

CLASSIFICATION APPEAL

INTRODUCTION

An employee may formally appeal the classification of the position to which assigned at any time. This paper addresses how to submit a classification appeal within the Department of Defense (DoD) to the Defense Civilian Personnel Advisory Service (DCPAS). This information is provided for all Federal employees, particularly human resources professionals.

LEGAL AUTHORITIES

STATUE

Paragraph 5107 of title 5, United States Code, permits each agency to place positions under its jurisdiction in the appropriate class and grade in conformance with standards published by the Office of Personnel Management (OPM) or, if no published standards apply directly, consistently with published standards. When facts warrant, an agency may change a position which it has been placed in a class or grade under this section from that class or grade to another class or grade.

CODE OF FEDERAL REGULATIONS

Paragraph 511.603(a) of title 5, Code of Federal Regulations states an employee, or the employee's designated representative acting on behalf of an employee, may request an Office decision as to:

- (1) The appropriate title, pay plan, occupational series or grade of the employee's official position.
- (2) The inclusion under or exclusion from chapter 51 of title 5, United States Code, of the official position by the employee's agency or the Office, except in the case of a position located in the Office of the Architect of the Capitol.

DEPARTMENT OF DEFENSE AUTHORITY

The Department of Defense (DoD) Instruction 1400.25, Volume 511 establishes a DoD system for employees to appeal the classification of their positions within the DoD as the employing agency or through the Defense Civilian Personnel Advisory Service (DCPAS) to Office of Personnel Management (OPM). For further information regarding this DoDI, please go to

http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/140025_vol511.pdf

FILING AN APPEAL

If an employee believes their position description (PD) is inaccurate, they should discuss their concerns with their immediate supervisor within their chain of command either verbally or in writing. If, however, they have questions the supervisor cannot answer or the employee is not satisfied with the supervisory response, they may want to speak with someone in their local personnel office. Then, if the matter cannot be resolved informally, the HRO will explain the classification appeal process and assist the employee in submitting a classification appeal to DoD.

The employee may appeal the classification of their position to their agency at any time. As a general rule, OPM recommends that an appellant first seek an appeal decision from their employing agency. The purpose for this is that if the employee appeals to DCPAS and receives an unfavorable decision they can still appeal to OPM. However, if he/she appeals first to OPM and receives an unfavorable decision, this OPM decision is final; therefore, any appeal to activity at DCPAS is cancelled.

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General Schedule (GS) employees may file an appeal with DCPAS, OPM, or through DCPAS to OPM. Employees must submit their appeals through the supporting HRO. This procedure will ensure that an appeal file contain all required information.

Federal Wage System (FWS) employees **must** appeal to and receive an appeal decision from DCPAS before appealing to OPM. FWS employees who file later appeals to OPM must file within 15 calendar days after the date of receipt of the DCPAS appeal decision. When employees show that they did not receive notice of the applicable time limit or were prevented from timely filing by circumstances beyond their control, deciding officials may grant an extension of the appeal period.

WHAT MAY BE APPEALLED

Employees may appeal the title, pay plan, grade, and occupational series, of their position. The change may also consist of a GS position changed to the FWS or an FWS position changed to the GS position. Eligibility: In addition to the basic eligibility requirements noted above:

WHAT MAY NOT BE APPEALLED

The employee may not appeal the content or accuracy of their official position description including the **inclusion or exclusion of a major duty**; the accuracy of an OPM classification standard, DoD-unique or DoD Component-unique supplemental classification guidance; an OPM classification decision; the classification of positions to which the employee is not officially assigned; or the classification of positions to which the employee is detailed or temporarily promoted.

If the employee believes the position description is significantly inaccurate, the employee should use the agency's negotiated or administrative grievance procedure before submitting the classification appeal.

SUBMITTING A CLASSIFICATION APPEAL TO DCPAS

When submitting an appeal to DCPAS, the employee must work closely with their local Human Resources Office (HRO) or Civilian Personnel Advisory Center (CPAC) to prepare a case file with all the required documentation for submission. Classification appeals must be in writing and include the following information from the employee:

- Employee name, mailing address, office telephone number, and fax number (If it is a group appeal, all members of the group must be identified by name, mailing address, office telephone number, and fax number. A statement must be included, signed by all the members, designating the representative). *(If applicable)*
- The name of employee command and organization, where the position is located and the mailing address (e.g., installation name, mailing address, organization, division, branch, section, unit).
- Current classification (e.g., *Management Analyst, GS-343-12*) and classification the employee is requesting (e.g., *Management and Program Analyst, GS-343-12*).
- A copy of the signed PD to which the employee is officially assigned.
- A statement of accuracy signed by the employee that the PD is accurate, since the accuracy of a PD cannot be appealed. The certified statement may not be older than 90 days.
- Why the employee believes the classification is in error. The employee must refer to specific position classification standards that support the rationale and state specific points of disagreement with the evaluation statement.
- If claiming an inconsistency in classification of other similar positions, the employee must include the title, series, and grade of positions believed classified inconsistently with their position, specific location of the positions, including the activity and organization to which these positions are assigned, and if possible the rationale for citing the positions, including evidence that the cited positions are essentially identical to their position. Cited positions must perform the same grade-controlling duties as the appealed position in a similar organization.
- A designated representative, along with their address, office telephone number, fax number. *(if applicable)*
- Employee signature.

In conjunction with the appeal, the HRO or CPAC needs to include the following documentation:

- A signed copy of the PD and evaluation statement.
- Subordinate PDs and evaluation statements. *(if a supervisory position)*
- The exact location of the position in the organization, along with organization's mission and function statement and a copy of their organization chart.
- A copy of the employee's latest SF-50 showing the PD number and the position to which he/she are permanently assigned.
- Copies of previous related appeals or decisions.

- Copies of any previously issued DoD interpretive guidance which addresses the classification of the position being appealed. (if applicable).
- A copy of the employee performance standards. (*not the performance appraisal*)
- A response from the personnel office or CPAC concerning the classification issues raised by the employee.
- Any supplementary information bearing on the position's duties and responsibilities.
- A copy of the supervisor's PD and evaluation statement.
- Name, address, telephone number, fax number of the HRO point of contact.

Once all of these documents are available and complete, the local HRO or CPAC may forward this package to the following address:

**Department of Defense
Defense Civilian Personnel Advisory Service
Compensation Division
Classification Appeals Adjudication Section
4800 Mark Center Drive, Suite #05G21
Alexandria, VA 22350**