HRDG 4511 - Section G - Classification Appeals

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Position Classification
Section G - Classification Appeals

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Introduction

Federal employees have the right to appeal the classification of their positions if they disagree with the official classification. Employee appeals will be submitted without fear of restraint, interference, coercion, or reprisal. Prior to filing an appeal, employees are encouraged to discuss their concern(s) with their supervisor as resolution can often be reached outside of the appeal process. Regardless of the outcome of an appeal decision, agency management retains full control over the assignment of duties to a position and who performs those duties.

Options for Filing Appeals

Employees have three options for filing appeals:

- Appeal to the Office of the Director, Human Resources Division (HRD), Marketing and Regulatory Programs Business Services (MRPBS), APHIS.
- Appeal to the Director, Office of Human Resources Management (OHRM), USDA.
- Appeal to the Office of Personnel Management (OPM).

General Schedule employees can appeal their position using any of the three options above, but may not appeal to their agency and OPM at the same time. OPM recommends that employees first seek an appeal decision from their agency (HRD/MRPBS or OHRM), as employees cannot further appeal to their agency if they first appeal to OPM.

Employees also have the option to appeal to OPM through their agency (Director, OHRM). The agency must act on the appeal within 60 days or forward the appeal to OPM for action.

Federal Wage System employees must first appeal to their agency (Director, HRD, MRPBS). If employees are dissatisfied with the decision, they can then appeal to the Department or OPM. The appeal must be filed within 15 calendar days of the date the employee received the agency’s decision.

Appeal Representation

Employees may designate in writing a representative to assist with an appeal. The representative may provide assistance in preparing and presenting the appeal under the following parameters:

- The designate cannot be a supervisor with line or staff authority; or have classification authority over the appellant’s position; or be any position that performs duties in human resources management.
- If the chosen representative is employed by USDA, that individual, along with the appellant, will be allowed a reasonable amount of official time to develop and present the appeal. The amount of time granted will depend upon the facts and circumstances surrounding the case. Arrangements for the use of official time must be made with their respective supervisors.
- The representative may not be present during a classification audit nor participate in fact finding activities unless the office conducting the review specifically requests such participation.

Appealable Items

The following items can be appealed:

- Assigned occupational series.
- Inclusion or exclusion from the General Schedule or Wage Grade System.
- Grade Level.
- Official title – only if prescribed by the applicable OPM classification standard.

Un-appealable Items

The following items cannot be appealed:

- The content or accuracy of the position description.
- Accuracy or use of OPM classification standards, or agency supplemental classification guides.
- Classification of positions that employees are detailed to, or temporarily promoted to for a period of less than two years.
- The official title of a position that is not mandated by the appropriate classification standard.
- Rate of pay.
- Proposed classification decisions.
- Classification of positions to which you are not assigned.
- The classification of a position based on a comparison to another position and not to published OPM classification standards.
- Whether or not a major duty should be included or excluded from the position description.
- An assignment or detail which is outside the scope of the work normally performed.

Note: some of the above issues may be covered by administrative or negotiated grievance procedures. Please refer to the appropriate directive or bargaining unit agreement for further information.

Appeal Decisions

Employees are notified of the appeal decision in writing. A classification appeal decision can only be made retroactive if it corrects a classification action that resulted in an actual decrease in pay. For a decision to be made retroactive, the employee must appeal the classification to either OHRM or OPM within 15 calendar days after the effective date of the reclassification action, based on the duties and responsibilities existing at the time of the demotion.

Reconsideration of Appeal Decisions

OPM states there is no automatic right to a review of appeal decisions, but occasionally a review may be justified if written evidence establishes 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, reference should be made to the decision and to the applicable classification standard to demonstrate possible error in the technical evaluation of the position. The deadline for submitting a request for reconsideration is 45 calendar days after the date of the decision.

Canceling Appeals

An appeal will be canceled if:

- The appellant requests, in writing, that the appeal be canceled.
- The appellant fails to provide information needed to support the appeal in the requested timeframe.
- The appellant vacates the position being appealed; unless special circumstances (e.g., appellant may be entitled to back pay) dictate that the appeal go forward.

Classification appeals must be submitted in writing as they require the original signature of the appellant and/or the designated representative. Appeals frequently contain supporting documentation such as PDs, organizational charts, and work samples that are not available online. Appeals must contain the following information:

- The employee's name, mailing address, and work phone number.
- The name, mailing address, and work phone number of the representative, if one is selected.
- Exact location of the appellant's position within the organization (e.g., agency, division, branch, section, unit, etc.).
- The work address and work telephone number of the employee's immediate supervisor.
- The current classification (title, pay plan, series, and grade) of the employee's position and the requested classification.
- A copy of the official position description and a statement confirming its accuracy, or which portions the employee feels are inaccurate or insufficiently detailed.
- A narrative explaining why the employee feels that the current classification should be changed.

Submitting Appeals

Classification appeals can be filed personally or through a designated representative, and submitted to one of the three office addresses below, depending on the preference of the employee:

1) Marketing and Regulatory Programs Business Services HR Office Address:

Office of the Director
MRPBS Human Resources Division
U. S. Department of Agriculture
Room 1716-S, South Building
1400 Independence Avenue, SW
Washington, D. C. 20250

2) USDA Office of Human Resources Management Address:

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