

CLASSIFICATION APPEALS

INTRODUCTION

An employee may formally appeal the classification of their position at any time to either the Department of Defense (DoD) at the Defense Civilian Personnel Advisory Service (DCPAS) or to the Office of Personnel Management (OPM).

This guide includes instructions on how to file a classification appeal with DCPAS. Employees should refer to the OPM website for instructions on filing an appeal with OPM.

Classification appeals to DCPAS may be filed electronically through the employee's servicing human resources office (HRO) or Civilian Personnel Advisory Center (CPAC).

LEGAL AUTHORITIES

STATUTE

General Schedule (GS) employees

Section 5107 of title 5, United States Code (U.S.C.), requires 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., requires 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 appeal procedures. They allow 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. They also allow an employee to request an OPM decision as to the inclusion or exclusion of their position from Chapter 51 of title 5, U.S.C. (i.e., whether their position should be GS or FWS).

Federal Wage System (FWS) employees

OPM's authority under 5 U.S.C. 5346 is codified at sections 532.705 and 532.707 of 5 CFR, which sets forth OPM's job grading appeal procedures. They allow 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

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

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

FILING AN APPEAL

If an employee believes their position is incorrectly classified, 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 HRO/CPAC. If the matter cannot be resolved informally, the HRO/CPAC will explain the classification appeal process and the options of appealing to either DCPAS or OPM, and will provide case file assistance as required.

General Schedule (GS) employees

GS employees may appeal the occupational series or grade (and title under certain conditions) 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 DCPAS appeals through their supporting HRO/CPAC.** This procedure will ensure that the appeal file contains all the required information. Employees may file OPM appeals directly to OPM, which will then request additional information from the supporting HRO/CPAC.

Federal Wage System (FWS) employees

FWS employees may appeal the occupational series, grade, or title of their job to DCPAS at any time **through their supporting HRO/CPAC.** 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.

Pay system appeals (GS and FWS employees)

A GS or FWS employee may appeal the pay system of their position (i.e., whether it should be GS or FWS) to either DCPAS or OPM at any time.

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.

Time limit for retroactive correction of downgrade

The effective date of a DCPAS or OPM appeal decision may not be made retroactive unless it corrects a classification action that resulted in a loss of grade or pay. In these cases, in order for the decision to be made retroactive, the employee must file an appeal with either DCPAS or OPM **no later than 15 calendar days after the effective date of the reclassification action**. If the employee can show they did not receive notice of the time limit or were prevented from timely filing by circumstances beyond their control, an extension may be granted by DCPAS or OPM.

WHAT MAY NOT BE APPEALED

An employee may not appeal the content or accuracy of their official position description (PD) 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 except for temporary promotions of two years or more; 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 PD is inaccurate (i.e., the duties and responsibilities described, not the classification), they should attempt to resolve this matter with their 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.

Appeals that do not contain official PDs certified as accurate by the employee and supervisor will not be accepted by DCPAS unless documentation is provided showing that an attempt has been made to formally resolve this issue.

SUBMITTING A CLASSIFICATION APPEAL TO DCPAS

When submitting an appeal to DCPAS, the employee must work closely with their supporting HRO/CPAC to prepare a case file with all the required documentation for submission. **The employee must provide the following information:**

- **Employee Identification.** Employee name, office 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 primary contact).
- **Employer and Employee Position Address.** Employing DoD Component/agency and the exact location of the employee's position within the Component/agency (i.e., installation/organization name, division, branch, section, unit).
- **Current and Requested Position Information.** Current classification and the classification the employee is requesting, including pay plan, occupational series, title, and grade.
- **Copy of Official PD.** A copy of the signed PD to which the employee is officially assigned.
- **PD Accuracy Statement.** A statement (not older than 90 calendar days) from the employee certifying that the PD is accurate. Note: This does not mean agreement with the classification (i.e., the pay plan, title, series, and/or grade), only that the duties and responsibilities are accurately described.
- **Technical Rationale.** 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.
- **Employee Claims of Classification Inconsistency.** 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.
- **Employee Representative Identification (optional).** A designated representative, along with their address, office telephone number, and email address. Note: Designee cannot be in the employee's supervisory chain of command or in a human resources position in the employee's servicing organization.

In conjunction with the above, **the HRO/CPAC must provide the following documentation:**

- **Appealed Position Documentation.** A copy of the official PD and evaluation statement. If the appealed position is supervisory:
 - Copies of subordinate PDs and evaluation statements used to determine the base level of work supervised.
 - Equivalent GS and FWS grades for any military, contractor, volunteer, or local national employees supervised.

- Appealed Position Organization Documentation. The exact location of the position within the organization, including the organization's mission and function statement and a copy of the organization chart.
- PD Accuracy Statements. 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/CPAC certifying whether the official PD is complete and accurate.
- Official Personnel Action. A copy of the employee's latest SF-50 showing the PD number and the position to which they are permanently assigned.
- Previous Appeal Decisions or Interpretive Guidance. Copies of any previously issued, related DoD Component, DCPAS, or OPM appeal or review decisions or interpretive guidance which addresses the classification of the position being appealed (if applicable).
- Performance Standards. A copy of the employee's performance standards (not the performance appraisal).
- Supervisory Documentation. A copy of the supervisor's PD and evaluation statement.
- Response to Employee Issues. A response from the HRO/CPAC or DoD Component concerning the classification issues raised by the employee.
- Other Information. Any supplementary information bearing on the position's duties and responsibilities.
- Servicing HRO/CPAC Contact. Name, address, telephone number, and email address of the HRO/CPAC point of contact.

The supporting HRO/CPAC should forward the complete appeal package by email to: dodhra.mc-alex.dcpas.list.classification@mail.mil.