

**FISH AND WILDLIFE SERVICE
PERSONNEL**

Personnel

Part 225 Classification, Pay, and Allowances

Chapter 2 Position Classification Appeals

225 FW 2

2.1 What is the purpose of this chapter? This chapter establishes Service policy and procedures for filing position classification appeals (also see 225 FW 1).

2.2 What is the scope of this chapter? This chapter applies to all Service employees in the General Schedule.

2.3 What are the authorities for this chapter?

- A. Classification (5 U.S.C. 51).
- B. Prevailing Rate Systems (5 U.S.C. 53, Subchapter IV).
- C. Classification Under the General Schedule (5 CFR 511).
- D. Job Grading System (5 CFR 532, Subpart F).
- E. Part 370 of the Departmental Manual (DM).

2.4 Who is responsible for classification appeals? See 225 FW 1 for general classification responsibilities.

A. The Chief, Division of Human Capital:

- (1) Administers the Service classification appeals program and advises employees of their classification appeal rights;
- (2) Ensures that when an employee files an appeal with the Service, we conduct the appeal in a timely manner; and
- (3) Provides all necessary information to the Department or the Office of Personnel Management (OPM) for appeals that employees file with them.

B. Employees are responsible for filing complete appeal requests in accordance with this policy.

2.5 What is a position classification appeal? A position classification appeal is a written petition from an employee requesting a change in the classification of his or her current position.

2.6 Who can file a position classification appeal? Only a **current** Federal employee may appeal the classification of his or her **current, official** position. The Service (or Department or OPM) administratively cancels an appeal if the filing employee leaves the appealed position.

2.7 What should an employee do before filing an appeal?

A. Before submitting an appeal, you should determine whether your position description (PD) identifies the major duties you are assigned and perform. The Service is responsible for assigning duties to your position, including them in your current PD, and classifying the position based on these duties. OPM will not accept an appeal until the Service has fulfilled this responsibility.

B. If the PD is significantly inaccurate (i.e., where major duties are not included), you should resolve the problem by discussing it with your supervisor and document your discussions. You may also discuss it with a representative of your servicing Regional Human Resources (HR) office (see section 2.11 for more information).

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2.8 What aspects of a PD may an employee appeal?

A. You may appeal:

- (1) The grade level of your position;
- (2) The occupational series of your position;
- (3) The title of your position, if the applicable position classification standard prescribes various position titles or the title reflects a qualification requirement or authorized area of specialization; and
- (4) The pay system of your position (e.g., inclusion in or exclusion from the General Schedule).

B. You may not appeal:

- (1) The work that you are assigned that is within the scope of your official PD (including the inclusion or exclusion of a major duty);
- (2) The accuracy of grade level criteria in published OPM classification guides or standards;
- (3) The accuracy, consistency, or use of Service or Departmental supplemental classification guides;
- (4) A proposed classification decision by the Service or Department;
- (5) The classification of a position to which you are not officially assigned;
- (6) The classification of a position to which you are detailed or temporarily promoted for a period of less than 2 years;
- (7) The classification of your position based on position-to-position comparisons rather than standards OPM publishes; or
- (8) A classification appeal decision that OPM previously issued, unless there has been a subsequent material change in the governing classification standard(s) or the major duties of the position.

2.9 When may an employee file a classification appeal? The only time requirement is that you must occupy the position at the time you file the appeal.

2.10 Where does an employee file a classification appeal?

A. You may file a classification appeal with:

- (1) The Service, Chief, Division of Human Capital;
- (2) The Department, Director of the Office of Human Resources; or
- (3) The appropriate OPM Regional Office or OPM Office of Merit Systems Oversight (see the [OPM Web site](#) for OPM Offices in your area).

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B. You may only appeal to one level within the Department. You may not appeal to the Service and then later to the Department or vice versa. After appealing to the Service or the Department, you may also appeal to OPM.

C. If you appeal first to OPM—bypassing Department appeal rights—you may not later appeal to the Service or Department since OPM decisions are final and binding.

D. You may choose to be represented in a classification appeal as long as the representative does not have a potential conflict of interest. You must notify the appropriate deciding official in writing of the selection of a personal representative. A supervisor with line or staff authority over the position or any official having classification over the position (e.g., HR Officer or classification specialist) may not serve as your representative.

2.11 What must be in a classification appeal? Your classification appeal must be in writing and include:

A. Your name, mailing address, and office telephone number;

B. Your employing office and location (installation name, mailing address);

C. The exact location of your position within the Service (i.e., Region, Center, Refuge, Division, Branch, Section, Unit, etc);

D. Current pay plan, position title, occupational series, and grade;

E. Requested pay plan, position title, occupational series, and grade, or other classification action desired;

F. A copy of your official PD, along with a statement that you agree with the official description. If you believe the PD is not accurate, you must provide your own description of the work you are performing and show what steps you took to have the official PD changed or modified;

G. Reason(s) you believe that the position is erroneously classified.

(1) You may also describe anything that you think may affect the final classification decision.

(2) You should reference the position classification standards that support your point of view and address specific areas of disagreement with the existing evaluation; and

H. The name, address, and business telephone number of your representative, if applicable.

2.12 Where do employees route appeals?

A. Send your appeal through your Regional HR office to ensure that the Region knows about it. This allows them to make sure you have provided full and proper documentation. This also gives the Regional HR office the opportunity to take corrective action on the appeal, if possible.

B. The Regional HR office then sends the appeal to the addressee in the Service, the Department, or OPM.

C. If you send your appeal directly to OPM, you may experience a delay in the decision process because OPM must then request supplemental documentation from the Regional HR office and your supervisor.

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D. If you file a classification appeal directly with OPM, it traditionally sends copies of final appeal decisions to the appropriate Regional Director and to the Department. To ensure we are maintaining complete records and consistently interpreting and applying position classification standards across the Service, Regional Offices must provide the Washington Office Division of Human Capital with a copy of any OPM classification appeal decision.

2.13 What are the procedures for filing appeals? In addition to the procedures we describe in sections 2.14 through 2.18, you should read the procedures, requirements, and limitations for position classification appeals in the "OPM Classification Appeals" document on [their Web site](#).

2.14 What is an administrative report? When employees send an appeal to the Department or OPM, or if they request a report after appealing to the Service, the servicing HR Office prepares and provides an administrative report, through the Division of Human Capital, that includes:

A. Identification of the employee's position of record, including a copy of the official PD and evaluation statement. If the appealed position is supervisory, we include all the PDs and evaluation statements for the positions we use to determine base level, special technical demand, variety, etc;

B. The location of the position within the Service, including organizational charts with the position shown. Mission and functional statements should be included, if available;

C. A current (not older than 90 days) signed statement from the immediate supervisor or higher management official certifying that the official PD is complete and accurate;

D. A copy of the employee's latest SF-50;

E. Copies of previously issued Service or OPM appeal or review decisions that address the classification of the position or similar positions within the Service, and a copy of the OPM certificate, if OPM has certified the position;

F. The Service's response to classification issues present in the employee's appeal, if any;

G. Any supplementary information bearing on the position's duties and responsibilities, including a full analysis of any point on which the Service disagrees with the employee's description of the work;

H. A copy of the official PD of the employee's immediate supervisor;

I. Performance standards for the position; and

J. Name and telephone number of a point of contact within the Service.

2.15 How does an employee find out what the appeal decision is?

A. The Division of Human Capital will notify the employee in writing of the final appeal decision and ensure that the Department and the Regional HR office receive copies of all appeal decisions the Department/Service and OPM make.

B. The written notice must advise the employee of any further classification appeal rights, including:

(1) The right to appeal directly to OPM;

(2) The time limits within which the employee must file to preserve the right to retroactive adjustment;

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(3) The right to representation; and

(4) The address of the appropriate office(s) for submission of the classification appeal.

2.16 Can OPM reconsider an appeal decision that it makes? Either the Service or the employee may request reconsideration of an OPM appeal decision **within 45 calendar days** of the date of the decision. OPM may reopen and reconsider an appeal decision when you present written information that establishes reasonable doubt as to the technical accuracy of the decision or provides evidence that OPM did not consider material facts in the initial appeal.

2.17 How binding are appeal decisions? Appeal decisions are binding on all administrative, certifying, payroll, disbursing, and accounting offices concerned.

2.18 Can an employee cancel a classification appeal request after submission? Yes, you may cancel your appeal request at any time during the appeal process.

ACTING DEPUTY DIRECTOR

Date: April 2, 2009