

CLASSIFICATION APPEALS

INTRODUCTION

An employee may formally appeal the classification of his/her position at any time. The below instructions explain how to submit a classification appeal within the Department of Defense (DoD) to the Defense Civilian Personnel Advisory Service (DCPAS) or to the Office of Personnel Management (OPM).

LEGAL AUTHORITIES

STATUTE

General Schedule (GS) employees

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

Section 5112 of title 5, U.S.C., provides that notwithstanding section 5107, OPM may decide whether a position is in its appropriate class and grade and change a position from one class or grade to another class or grade when the facts warrant, and that an employee may request at any time that OPM exercise this authority and that OPM shall act on the request.

Federal Wage System (FWS) employees

Section 5346 of title 5, U.S.C., permits agencies to place positions in occupations and grades in conformance or consistently with published OPM job standards, and provides for OPM to decide whether the position has been placed in the proper occupation and grade upon request by an employee for a review of the agency action.

CODE OF FEDERAL REGULATIONS

General Schedule (GS) employees

OPM's authority under 5 U.S.C. 5112 is codified at Part 511 of title 5, Code of Federal Regulations (CFR), which sets forth OPM's classification appeals procedures. These procedures apply only to positions covered by chapter 51 of title 5, U.S.C. They permit an employee to request an OPM decision as to the appropriate occupational series or grade (and title under certain conditions) of the employee's official position.

Federal Wage System (FWS) employees

OPM's authority under 5 U.S.C. 5346 is codified at section 532.705 of 5 CFR, which sets forth OPM's job grading appeals procedures. These procedures apply only to positions covered by chapter 53 of title 5, U.S.C. They permit an employee to appeal the occupational series, grade, or title of the employee's job to OPM only after the employing agency has issued a decision under its own established job review system.

DOD AUTHORITY

The Department of Defense Instruction (DoDI) 1400.25, Volume 511, establishes a DoD system for employees to appeal the classification of their positions within the DoD (as the employing agency) to DCPAS, or through DCPAS to OPM. It contains expanded information about the DoD appeals system procedures. This DoDI can be found at:

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 they have questions the supervisor cannot answer or the employee is not satisfied with the supervisory response, they should speak with the appropriate staff in their supporting human resources office (HRO). 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/DCPAS.

General Schedule (GS) employees

GS employees may appeal the title, occupational series, or grade of their position to either DCPAS or OPM at any time. However, it is advisable that an employee first seek an appeal decision from DCPAS. The reason for this is that if the employee appeals to DCPAS and receives an unfavorable decision, they can still then appeal to OPM. However, if they appeal first to OPM and receive an unfavorable decision, the OPM decision is final and no further appeal will be accepted at the DoD level.

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 the appeal file contains all the required information.

Federal Wage System (FWS) employees

FWS employees may appeal the occupational series, grade, or title of their job to DCPAS at any time. This includes appeals by FWS employees for reclassification to the GS. However, they **must** appeal to and receive a decision from DCPAS before appealing to OPM. FWS employees who file subsequent appeals to OPM must file **within 15 calendar days after the date of receipt of the DCPAS decision**. When an employee shows they did not receive notice of the applicable time limit or were prevented from timely filing by circumstances beyond their control, OPM may at its discretion grant an extension of the appeal period.

Demonstration Project employees

A demonstration project employee may appeal the title, occupational series, or broadband level of their position to DCPAS at any time. The employee must first formally raise the areas of concern to supervisors in the immediate chain of command, either verbally or in writing. If the employee is not satisfied with the supervisory response, they may then appeal to DCPAS. If the demonstration project's plan so provides, the employee may appeal to OPM if they are not satisfied with the DCPAS response.

WHAT MAY NOT BE APPEALED

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 grade-level criteria contained in an OPM classification standard, the accuracy or application of DoD-unique or DoD Component-unique supplemental classification guidance, or demonstration project classification or paysetting criteria; the classification of a position to which the employee is not officially assigned; the classification of a position to which the employee is detailed or temporarily promoted; an agency's proposed classification decision; or position titles not prescribed by OPM classification standards, i.e., constructed titles or optional parenthetical titles.

If the employee believes their position description is inaccurate, they should attempt to resolve this matter with the supervisor. If this is unsuccessful, the employee must attempt to resolve their complaint through the appropriate dispute resolution procedure, such as 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 supporting HRO or Civilian Personnel Advisory Center (CPAC) to prepare a case file with all the required documentation for submission. Classification appeals may be submitted **either by mail or electronically** and must include the following information from the employee:

- Employee name, mailing address, office telephone number, and email address. (For group appeals, this information must be provided for all members of the group and a statement must be included, signed by all the appellants, designating the representative).
- Employing DoD Component/agency and the exact location of the employee's position within the Component/agency (i.e., installation name, mailing address, organization, division, branch, section, unit).
- Current classification and the classification the employee is requesting, including pay plan, occupational series, title, and grade.
- A copy of the signed PD to which the employee is officially assigned.
- A statement (not older than 90 days) from the employee certifying that the PD is accurate.
- Reasons why the employee believes the classification is in error. The employee must refer to specific classification standards that support the rationale and state specific points of disagreement with the agency's evaluation statement.
- If claiming inconsistency in classification with other similar positions, the employee must include the title, series, and grade of the 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, and email address (optional).

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

- A copy of the official PD and evaluation statement.
- Subordinate PDs and evaluation statements (if a supervisory position).
- The exact location of the position within the organization, including the organization's mission and function statement and a copy of the organization chart.
- A statement (not older than 90 calendar days) from the immediate supervisor or higher management official certifying that the official PD is complete and accurate, **and** a statement (not older than 90 calendar days) from the servicing HRO or CPAC certifying whether the official PD is complete and accurate.
- A copy of the employee's latest SF-50 showing the PD number and the position to which he/she is permanently assigned.
- Copies of any previously issued, related DoD Component, DCPAS, or OPM appeal or review 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's performance standards (not the performance appraisal).
- A copy of the supervisor's PD and evaluation statement.
- A response from the HRO or CPAC concerning the classification issues raised by the employee.
- Any supplementary information bearing on the position's duties and responsibilities.
- Name, address, telephone number, and email address of the HRO or CPAC point of contact.

The supporting HRO or CPAC may forward the complete package by email to: **dodhra.mc-alex.dcpas.list.classification@mail.mil**, or by mail to:

**Department of Defense
Defense Civilian Personnel Advisory Service
Employment & Compensation
Classification Appeals
4800 Mark Center Drive, Suite #06G21
Alexandria, VA 22350**