



# UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES



## SUBJECT: Classification Appeals

### Instruction 1407

(CHR)

#### ABSTRACT

MAY - 7 2015

This Instruction provides the policies and procedures for processing position classification appeals.

#### **A. Reissuance and Purpose.**

This Instruction reissues USUHS Instruction 1407 and:

1. Provides the policy of the Uniformed Services University of the Health Sciences (USUHS) concerning the receipt and adjudication of appeals of the classifications of employees' positions.
2. Prescribes the procedures for an employee to file an appeal of his/her position classification.

#### **B. References.** *See Attachment 1.*

#### **C. Applicability.**

This Instruction applies to all civilian employees of the University who are in graded positions, both in the competitive and excepted service. USUHS employees who are in the Administratively Determined (AD) pay plan are excluded from the provisions of this Instruction.

#### **D. Policy.**

It is USUHS policy:

1. To ensure all positions are evaluated and classified properly within the authority delegated to USUHS by the Office of Personnel Management (OPM) in accordance with references in Enclosure 1.
2. To ensure all classifications are made impartially without regard to any discriminatory bias, and are made solely through the application of published standards and authorized classification principles and policies.
3. To advise and assist any employee who is dissatisfied with the classification of his/her position to file a classification appeal either through the Department of Navy (DON) Office of Civilian Human Resources, Silverdale Washington (OCHR-SIL) classification appeal process, or to

OPM. The DON OCHR-SIL, provides the classification services for all USUHS General Schedule (GS) and Federal Wage System (FWS) positions, and as such, the University shall follow DON OCHR-SIL classification appeal procedures.

## **E. Procedures.**

### **1. Description of an Appeal**

An employee may file an appeal of his/her position classification at any time in accordance with the procedures prescribed in Enclosure 2, DON, OCHR-Sil, Standard Operating Procedures (SOP). The filing of a classification appeal does not affect any other rights or privileges that the employee may have under other provisions of law or regulation.

### **2. What May be Appealed**

a) In accordance with Section E. 1, above, the employee may appeal the classification of their position regarding:

- 1) The correct occupational series or grade of the official position description.
- 2) The inclusion or the exclusion of the position from the GS or the FWS.
- 3) Position title, if the applicable position classification standard prescribes a title or authorized area of specification.

b) An employee may appeal the classification of their position at any time in accordance with this Instruction or directly to OPM. However, an employee may not appeal to OCHR-Sil and OPM at the same time.

### **3. What May Not Be Appealed**

a) The following issues are not appealable under this Instruction or to OPM as part of the classification appeal process, but may be grievable under USUHS grievance procedures (reference (e):

- 1) Inclusion or exclusion of a major duty in the official position description or the accuracy of the official position description.
- 2) An assignment or detail out of the scope of normally performed duties as outlined in the official position description.

3) The title of the position, unless an authorized title is specified in the appropriate position classification standard or published by OPM.

b) The following issues are not appealable under this Instruction or to OPM, nor are they grievable under the USUHS's grievance procedures:

1) The class, grade, or pay system of a position to which the employee is detailed or temporarily promoted.

2) A proposed classification, e.g., a proposal prior to the University taking a classification or a position action.

3) The classification of a position to which the employee is not assigned by an official personnel action.

4) The classification of the employee's position based on comparison with other positions and not with published OPM standards.

5) The adequacy of the classification criteria contained in an OPM published classification guide or standard.

6) The classification of a position which has been certified by OPM as a result of an employee or a USUHS appeal when there has been no change in the governing classification standards guide or major duties of the position.

#### 4. Filing an Appeal

a) GS and FWS employees may appeal in accordance with Enclosure 2.

#### **F. Effective Date.**

This Instruction is effective immediately.



Charles L. Rice, MD  
President

#### Attachments:

1. References
2. OCHR-Silverdale Operations SOP

## REFERENCES

- (a) USUHS Instruction 1407, "Classification Appeals," dated May 11, 1992 (canceled).
- (b) Title 5, United States Code, Chapter 51.
- (c) DoD Instruction 1400.25-M, Subchapter 511, "DoD Civilian Personnel Management System-Classification Program," Dated March 31, 2010.
- (d) Department of the Navy (DON), Office of Civilian Human Resources (OCHR-Sil), Standard Operating Procedures.
- (e) USUHS Instruction 1008, "Employee Grievances," Dated September 10, 2009





## Standard Operating Procedure

From: OCHR Silverdale Operations Center (OCHR-Sil), Code 50

Subj: CLASSIFICATION APPEALS PROCESS

Ref: (a) DoD 1400.25-M, Subchapter 511  
(b) 5 CFR 511, Subpart F  
(c) 5 CFR 511, Subpart G  
(d) 5 CFR 532, Subpart G

Encl: (1) DODI 1400.25-V511, December 1996, DOD Civilian Personnel Management Service Required Classification Appeals Documentation  
(2) OPM Position Classification Appeals: Employee Fact Sheet  
(3) OPM Classification Appeals- The Agency Administrative Report Fact Sheet

1. Purpose. To prescribe procedures for processing position classification appeals.
2. Scope. This procedure applies to all Non-Managed to Payroll (NMTP) activities serviced by the OCHR-Sil.
3. Background

a. If an employee raises informal questions and concerns about the accuracy of his/her Position Description (PD), the supervisor, with appropriate assistance and advice from the HRO Human Resources Specialist, is responsible for providing responses to employee concerns. Supervisors should try to resolve employee concerns by explaining the current classification and assignment of duties. If, during the employee conversation, it is determined that the PD is not accurate, supervisors should revise the employee's PD to reflect the current duties. Activities who have delegated their classification authority to OCHR-Sil should attach the new PD to a Request for Personnel Action (RPA) for a position review to be submitted to the NW\_R\_CLASSIFICATION inbox. OCHR-Sil will provide the Manager and the Human Resources Office with a copy of the newly classified PD along with the PD evaluation.

#### 4. Policy

a. If the employee is not satisfied with the pay plan, series, grade or title of his/her PD, he/she may submit a formal classification appeal at anytime through their Human Resources Office (HRO) to OCHR-Sil. An employee may not appeal the accuracy of their PD, classification standards, a proposed classification, positions to which detailed or temporarily promoted or an OPM appeal decision.

b. Both DOD and OPM have checklists that the employee and HRO should follow when filing an appeal. Encl. (1) should be followed when filing an appeal to DCPAS. Using this check sheet as a guide will help ensure that a complete package is forwarded. Encl. (2) provides guidance when filing an appeal directly to OPM. The OPM requirements can also be viewed at <http://www.opm.gov>. Classification Appeals may not be filed electronically.

#### 5. Responsibilities



a. The supervisor is responsible for discussing the employee's concerns regarding the classification of his/her position and addressing the employee's basic appeal rights.

b. The employee, also known as the appellant, is requested to submit his/her appeal package through their supporting HRO to OCHR-Sil. This procedure shall ensure that the appeal file contains all required information and is not intended to discourage employees from exercising their appeal rights.

c. The HRO is responsible for advising the employee on the appeal process; conducting an informal review of the appeal package, if requested, and ensuring the appeal package is complete. Upon receipt of an employee's appeal, the servicing HRO and the OCHR-Sil have a combined total of 30 calendar days to forward the appeal file to DCPAS or OPM per reference (a).

d. OCHR-Sil conducts a final review of the appeal file; assembles the final documentation, and prepares a cover letter to be signed by the OCHR-Sil Director. The appeal file is then mailed to the appropriate Agency.

## 6. Procedures

a. The employee/appellant will file an appeal in accordance with the information provided in Encl. 1 or 2 and submit the appeal package to his/her servicing HRO. The HRO will obtain documents such as current organizational charts, mission and functional statements, current employee performance standards, and a certificate of accuracy for the position description from the appellant's supervisor as necessary. The HRO will then forward the appeal package to OCHR- Sil. OCHR- Sil will gather other documents, such as the employee's latest standard form (SF) 50 or previous OPM appeal decisions.

b. Upon receipt of the appeal package, the OCHR- Sil will review it to determine the issues at hand. He/she will evaluate the employee's (appellant) concerns and will give the position description a substantive review to ensure that he/she agrees with the current classification of the job. If the HR specialist does not agree with the current classification, he/she will provide a classification advisory to this effect to the employee's supervisor. If the issue of job description accuracy is raised, or if the HR specialist needs to understand the duty assignment better, the HR specialist will conduct an employee and supervisory interview (e.g., desk audit). If the subsequent classification determination is made and it resolves the employee's concerns, the appeal will be returned to the originating office. If, on the other hand, the subsequent classification review does not resolve the employee's concerns, the appeal will proceed.

c. OCHR-Sil will ensure the appeal package is complete and contains all necessary documentation (i.e., results of desk audit, etc.) before it is forwarded to OPM or DOD. The employee's supervisor should also be kept up to date on the appeal as it proceeds through the system.

d. The complete package, along with a cover letter will be forwarded to the Director via the Division Head for review and signature. Upon receipt of an employee's appeal, the servicing HRO and the OCHR-Sil Classification Branch have a combined total of 30 calendar days to assemble and forward the appeal package to the appellant level per reference (a). OCHR-Sil will provide the employee, the HRO Director, and the DON principal classifier a copy of all the information in the appeal case file to DoD or OPM.

e. The appeals information is filed with the OCHR-Sil Classification Branch.

8. When OPM receives the appeal an acknowledgement letter is sent to OCHR-Sil. Additional information may be required after OPM or DOD reviews the appeal. If further information is required

OPM will request the information in the form of an Agency Administrative Report. OCHR-Sil is responsible for coordinating or directly providing the response to the Administrative Report.

9. When a change in classification is directed by a certificate, OCHR-Sil completes the action and prepares a compliance report documenting the action taken. The report is then forwarded to OPM or DOD effective no later than the beginning of the fourth pay period following the date of the certificate per reference (c).

10. Agency classification of identical, similar and related positions must be consistent with OPM appeal decisions.

11. OPM decisions must be implemented no later than the beginning of the fourth pay period following the date of the certificate per reference (c).



DOD CIVILIAN PERSONNEL MANAGEMENT SERVICE REQUIRED  
CLASSIFICATION APPEALS DOCUMENTATION

1. INDIVIDUAL AND GROUP APPEALS. Individual and group appeals must include:

- a. Employee Identification. Employee's name, mailing address, office telephone and fax numbers. Group appeals must identify all members of the group by name, mailing address, office telephone and fax numbers. Group appeals must also include a signed statement from all members designating the representative, if any;
- b. Employer and Employee Position Address. Employing DoD Component and the exact location of the employee's position within the DoD Component (installation name, mailing address, organization, division, branch, section, unit);
- c. Current and Requested Position Information. Employee's current and requested position title, pay plan, occupational series, and grade;
- d. Copy of Official PD and Accuracy Statement. A copy of the PD to which the employee is officially assigned, along with a current (not older than 90 days) certified statement concerning its accuracy. A copy of the signed decision, if appropriate, resolving any dispute regarding PD accuracy;
- e. Technical Rationale. Reasons why the employee believes the position classification is in error. The employee should refer to position classification standards that support the appeal and should state specific points of disagreement with the evaluation statement. The employee may also include a statement of facts that he or she thinks may affect the final classification decision;
- f. Employee Claims of Classification Inconsistency. If claimed, appeal files must include: title, series, and grade of positions believed classified inconsistently with the employee's position; specific location of the positions, including the activity and organization to which they are assigned and, if possible, the rationale for citing the positions, including evidence that the cited positions are essentially identical to the employee's position. In order to find classification inconsistency, cited positions must perform the same grade-controlling duties as the employee's position in a similar organization; and,
- g. Employee Representative Address. Name, address, business telephone and fax numbers of the employee's or group's representative, if any.

2. SERVICING CIVILIAN PERSONNEL OFFICE/HUMAN RESOURCE OFFICE (CPO/HRO)  
ADMINISTRATIVE REPORT. Include all of the information required by section 1 of this enclosure as part of the record. In addition, servicing CPOs/HROs shall provide the following information with the classification appeal file:

- a. Appealed Position Documentation. Complete identification of the appealed position, including a copy of the official PD and evaluation statement. If the appealed position is supervisory, include copies of subordinates' PDs and evaluation statements used for determining the base level of work. If subordinate positions include military or local national employees, indicate their equivalent GS/FWS grades;
- b. Appealed Position Organization Documentation. The exact location of the position within the DoD Component, including accurate organization charts, and mission and functional statements;



c. Statement of Accuracy. A current (not older than 90 calendar days) signed statement from the immediate supervisor or higher management official certifying that the official PD is complete and accurate. A current (not older than 90 calendar days) signed statement from the servicing CPO/HRO certifying whether or not the official PD is complete and accurate;

d. Official Personnel Action. A copy of the employee's latest SF-50 that shows the position to which the employee is permanently assigned;

e. Previous Appeal Decisions. Copies of any previously issued DoD Component, CPMS, or OPM appeal or review decisions which address the classification of the position or similar positions within the DoD Component or throughout DoD;

f. Response to Employee Issues. The servicing CPO/HRO or DoD Component response to any classification issues presented in the employee's appeal;

g. Other Information. Any supplementary information bearing on the position's duties and responsibilities; copies of any previously issued DoD Component interpretive guidance which addresses the classification of the position(s) under appeal;

h. Supervisory Documentation. A copy of the official PD and evaluation statement of the employee's immediate supervisor, if applicable;

i. Performance Standards. Performance standards for the position (not the performance evaluation of the employee); and,

j. Servicing CPO/HRO Contact. Name, address, business telephone and fax numbers of the servicing CPO/HRO point of contact.

## Position Classification Appeals: Employee Fact Sheet

MSO-98-3

June 1998; updated October 2011

(supercedes MSO-96-1, April 1996)

### **Getting Started**

*What can you do if you think your position is not properly classified?* First of all, we recommend that you speak with your supervisor. If you have questions your supervisor cannot answer, you may want to speak with someone in your personnel office. You can ask to see the position classification standards used to classify your position. These usually are kept in the human resources office, but some libraries may have a set. If you believe your position description does not accurately describe your work, discuss this with your supervisor. Since your supervisor certifies your position description's accuracy, he or she should be able to give an explanation of its contents.

If your supervisor believes that your position should be reevaluated, he or she can request a review by the human resources office. The human resources specialist may do a desk audit (interview both you and your supervisor) to obtain information about the kind and difficulty of the work you are doing.

If your position is desk audited, you should emphasize the major areas of your work and how your position fits into your unit's and agency's operations. Most important, do not understate or exaggerate your duties and responsibilities. Make sure that when the human resources specialist leaves, he or she has a good understanding of your position.

### **What May Be Appealed**

You may seek a change in the grade, occupational series, and sometimes the title of your position. You may seek to have your General Schedule (GS) position changed to the Federal Wage System (FWS) or your FWS position changed to the General Schedule.

Some things may not be appealed. For instance, you may not appeal the content or accuracy of your official position description, the accuracy of a classification standard, an agency's proposed classification decision, the classification of positions to which you are not officially assigned, or the classification of positions to which you are detailed or temporarily promoted for a period of less than two years.

Before submitting an appeal, you should make sure that your position description identifies the major duties you are assigned and perform. Because your agency is responsible for assigning duties to your position and including them in your current position description, and classifying the position accordingly, we will usually not accept an appeal until your agency has fulfilled this responsibility. If the position description is significantly inaccurate, you should try to resolve the problem by discussing it with your supervisor and perhaps a representative of your human resources office. If you are unable to resolve the problem at this level, you should use your agency's negotiated or administrative grievance procedure. If you are unable to obtain an accurate position description through the grievance procedure, we may accept your appeal and determine the proper classification based on the duties assigned by management and performed by you.

### **What Are Your Appeal Choices**

You may appeal the classification of your position to your agency at any time.

*General Schedule (GS)*



If you are a General Schedule employee, you may appeal at any time to your agency or directly to the Office of Personnel Management (OPM). However, you may not appeal to your agency and at the same time. Still another option available to you as a General Schedule employee is to make your classification appeal to us through your agency. Your agency must act on your appeal within 60 days or forward it to us for action.

As a general rule, we recommend that you first seek an appeal decision from your agency. One reason for this is that if you appeal to your agency and its decision is unfavorable, you can still appeal to OPM. However, if you appeal first to OPM and receive an unfavorable decision, you cannot then appeal to your agency.

#### *Federal Wage System (FWS)*

If you are a Federal Wage System employee, you must first appeal to your agency. If you are dissatisfied with your agency's decision, you may appeal to us. Your appeal to us must be filed *within 15 calendar days* of the date you receive your agency's decision. You must specify that part of your agency's decision with which you disagree. We may extend the time limit for filing if circumstances beyond your control prevented you from filing within 15 days, or if you were not aware of the 15-day time limit.

#### **Making Your Appeal to the Agency**

When appealing the classification of your position to your agency, it is best to start with your human resources office. A staff member there will describe your agency's appeal procedures to you and will help you initiate the appeal process.

#### **Making Your Appeal to OPM**

If an appeal to your agency does not result in a decision you believe is correct, you can still submit an appeal to us. You may have a representative (designated in writing) help you prepare and present your appeal case, but the representative cannot be someone with management or classification authority over your position. You or your designated representative should send your appeal to the [OPM office serving the geographical area where your position is located](#). (Note- See the [www.opm.gov](http://www.opm.gov) website for the correct OPM office to mail the appeal package).

If you decide to come to us with your appeal, it should contain the following information in writing:

- Your name, mailing address, and commercial office telephone number;
- The present classification of your position and the requested classification;
- The name of the department or agency and the office in which you work;
- The city where you are employed and the installation's mailing address;
- A copy of your official position description and either a statement affirming that it is accurate or a detailed explanation of the inaccuracies and an explanation of the efforts made to correct the position description;
- Any additional information about the position that will aid in understanding it; and
- Arguments supporting the requested classification by referencing the appropriate classification standards.



## **OPM Fact Finding**

Our appeal decision is based on information supplied by you and your agency. If additional information is needed, it can be obtained through correspondence, telephone call, or on-site visit. If it is necessary to conduct an interview or desk audit, you will be the only person present unless we request another person to participate. We do not conduct appeal hearings.

## **OPM Appeal Decision**

We must base decisions on the work assigned to your position, on the qualifications required to perform that work, and on the proper application of the classification standards. Your position will not be compared to other positions. We also do not consider such factors as qualifications you have that are not required for the work of your position, quality of your performance, or volume of work assigned to your position. We will notify both you and your agency in writing of our decision. The effective date of any change in grade, occupational series, or title will be stated in the decision.

## **Effect of OPM Appeal Decision**

Our appeal decision is binding on your agency and on all administrative, certifying, payroll, disbursing, and accounting officials in the Government. You should be aware that even if we reclassify your position, the decision might not necessarily be favorable to you. We may raise or lower the grade of a position as the facts warrant, even if that should lead to a result unexpected or unwanted by you. Regardless of our decision, your agency still keeps full control over the assignment of duties to a position and who performs those duties.

## **Reconsideration of OPM Appeal Decision**

There is no automatic right to a review of our appeal decision. However, occasionally a review may be justified. In that case, we may, at our discretion, reconsider the decision. Reconsideration may be granted when either you **or** your agency submits written evidence or arguments that establish a reasonable doubt as to the technical accuracy of the decision, or presents new, relevant, and substantive information that was not considered in the original decision. To establish a reasonable doubt, you should refer specifically to the decision and to the applicable classification standard to demonstrate possible error in the technical evaluation of the position.

The Director of OPM has discretion to reconsider any decision when written evidence or argument is submitted which tends to establish that the decision is erroneous in its interpretation of statute, regulation, or current policy. The Director may also reconsider a decision that involves a new or unreviewed policy consideration which may have effects beyond the case at hand, or when the case is so exceptional that it warrants the Director's personal attention. The deadline for submitting a request for reconsideration is 45 calendar days after the date of the decision.

## **Cancellation of Appeal Request**

We may cancel your appeal at your request, or if you fail to provide requested information in a timely way, or if you leave the position under appeal.

## **For More Information**

Please visit our web site at <http://www.opm.gov>. If you have specific questions or need more information on making a classification appeal, contact your human resources office or our office, or send an email to us at [fedclass\\_appeals@opm.gov](mailto:fedclass_appeals@opm.gov). The regulatory requirements for making an appeal request can be found in title 5 of the Code of Federal Regulations (5 CFR). Part 511, subpart F, covers General Schedule positions, and part 532, subpart G, covers Federal Wage System jobs.

Your human resources office or agency library should have title 5 of the Code of Federal Regulations, or be able to locate it for you.

### **Where to Submit Appeals**

Classification appeals should be forwarded to the [appropriate OPM office at the address provided](#).

## Classification Appeals: The Agency Administrative Report Fact Sheet

MSO-00-03, May 2000; modified October 2011

### **Our Goal**

Our goal at the Office of Personnel Management (OPM) is to issue classification appeal decisions that are:

- Responsive to employee and agency concerns
- Fair
- Accurate
- Timely
- Clearly written

To meet our goal, we need information from the employee and the agency. This information helps us to better understand the position being appealed. Much of the information we need is supplied by the agency in an administrative report.

### **How important is the agency administrative report?**

An agency administrative report is essential to our understanding of the position being appealed. The report provides official, comprehensive information about the position and the organization where the position is located.

Not having this information can hinder our ability to issue a decision that is fair, accurate, timely, and responsive to the employee and agency concerns. *Therefore, we usually do*

*not begin to process an appeal until the agency administrative report is complete, even though it may mean delaying our decision.*

### **What if an agency decides not to provide an administrative report?**

If an agency decides not to provide an administrative report or is unable to do so in a timely manner, we may decide the appeal based on the information we have.

### **What happens when we accept an appeal?**

When we accept a classification appeal, we send two acknowledgment letters -- one to the appellant (the individual who filed the appeal) or the appellant's representative and one to the employing agency.

### **The letter to the employing agency—**

- Is our formal request asking them to submit an administrative report relating to the position being appealed;
- States that the report should be sent to OPM within 15 calendar days of receiving our request;
- Reminds the agency that a copy of all the information in the report should be provided to the appellant; and



- Includes a copy of our letter to the appellant.

**The letter to the appellant explains that—**

- We are requesting an administrative report from the appellant's agency;
- The report is essential to the appeal process because it provides comprehensive information about the appellant's position and the organization where the position is located;
- The agency will provide the appellant a copy of the report;
- The appellant has 15 calendar days to submit to OPM his or her response to information in the report; and
- The appellant should provide a copy of his or her response to the agency.
- The appellant also receives a copy of our letter to the agency so the appellant knows the time limit set for an agency to submit the report to OPM.

**What happens after we receive the agency administrative report?**

We inform the appellant in writing when we have received the agency administrative report.

If the appellant has not received confirmation that OPM has received the report, the appellant may call his or her servicing human resources office to inquire about the report's status.

We then can begin our analysis of the appeal. We render a written decision based upon information that is provided by the appellant, contained in the agency administrative report, and/or obtained during our own fact finding.

**What information is in an agency administrative report?**

- The report consists of information such as:
- The official position description of the position being appealed;
- The evaluation statement for the position being appealed;
- If the position is supervisory—
- The position descriptions and evaluation statements for the subordinate positions; and
- If the subordinate positions include military or local national employees, a list of the equivalent General Schedule or Federal Wage System grade levels;
- The exact organizational location of the position;
- Organization charts with positions shown in detail;
- Mission and functional statements, if available;
- A current statement (not older than 90 days) signed by the appellant's immediate supervisor or a higher level management official certifying that the official position description is complete and accurate;

- A copy of the appellant's latest SF-50 Notification of Personnel Action (or the equivalent) showing—
  - The position to which the appellant is permanently assigned; and
  - The Central Personnel Data File (CPDF) Organizational Identifier (see *The Guide to Personnel Data Standards* found at <http://www.opm.gov/feddata/html/datastan.htm>);
- Copies of any previously issued agency or OPM appeal or review decisions which address the classification of the position being appealed or similar positions within the agency;
- The agency's response to any classification issues presented in the employee's appeal;
- Any supplemental information regarding the duties and responsibilities of the position.
- This includes a complete analysis of any point in the appellant's description of the work with which the agency disagrees;
- A copy of the official position description and evaluation statement of the appellant's immediate supervisor;
- A copy of the performance standards for the position being appealed (not the performance evaluation of the appellant); and
- The name and telephone number of a point of contact within the agency.

**Where does the agency submit the administrative report?**

Administrative reports should be forwarded to the [appropriate OPM office with geographic jurisdiction over the appeal](#).