, but who did not work more than 40 hours.

4. Executive Employee Exemption

- a. All the following criteria must be met in order to qualify for the executive employee exemption:
 - I. The employee must be compensated on a salary basis of at least \$684/week (\$35,568/year);
 - II. The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
 - III. The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and,
 - IV. The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees must be given weight.

5. Administrative Employee Exemption

- a. All of the following criteria must be met in order to qualify for the administrative employee exemption:
 - I. The employee must be compensated on a salary basis of at least \$684/week (\$35,568/year);
 - II. The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and,
 - III. The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

6. Learned Professional Employee Exemption

- a. All of the following criteria must be met in order to qualify for the learned professional employee exemption:
 - I. The employee must be compensated on a salary basis of at least \$684/week (\$35,568/year);
 - II. The employee's primary duty must be the performance of work requiring advanced

knowledge, defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment;

III. The advanced knowledge must be in a field of science or learning; and,

IV. The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

7. Creative Professional Employee Exemption

a. All of the following criteria must be met in order to qualify for the creative professional employee exemption:

I. The employee must be compensated on a salary basis of at least \$684/ week (\$35,568/year); and,

II. The employee's primary duty must be the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

8. Computer Employee Exemption

a. All of the following criteria must be met in order to qualify for the computer employee exemption:

I. The employee must be compensated on a salary basis of at least \$684/week (\$35,568/year) OR \$27.63 per hour;

II. The employee must be employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field;

III. The employee's primary duties must consist of one or more of the following:

1. The application of systems analysis techniques and procedures, including consulting with users to determine hardware, software, or system functional specifications; and/or,

2. The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; and/or

3. The design, documentation, testing, creation, or modification of computer programs related to machine operating systems.

9. Highly Compensated Employees

a. Highly compensated employees performing office or non-manual work and paid a total annual compensation of \$107,432 or more (which must include at least \$684* per week paid on a salary or fee basis) are exempt from the FLSA, if they customarily and regularly perform at least one of the duties of an exempt executive, administrative or professional employee identified in the standard tests for exemption.

Section H: Total Compensation Definition Statement

1. A competent, capable, and committed workforce is essential to the achievement of the DHS mission, vision, and core values. DHS strives to become the employer of choice for those who demonstrate a commitment to supporting and delivering quality customer service to its customers. Agency leadership recognizes the importance of total compensation in attracting,

retaining, recognizing, and rewarding well-qualified employees.

2. Agency leadership strives to create and maintain a positive and rewarding work environment. The agency offers its employees a wide range of tangible and intangible employee benefits that form a part of a total compensation package.
3. Total compensation consists of:
 - a. Monetary compensation: base pay, performance increases, pay supplements, and other pay;
 - b. Indirect compensation: healthcare coverage, retirement plans, paid leave, and State holidays; and,
 - c. Non-monetary rewards and recognition: training and development opportunities, flexible or alternative work schedules, positive work environment, and the opportunity to serve its constituents.

Section J: External Competitiveness

1. DHS works to stay abreast of market trends and assesses the competitiveness of compensation annually by comparing DHS jobs to their market counterparts using published salary survey data available from DOAS-HRA and other recognized sources, as appropriate.
2. DHS is a public agency serving a large and diverse population. The financial resources available to the Department are determined by the Governor, the Georgia General Assembly and federal programs with guidelines for use of federal dollars. The portion of the annual budget available for compensating DHS employees may vary depending on many factors outside of DHS's direct and immediate control. DHS works to keep total compensation at or near the market average for comparable state and local government jobs within Georgia and surrounding states.
3. DHS recognizes that, at times, it may be impossible to attract qualified employees in high demand occupations without paying competitive salaries.

Section K: Internal Equity

1. There are many different jobs within DHS. All are important to the success of the Department in achieving DHS's mission of service to customers. Some jobs provide direct services to customers while other jobs provide support enabling others to serve.
2. DHS strives to ensure that employees performing the same work, with the same skills, competencies, work experiences, education, training, job-related certifications, credentials, and performance attributes are compensated equitably. However, not all jobs carry the same responsibilities or demand the same effort, even jobs within the same classification may have differences. Employees bring different competencies to their jobs.
3. Employees doing the same or similar work may be compensated differently, when their qualifications (work experience, education, training, job-related certifications, credentials, skills and competencies) are different.
4. In addition, employees doing the same or similar work may be compensated differently in response to external factors including the relative market competitiveness between and among jobs, financial considerations, and/or legislated requirements.
5. In cases of apparent need for compensation differences for similar jobs, DHS will examine:

- a. The relative mission's critical nature of the job differences;
 - b. Individual qualifications and competencies;
 - c. The potential impact of the compensation difference on others in the immediate organization.
6. The Compensation Philosophy is the first step in creating an improved environment, understanding and responsible decision making that communicates how the Department will allocate resources and what employees can expect in return for their work performance.

Section L: Office of Human Resources Responsibility

1. The Office of Human Resources (OHR) is responsible for establishing and maintaining a classification and compensation system that is consistent with federal and state laws, and State Personnel Board Rules.
2. OHR's responsibility is as follows:
 - a. Determines the appropriate classification and pay grade assignment of jobs.
 - b. Develops and maintains DHS's overall compensation guidelines, policies, and procedures.
 - c. Partners with DHS Divisions and Offices to:
 - I. Provide tools and processes to aid them in making sound compensation decisions.
 - II. Craft effective solutions to assist in solving compensation problems.
 - III. Evaluate the potential benefits and risks associated with alternative actions.
 - IV. Provide clear guidance and direction for compliance with federal and state laws, and State Personnel Board Rules.
 - V. Implement DHS's Classification and Compensation Philosophy.
3. Effective communication between OHR and DHS's Division and Office management is essential to their mutual success in serving the Department and its customers.
4. OHR is available to provide training and information to supervisors, managers and directors enabling them to:
 - a. Understand how DHS's classification and compensation system works.
 - b. Understand the tools, guidelines, and processes available to support sound salary administration decisions.
 - c. Identify and evaluate potential risks.
 - d. Explore alternative rewards and work arrangements that contribute to total compensation.
 - e. Identify opportunities for employee development that are beneficial to employees, DHS, and DHS's customers.

Section M: Leadership Responsibility

1. OHR is available to provide guidance and support in managing employee compensation; however, Division/Office leadership is responsible and accountable for compliance with salary administration guidelines. The goal of the Department's Classification and Compensation Philos-

ophy, policies, and procedures is to promote consistent application of fair employment practices and define the boundaries of pay increases.

2. Division/Office Leadership:

- a. Maintains an awareness and understanding of the Classification and Compensation Philosophy.
- b. Makes responsible salary administration choices in hiring, employee rewards, and career planning and development that are consistent with the Classification and Compensation Philosophy.
- c. Ensures that managers and supervisors within their respective Division/Office are informed and trained in their roles and responsibilities related to compensation policies and procedures.
- d. Documents the business case for salary administration decisions.

Section N: Compensation

1. Salary Administration

- a. Salary Administration addresses how employees are paid within jobs and when they move from one job to another. DHS uses available tools and strategies to attract employees whose skills and interests are well suited to jobs.
- b. The salary structure identifies the minimum, market average, and maximum salary per pay grade. An employee is paid a salary between the minimum and maximum of his or her pay grade. This salary is dependent on:
 - I. The degree to which the employee demonstrates that he or she possesses qualifications (education/training, experience, competencies, and certifications/credentials) that are linked directly to job duties and responsibilities.
 - II. Funding availability.

2. Hiring Salaries

- a. DHS may pay hiring salaries above the minimum of the established pay grade for a job when the following conditions exist:
 - I. The need is critical to the mission and commitment to providing service to customers.
 - II. The needed skills are in short supply internally within DHS and in the marketplace.
 - III. The individual has qualifications such as experience, education, training, licenses or certifications, or other demonstrated skills that exceed the minimum requirements of the job.
- b. Decisions on hiring salaries must be made in the overall interest of the Department and not solely on the desires of the hiring Division/Office. All compensation decisions are based on the availability of funding.
- c. The hiring Division/Office must demonstrate that the following conditions exist:
 - I. The salary is necessary to attract the required skill set that would, otherwise, not be available to the Department.

- II. The skill set is truly critical to the Department's mission and its ability to serve customers.
- III. Equity between the salary of the new hire and the salaries of similarly qualified employees within the hiring work unit has been considered.
- d. Division/Office Directors may:
 - I. Approve hiring between pay grade minimum and market average of pay range for external candidates. Consultation with OHR on salary offers is recommended to help foster consistency across the organization.
 - II. Designate managers who can make/approve hiring decisions.
- e. Managers should review several factors when considering hiring salaries:
 - I. Does the candidate meet the minimum and preferred qualifications or have special skills and competencies that would enhance performance on the job?
 - II. Will the request result in salary inequity within DHS, Division/Office or Unit?
 - III. Is this job critical to the Division/Office mission and been subject to recruitment/selection difficulties?

3. Authorization for Hiring Above Market Average

- a. Division/Office Directors (or designee) must consult with OHR Compensation when requesting hiring salaries above market average salary unless under a "pre-approved" protocol; however, the OHR Director, in conjunction with the Division/Office Director, makes the final decision.
- b. Documentation of the rationale for approving hiring salaries above the market average for the pay grade is required and should accompany any other selection documentation submitted. OHR Compensation is available to evaluate requests or provide consultation prior to Division/Office Director or designee submitting for final approvals.
- c. To hire a candidate above the salary approved on the requisition, the documentation referenced above, and an approval workflow which includes Budget and Compensation, must be added to the Hire Form of the HR PASS requisition.

4. Salary Adjustment

- a. A salary adjustment is an in-grade, permanent increase to an employee's base salary based on various criteria not included in compensation options authorized elsewhere in policy (e.g. promotions, performance-based increases, temporary salary supplements).
- b. Salary adjustments may be used to address specific business or organization needs or to support departmental objectives. Examples of appropriate circumstances for requesting salary adjustments include the following:
 - I. Permanent increase in responsibility (non-promotional) that are beyond "additional duties as assigned".
 - II. Inequity within the job series based on qualifications.
 - III. Special job-related skills and competencies.
 - IV. Retention for critical jobs and strategic appointments.
- c. Salary adjustments should not be used as a performance-based increase (PBI), although per-

formance may be one of several factors considered in recommendations. A salary adjustment may not result in base salary exceeding the pay level maximum for the assigned job. Consideration should be given to other staff who may be affected by the action (internal salary equity).

5. Promotion

- a. A promotion is the advancement of an employee from a job on a lower pay grade to a job on a higher pay grade. It is DHS practice to provide promotional opportunities for current employees and to increase the number of leadership positions filled from within the Department.
- b. When an employee is promoted, the employee's salary should be raised to any salary in the new pay range that provides an increase of at least 5%, with the following exceptions:
 - I. The employee's new salary may not be less than the pay range minimum or more than the pay range maximum for the new job.
 - II. The employee may voluntarily agree in writing to accept a lower salary, provided that the salary is not below the pay range minimum. (The written agreement should be maintained in the employee's personnel file.)
 - III. An employee whose salary is above the pay range for the employees' current job is only eligible for an increase of up to the maximum of the new range.
 - IV. An exception is available for use only in unusual circumstances or when funding is not available, and positions need to be properly classified. This exception allows employees to voluntarily agree to accept promotions without a salary increase. Requests to use this exception must be forwarded to OHR for careful review. Promotions without a salary increase cannot be processed prior to receiving written approval from OHR.
- c. It is DHS practice to compensate promotional increases as follows:
 - I. If an employee is promoted by one pay grade, DHS practice is to provide an increase of 10%, or to the pre-approved special entry salary of the new job, whichever is greater.
 - II. If an employee is promoted by two pay grades, DHS practice is to provide an increase of 15%, or to the pre-approved special entry salary of the new job, whichever is greater.
 - III. If an employee is promoted by three or more pay grades, DHS practice is to provide an increase of 20%, or to the pre-approved special entry salary of the new job, whichever is greater.
- d. If the promotional increase will result in an employee's salary exceeding the pay grade maximum, the employee's salary may only be adjusted to the pay grade maximum in compliance with State Personnel Board Rules.

6. Authorization for Compensation above Standard Protocol for Promotional Increases

- a. In certain circumstances, approval may be requested in writing from OHR for additional salary adjustment upon promotion (e-mail is acceptable). The Salary Request Form may be used for this purpose. Salary adjustments should be based on 5%, 10%, 15%, etc. increments for processing purposes, if possible.
- b. Divisions/Offices must:
 - I. Consult with OHR Compensation when requesting promotional increases above stan-

dard protocol unless under a pre-approved special entry salary.

- II. Provide documentation of the rationale for approving a promotional increase above standard protocol. This documentation is required and should accompany any other selection documentation submitted.
 - III. Include the documentation referenced above and an approval workflow which includes Budget, Compensation, and the HR Director, must be added to the Hire Form of the HR PASS requisition.
- c. OHR Compensation is available to evaluate requests or provide consultation prior to Division/Office Director or designee submitting for final approvals.

7. Demotions

- a. A demotion is the movement of an employee to a job on a lower pay grade. A demotion may be voluntary or involuntary. The employee must meet the minimum qualifications for the job and any approved special qualifications established for the position. Unless a demotion directly benefits the Department and is specifically approved for implementation without loss in pay, it will result in a loss in pay.
- b. When an employee is demoted:
 - I. The employee's salary may be set at any salary in the new pay range that is not higher than the salary received prior to the demotion.
 - II. The new salary may not be less than the pay range minimum or more than the pay range maximum for the new job.
 - III. If an employee is demoted to a position at a different agency, the employee is not eligible for a salary increase for six months after the demotion, other than those approved by the General Assembly, and then is only eligible after a performance evaluation in the new position for which the employee received a "meets expectations" rating or higher.
- c. Approval of the request for voluntary demotion, or confirmation of the agreement to accept a demotion, should be put in writing. The notification must include the specific circumstances involved in the voluntary demotion, the effective date, salary, classified/unclassified status, location of position, etc.
- d. It is DHS practice to process pay decreases, as a result of a demotion as follows:
 - I. If an employee is demoting by one pay grade, the salary will be decreased by 10%, or to the pre-approved/special entry salary of the new job, whichever is greater.
 - II. If an employee is demoting by two pay grades, the salary may be decreased by 15%, or to the pre-approved/special entry salary of the new job, whichever is greater.
 - III. If an employee is demoting by three or more pay grades, the salary may be decreased by at least 20%, or to the pre-approved/special entry salary of the new job, whichever is greater.
 - IV. The salary of an employee who is voluntarily demoted following a promotion within the last twelve (12) months is to be set at the salary received prior to promotion, plus any appropriate salary adjustments received while in the job.
- e. In all cases, the new salary may not be more than the pay range maximum of the new job; thus, a demotion may result in a reduction in pay of more than what is indicated above.

8. Pay Exceptions for Demotions

- a. An employee may be voluntarily demoted without a loss in pay or with a salary reduction of less than 10% in certain circumstances when the employee accepts a demotion that benefits the Department. The circumstances may involve, but are not limited to, the following:
 - I. Relocation for the good of the Department that is a hardship for the employee; and
 - II. Location in an organizational unit with management/program difficulties.
- b. Demotions associated with failure to meet performance expectations or conduct standards must result in a loss in pay despite any benefit to the Department. The appropriate OHR Field Manager must be consulted for involuntary/disciplinary demotions.
- c. Circumstances involving situations such as staff reduction, reduction in force, shortage of work or funds, or reorganization, may support a demotion without a loss in pay. Each case will be reviewed on a case-by-case basis.
- d. Divisions/Offices must:
 - I. Consult with OHR Compensation when requesting a demotion with a decrease in pay that is less than established protocol or for a demotion with no loss in pay, unless under a pre-approved special entry salary.
 - II. Provide documentation of the rationale for approving a demotion with a decrease in pay that is less than established protocol or for a demotion with no loss in pay. This documentation is required and should accompany any other selection documentation submitted.
 - III. Include the documentation referenced above, and an approval workflow which includes Budget, Compensation, and the HR Director must be added to the Hire Form of the HR PASS requisition.
- e. OHR Compensation is available to evaluate requests or provide information and consultation prior to Division/Office Director or designee submitting for final approvals.

9. Transfer of Employees

- a. A transfer is when an employee or position has moved from one unit or department to another; inter or intra-agency. A vacant position may be filled at any time by the transfer of an employee from another position in the same job or from a position in another job on the same pay grade. The employee must meet the entry qualifications for the job and any approved special qualifications for the position.
- b. Classified employees who transfer into unclassified positions become unclassified employees. They are not eligible to return to the classified service at any time.
 - I. It is critical that classified employees be advised when they are being offered positions in the unclassified service.
 - II. Hiring officials or designees are responsible for ensuring that timely notice is provided in some manner to classified employees moving into the unclassified service. The Unclassified Employment Acknowledgement should be completed by classified employees prior to reporting for work in the unclassified service. The Unclassified Employment Acknowledgement can be found in Human Resources Policy #302 — Movement from Classified to Unclassified Employment.

NOTE

Classified employees who do not sign acknowledgement forms prior to reporting for work in the unclassified service are not by law entitled to positions in the classified service.

- III. Hiring officials or designees who do not provide some type of notification regarding unclassified service may be subject to disciplinary action.
- c. Unclassified employees who transfer to other positions remain unclassified regardless of the status of the positions prior to transfer.
- d. When an employee is transferred to another position (inter- or intra-agency) on a lateral basis (on the same pay grade) the employee's base salary must be the same as the base salary prior to transfer, which may not be less than the pay range minimum for the new job. There should be no change in pay upon lateral transfer.
- e. Transferred employees are not eligible for increases to base salary during their first six months in the new job other than those approved by the General Assembly. Additionally, an employee who transfers (inter- or intra-agency) is only eligible for an increase after a performance evaluation in the new position for which a "Successful Performer" rating or higher is received.
- f. When applicable, an employee may receive a pay increase for a job change or lateral transfer on the same pay grade within DHS or if transferring from another state agency. Authorized officials may request approval from the Office of Human Resource (OHR) to adjust salaries upon transfer to meet the needs of the organization.
- g. Examples of special circumstances for authorizing salary adjustments upon transfer include the following:
 - I. An established special entry salary for the new job;
 - II. Relocation for the good of the department that is a hardship on the employee; and
 - III. Placement in an organizational unit with management/program difficulties.
- h. However, in all cases, the hiring or receiving work unit must demonstrate that consideration has been given to the salaries of employees within the unit who:
 - I. Are doing the same job, and
 - II. Possess the same or greater qualifications.
- i. Salary adjustments cannot result in salaries that exceed the pay grade maximum.

10. Salary Supplements

- a. Employees may be asked to perform additional duties for specified periods of time that are beyond the scope of their normal responsibilities. In addition to meeting temporary needs, assuming additional duties can afford an employee opportunity to learn new skills and gain experience that can be beneficial to the employee as well as the Department.
- b. An employee taking on additional duties does not justify a pay increase, unless those additional duties substantially change the scope and level of responsibility already required as part of the employee's current position.
- c. When additional duties significantly increase the scope, level of responsibility, and/or vol-

ume of work required of an employee for a duration greater than 30 days, the employee may be eligible to receive a temporary salary supplement for the duration of the increased duties.

11. Temporary Salary Supplements (TSS)

- a. A temporary salary supplement is additional compensation to perform significant additional or replacement duties for a limited period of time.
- b. Additional or replacement duties are when an employee is temporarily assigned the partial to full duties of another position in addition to their regular duties. This position would either be a lower-level, equivalent-level, or higher-level position.
 - I. Lower-level duties are supplemented at 2.5%.
 - II. Equivalent-level duties are supplemented at 5%.
 - III. Higher-level duties are supplemented at 5%-10%.
- c. If an employee is assigned partial duties of another position, the supplement would typically be half of the total supplement available.
- d. An employee may be assigned a special project. Typically, these duties would be, in addition to their regular duties. The supplemental amount should be determined based on consideration of all factors and could range between 2.5% - 10%. Some considerations would be:
 - I. Complexity and/or significance of the duties
 - II. Amount of time spent on the additional duties
 - III. Consequences if the duties are not covered
- e. Supplements should not be given for normal and routine “additional duties as assigned,” but for significant additional tasks that are clearly above and beyond the normal range of expectations.
- f. Temporary duties must be performed for at least one pay period.
- g. Supplements (and all other salary actions) may not be retroactive, with the exception of cause due to administrative error. Consultation with OHR is required in such cases.
- h. Supplements must be ended when the situation (vacancy, special project) is no longer applicable. To end a supplement, supervisor/manager must notify OHR by submitting a requisition in HR PASS.
- i. Supplements should not be considered, when making base pay decisions.
- j. Take careful consideration when requesting a TSS for FLSA non-exempt employees who will be performing temporary duties of an FLSA exempt position. Please consult with OHR for additional clarification in such cases.
- k. Supplements should be reviewed on a minimum of a quarterly basis.
 - l. A supplement should not last more than 1 year without a written renewal request. Unless special circumstances exist, such as a grant.
- m. Review should determine if additional duties have become permanent and if there is any impact on classification and/or base pay.

12. Conditional Pay Supplement

- a. A conditional pay supplement may be provided to employees, who in addition to regular and typical duties, perform interpreter/translator services and/or work during night-shift hours.
 - I. A Division/Office may use a combination of Interpreters, bilingual employees, and other services provided through the LEP/SI (Limited English Proficiency/Sensory Impaired) Office. The Language Line and/or contracted Interpreters are available for use if the need for bilingual services is occasional.
 - II. Employees with language skills in positions requiring the use of those skills on a regular basis while serving clients, the agency may supplement the employee at 5% for bilingual or 10% for multilingual interpreter/translator services. A supplement should not be given simply for fluency in another language.
 - III. Employees must pass the Language Proficiency Test. For additional instructions related to testing, the DHS LEP/SI (Limited English Proficiency / Sensory Impaired) Unit must be contacted.
 - IV. Employees who are assigned to duty on the evening (2nd shift beginning at 3 pm or after), night (3rd shift beginning at 11 pm or after), or weekend (1st, 2nd, or 3rd) shift are eligible for a 5% supplement.
- b. A supplement should be discontinued when the person is no longer required to use/perform the additional duties.
- c. Supplements are not transferrable and should be resubmitted for review and approval if a need exists to continue a supplement.
- d. Supplements should be reviewed on a minimum of an annual basis.
- e. A supplement should not last more than 1 year without a written renewal request.

Section O: References

- 1. DHS strives to maintain a system of job classification, employee compensation, and salary administration that complies with federal and state requirements. Following is a summary of applicable laws, rules, and regulations.
- 2. **Federal Laws**
 - a. **Fair Labor Standards Act of 1938**
 - I. Establishes a minimum wage – currently \$7.25 per hour.
 - II. Sets forth requirements for compensating employees for hours of work.
 - III. Establishes employment categories (exempt and non-exempt) for coverage of the act.
 - b. **Equal Pay Act**
 - I. Prohibits unequal pay based on gender.
 - II. Defines equal work as employment in the same establishment and in a job requiring substantially equal skill, effort, responsibility and working conditions.
 - III. Establishes criteria under which an employer may be permitted to pay different wages – seniority, a merit system or systematic evaluation process to differentiate on the basis of job performance, a pay system that recognizes and rewards output or quality, or any fac-

tor other than gender (job-related qualifications, training program participation, —red circled pay rates, etc.).

c. Title VII US Civil Rights Act of 1965, Amended 1991

- I. Establishes legal protections for employees and job applicants against discrimination on the basis of race, color, religion, sex, or national origin.
- II. Establishes defenses against charges of unlawful discrimination to include bona fide occupational qualifications, business necessity, seniority systems, merit systems, production measurement systems, different work locations, and different market wage rates.

d. The Social Security Act of 1935

- I. Established provisions for civil service systems.
- II. Extended requirements for establishing civil service/merit systems and practices for states receiving federal funding.

3. Georgia State Laws

a. Constitution of the State of Georgia

- I. Article IV, Section III, Paragraph I (a) of the Constitution of the State of Georgia states there shall be a State Personnel Board which shall consist of five members appointed by the Governor, subject to confirmation by the Senate.
- II. Article IV, Section III, Paragraph I (b) of the Constitution of the State of Georgia states the board shall provide policy direction for a State Merit System of Personnel Administration and may be vested with such additional powers and duties as provided by law. State personnel shall be selected on the basis of merit as provided by law.

b. Rules of the State Personnel Board

- I. The Rules of the State Personnel Board are those policies adopted by the Board and approved by the Governor to serve as a framework for legal compliance and effective talent management across the state. The Rules have the force and effect of law for covered State organizations. They serve to promote consistency in the implementation of core human resources practices while allowing appropriate flexibility for agencies to tailor their human resources programs for individual efficiency and effectiveness.
- II. Rules of the State Personnel Board which govern classification and compensation are as follows:

1. Rule 2 – Terms and Definitions

Defines terms and concepts.

2. Rule 10 – Classification Plan

Sets forth how the State's classification plan will be established and amended.

- a. Outlines the process by which Department heads in conjunction with the Commissioner of the Human Resources Administration can make changes to the plan;
- b. Details the processes by which job descriptions and job classifications may be created and/or changed to reflect new jobs and new or different job duties;

- c. Establishes the process for movement of positions from one classification to another.

3. Rule 11 – Compensation Plan

Establishes the process by which the State's pay plan or salary structure shall be created and amended.

- a. Defines the pay structure as consisting of a minimum, a market average, and a maximum for each pay grade.
- b. Establishes the role of the Director of the Office of Planning and Budget in the initial approval of the plan and approval of all amendments to the compensation plan.

4. Rule 12 – Salary

Establishes provisions for calculation of pay and changes to employee pay under the following conditions:

- a. Promotions
- b. Demotions
- c. Lateral Transfers
- d. Criteria-based plans
- e. Reassignment
- f. Performance-based increases

5. Rule 13 – Meritorious Award, Hiring Incentive, and Goal-based Incentive Programs

Establishes provisions for use of incentive compensation and awards, such as:

- a. Meritorious Award Program (including Employee Suggestion Program)
- b. Hiring Incentive Program, and
- c. Goal-based Incentive program

6. Rule 15 – Changes to Employment Status

Outlines the process for movement of employees from one position to another within the Department or between Departments through promotions, transfers, demotions, relocations, and position level reductions; does not address compensation associated with such movement.

For additional information or assistance, please contact your local Human Resources Representative.