

POSITION CLASSIFICATION APPEALS

MSO-98-3

June 1998

(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 personnel 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 personnel office. The personnel 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 personnel 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 personnel 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. (See the address list at the end of this fact sheet.)

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/fedclass>. 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. 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.

Address and Jurisdiction

Telephone

OPM Atlanta Oversight Division

(404) 331-3451

75 Spring Street, SW., Suite 1018
Atlanta, GA 30303-3109

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia (except as noted under the Washington, DC Oversight Division)

OPM Chicago Oversight Division

(312) 353-0387

230 S. Dearborn Street, DPN 30-6
Chicago, IL 60604-1687

Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, Wisconsin

OPM Dallas Oversight Division

(214) 767-0561

1100 Commerce Street, Room 4C22
Dallas, TX 75242-9968

Arizona, Arkansas, Colorado, Louisiana, Montana, New Mexico, Oklahoma, Texas, Utah, Wyoming

OPM Philadelphia Oversight Division

(215) 861-3102

600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

Connecticut, Delaware, Maine, Maryland (except as noted below under the Washington, DC Oversight Division), Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Puerto Rico, Virgin Islands

OPM San Francisco Oversight Division

(415) 281-7050

120 Howard Street, Room 760
San Francisco, CA 94105-0001

Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington, Pacific Ocean Area

OPM Washington, DC Oversight Division

1900 E Street, NW., Room 7675

Washington, DC 20415-6000

(202) 606-2990

The District of Columbia

In **Maryland**: the counties of Charles, Montgomery, and Prince George's.

In **Virginia**: the counties of Arlington, Fairfax, King George, Loudoun, Prince William, and Stafford; the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and any overseas area not included above.

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