

E5. ENCLOSURE 5

CLASSIFICATION REVIEWS AND APPEALS

E5.1. CLASSIFICATION REVIEWS

E5.1.1. An informal position classification review is an analysis of the classification of a position description (PD) at the lowest level possible followed by prompt communication of the determination to affected personnel. Any employee covered by this Regulation who has been officially assigned to a position for a minimum of 180 calendar days may request an informal review of the classification of their PD by submitting a request to their immediate supervisor. The servicing classifier may be called upon to assist the supervisor in providing an informal determination. Determinations resulting from an informal review are not binding and will be implemented only upon the request of the immediate supervisor.

E5.1.2. If an employee desires a more formal position review, a written request shall be submitted via the supervisor to the Classification and Compensation Section. The written request will include an updated PD which accurately describes the duties of the position currently being performed. In most cases, a written determination will be provided to the supervisor and employee within 30 working days. A determination may be issued at a later date in cases when the results are potentially precedent-setting. The servicing classifier shall ensure the determination includes the basis for the classification of the position (e.g., title, pay plan, series, and grade level) and cite the controlling classification standards, guides, and precedent decisions used to classify the position. The results of a formal position review will be implemented within 30 calendar days of the date of the classification determination.

E5.1.3. The servicing classifier may request the Office of Personnel Management (OPM) or the Department of Defense (DoD) Civilian Personnel Management Service (CPMS) to provide an advisory opinion on the classification of an unusual, precedent setting or complex position. An advisory opinion is considered to be an official interpretation of applicable classification standards and guidelines, which DoDEA will observe.

E5.1.4. In the event an employee believes that the formal determination is not accurate, he or she may file a classification appeal using the procedures as outlined in Classification Reviews and Appeals. (See enclosure E5.2.)

E5.2. FORMAL APPEAL RIGHTS

E5.2.1. An employee of the Department of Defense may appeal the classification of their official position (i.e., the pay plan, series, grade, and title) at any time. The avenue(s) of appeal depends on the employee's pay plan.

E5.2.2. General Schedule (GS). A GS employee has two avenues of appeal. The employee may appeal to either the Department of Defense or to OPM. If the employee appeals first to the Department of Defense, an appeal can later be filed with OPM if the employee is not satisfied

with the decision rendered by the Department of Defense. An appeal to OPM cancels any GS appeal pending with CPMS. An appeal to OPM is the final administrative avenue of appeal.

E5.2.3. Federal Wage System (FWS). A FWS employee cannot appeal to OPM until they first appeal to the Department of Defense. If the employee is not satisfied with the decision rendered by the Department of Defense, the employee may then appeal to OPM. There is one exception: FWS employees may appeal directly to OPM if the appeal covers the issue of pay category only, and no other appealable issues. Again, an appeal to OPM is the final administrative avenue of appeal.

E5.2.4. Teaching Position (TP). A TP employee may only file an appeal to the Director, DoDEA, through the Director, Human Resources Regional Service Center (HRRSC).

E5.2.5. All classification appeals to the Department of Defense must first be filed with the DoDEA HRRSC. Upon receipt of an appeal, the HRRSC has 15 calendar days to assemble the appeal package and forward it to DoD CPMS, Field Advisory Services Division. Classification appeals to OPM must follow the same timeline.

E5.2.6. OPM and DoD CPMS will not accept an appeal that has been filed electronically.

E5.3. NONAPPEALABLE ISSUES. Employees may not appeal:

E5.3.1. The content or accuracy of the official PD, including the inclusion or exclusion of a major duty.

E5.3.2. An assignment or detail to duties performed outside the duties outlined in the official PD.

E5.3.3. The accuracy, consistency, or decision to use agency supplemental classification guidance.

E5.3.4. The title of the position, unless a specific title is authorized in a published OPM classification standard or guide, or the title reflects a qualification requirement or authorized area of specialization.

E5.3.5. The classification (i.e., pay plan, series, grade) of a proposed position or one to which the employee is not officially assigned by an official personnel action.

E5.3.6. An agency's proposed classification decision.

E5.3.7. The series, grade, pay system, or title of a position to which the employee is officially detailed or promoted to on a time-limited basis. However, employees serving under a time-limited promotion for 2 years or more may appeal the classification of the position to which he or she is temporarily promoted.

E5.3.8. The classification of the employee's position based on position-to-position comparisons instead of OPM classification standards.

E5.3.9. The accuracy of grade level criteria contained in an OPM classification guide or standard.

E5.3.10. The classification of a position which is currently under appeal to OPM or has been decided by OPM when there has been no significant change in the governing classification standard(s) or the major duties of the position. (The classification of GS and FWS positions which are under appeal or have been decided by CPMS may be appealed to OPM).

E5.3.11. The content or construction of Federal pay schedules and the salary or pay rate resulting from a conversion from one pay system to another.

E5.3.12. A position inclusion in or exclusion from the Senior Executive Service (SES). Within the SES, there are no rights of appeal for a higher pay level.

E5.3.13. The adequacy, accuracy, or consistency of a classification standard.

E5.3.14. Matters grievable under an administrative or negotiated grievance procedure or an alternative dispute resolution procedure.

E5.4. REPRESENTATION

E5.4.1. An employee may designate in writing a representative of his or her choice to assist in the preparation and presentation of an appeal. The employee's choice of representative will be disallowed under the following conditions:

E5.4.1.1. The individual's activities as a representative would cause a conflict of interest. (i.e., someone with management or classification authority over the position).

E5.4.1.2. The individual's release from his or her official duties to provide representation would disrupt the priority needs of the Government.

E5.4.1.3. The individual's release for representation would result in unreasonable costs to the Government.

E5.4.2. There is no right of representation in the job audit process.

E5.5. TIME LIMITS FOR FILING AN APPEAL. Classification appeals may be filed at any time. However, in cases of downgrading or loss of pay resulting from a classification action when the employee is not entitled to retained grade or pay, the employee must appeal, in writing, within 15 calendar days of the effective date of the subject personnel action. Failure to adhere to the time limit will result in ineligibility for retroactive adjustments. Appeals to CPMS must be coordinated with the HRRSC prior to filing. Additionally, employees are encouraged to first coordinate with the HRRSC when filing an appeal to OPM.

E5.6. DOCUMENTATION REQUIRED FOR AN APPEAL TO DoD CPMS.

E5.6.1. INDIVIDUAL AND GROUP APPEALS. Individual and group appeals must include:

E5.6.1.1. 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.

E5.6.1.2. Employer and Employee Position Address. Employing DoD Component, and the exact location of the employee's position within the DoD Component (i.e., installation name, mailing address, organization, division, branch, section, unit).

E5.6.1.3. Current and Requested Position Information. Employee's current and requested position title, pay plan, occupational series, and grade.

E5.6.1.4. Copy of Official PD and Accuracy Statement. A copy of the official PD to which the employee is officially assigned, 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 PD. Also, include any signed decision resolving the dispute, if applicable.

E5.6.1.5. 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.

E5.6.1.6. Employee Claims of Classification Inconsistency. If classification inconsistency is claimed, the appeal file must include: title, series, and grade of positions believed to be 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.

E5.6.1.7. Employee Representative Address. Name, address, business telephone and fax numbers of the employee's or group's representative, if any.

E5.6.1.8. Additional Information. Any additional information about the position that will aid in understanding it.

E5.6.2. DoDEA HRRSC ADMINISTRATIVE REPORT. All of the information in the above section is included as part of the record. In addition, the DoDEA HRRSC shall provide the following information with the classification appeal file:

E5.6.2.1. Appealed Position Documentation. Complete identification of the appealed position including a copy of the official PD and evaluation statement. In addition, if the appealed position is supervisory, provide copies of subordinates' PDs (with evaluation statements) that are used to determine the base level of work. If subordinate positions include local national employees, show equivalent GS/FWS grade levels.

E5.6.2.2. Appealed Position Organization Documentation. The exact location of the position within DoDEA, including organization charts with positions shown in detail. Also, the agency's mission and functional statements should be included.

E5.6.2.3. Statement of Accuracy. A current (not older than 90 calendar days) signed statement from the immediate supervisor or higher-level management official certifying that the official PD is complete and accurate.

E5.6.2.4. Official Personnel Action. A copy of the latest SF-50, "Notification of Personnel Action," showing the position to which the employee is permanently assigned and the Central Personnel Data File (CPDF) organization.

E5.6.2.5. Previous Appeal Decisions. Copies of any previously issued DODEA, CPMS, DoD, or OPM appeal or review decisions which address the classification of the position or similar positions within DoDEA or throughout DoD.

E5.6.2.6. Response to Employee Issues. DoDEA's response to any classification issues presented in the employee's appeal.

E5.6.2.7. Supplemental Information. Any supplemental information bearing on the duties and responsibilities of the position, including a complete analysis of any point on which the agency disagrees with the employee's description of the work, and copies of any issued DoDEA interpretive guidance.

E5.6.2.8. Supervisory Documentation. A copy of the official PD and evaluation statement of the employee's immediate supervisor, if applicable.

E5.6.2.9. Performance Standards. Performance standards for the position (i.e., not the performance evaluation of the employee).

E5.6.2.10. Servicing HRRSC Contact Information. Name, address, business telephone number, and fax number of the servicing DoDEA HRRSC point-of-contact.

E5.7. DOCUMENTATION REQUIRED FOR AN APPEAL TO OPM

E5.7.1. Employee appeals (individual and group) must contain the following information in writing:

E5.7.1.1. 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.

E5.7.1.2. Employer and Employee Position Address. Name of the employing DoD Component, the exact location of the employee's position within the DoD Component (installation name, mailing address, organization, division, branch, section, unit), and the duty location of the employee.

E5.7.1.3. Current and Requested Position Information. Employee's current and requested position title, pay plan, occupational series, and grade.

E5.7.1.4. Copy of Official PD and Accuracy Statement. A copy of the official PD to which the employee is officially assigned, 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 PD. Also, include any signed decision resolving the dispute, if applicable.

E5.7.1.5. 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.

E5.7.1.6. Employee Claims of Classification Inconsistency. If classification inconsistency is claimed, the appeal file must include: title, series, and grade of positions believed to be 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.

E5.7.1.7. Employee Representative Address. Name, address, business telephone and fax numbers of the employee's or group's representative, if any.

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E5.7.2.2. Appealed Position Organization Documentation. The exact location of the position within DoDEA, including organization charts with positions shown in detail. Mission and functional statements also should be included.

E5.7.2.3. Statement of Accuracy. A current (not older than 90 days) signed statement from the immediate supervisor or higher-level management official certifying that the official PD is complete and accurate.

E5.7.2.4. Official Personnel Action. A copy of the latest SF-50, "Notification of Personnel Action," showing the position to which the employee is permanently assigned and the CPDF organization.

E5.7.2.5. Previous Appeal Decisions. Copies of any previously issued DoDEA, CPMS, or OPM appeal or review decisions which address the classification of the position or similar positions within DoDEA or throughout the Department of Defense.

E5.7.2.6. Response to Employee Issues. DoDEA's response to any classification issues presented in the employee's appeal.

E5.7.2.7. Supplemental Information. Any supplemental information bearing on the duties and responsibilities of the position, including a complete analysis of any point on which the agency disagrees with the employee's description of the work, and copies of any issued DoDEA interpretive guidance.

E5.7.2.8. Supervisory Documentation. A copy of the official PD and evaluation statement of the employee's immediate supervisor.

E5.7.2.9. Performance Standards. Performance standards for the position (i.e., not the performance evaluation of the employee).

E5.7.2.10. Servicing HRRSC Contact Information. Name, address, business telephone number, and fax number of the servicing DoDEA HRRSC point-of-contact.

E5.8. WHERE TO SUBMIT CLASSIFICATION APPEALS

E5.8.1. THE DEPARTMENT OF DEFENSE: DoDEA employees who wish to file a classification appeal must file via DoDEA's HRRSC where an administrative report will be appended to the appeal prior to forwarding to CPMS. A copy of the HRRSC administrative report will be provided to the employee or employee's representative.

Department of Defense Education Activity
Attn: Human Resources Regional Service Center
Classification and Compensation Section
4040 North Fairfax Drive
Arlington, VA 22203-1634

Department of Defense
Civilian Personnel Management Service
Field Advisory Services, Classification and Pay Branch
Classification Appeals Adjudication Section
1400 Key Blvd., Suite B200
Arlington, VA 22209-5144

E5.8.2. OFFICE OF PERSONNEL MANAGMENT: Appeals filed with the OPM may be forwarded through DoDEA headquarters or, if submitted directly, should be mailed to the OPM office servicing the geographical area where the position is located. The following OPM address is provided for employees located in the Washington, DC metropolitan area:

OPM Center for Merit System Compliance
1900 E St. NW, Room 6484
Washington, DC 20415-0006

E5.9. CANCELLATION OR WITHDRAWAL OF AN APPEAL

E5.9.1. An employee may withdraw an appeal at any time before a decision is issued by either CPMS or OPM.

E5.9.2. An appeal may be cancelled if the employee or their designated representative fail to provide requested information or if they leave the position that is being appealed.

E5.10. APPEAL DECISIONS

E5.10.1. Appeal decisions will be based on information supplied by the employee(s) and DoDEA, from additional information obtained through correspondence, telephone calls, or desk audits. Employees should be aware that an appeal decision might result in their position being changed to a lower or higher grade level. In either case, DoDEA retains control over the assignment of duties to a position and which position performs those duties.

E5.10.2. Decisions are based on work assigned to the employee's position and performed by the employee, qualifications required to perform that work, and proper application of OPM classification standards. Factors such as the following may not be considered in reaching an appeal decision: qualifications an employee has but are not required to perform the work of his or her position, the quality of performance, or volume of work assigned to the position.

E5.10.3. Employees may appeal unfavorable decisions issued by CPMS to OPM. Appeal decisions will be issued to the employee in writing and will contain information related to effective dates of any position changes. An OPM appeal decision is binding on DoDEA and all administrative, certifying, payroll, disbursing, and accounting officials in the Government.

E5.10.4. In rare cases, an unfavorable decision issued by OPM may receive reconsideration. Reconsideration may be granted when either the employee or DoDEA 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. In such cases, OPM may, at its own discretion, reconsider its decision. The deadline for submitting a request for reconsideration is 45 calendar days after the date of the decision.