

# Reclamation Manual

## Directives and Standards

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**Subject:** Employee Classification Appeals and Classification Validation Requests

**Purpose:** Establishes employee classification appeal requirements for General Schedule (GS) and Federal Wage System (FWS) positions. In addition, this release establishes a process for external third-party resolution of classification validation requests, if classification validation is not obtained. The benefits of this release are that it clarifies and educates employees, human resources (HR) professionals and line management about the process for submitting GS and FWS employee classification appeals and the process for resolving classification validation disputes.

**Authority:** [Pub. L. 92-392](#), dated August 19, 1972; [5 United States Code \(USC\) 51](#) - Classification; [5 USC 53](#) - Pay Rates and Systems, Subchapter IV - Prevailing Rate Systems; [5 Code of Federal Regulations \(CFR\) Part 511](#) - Classification under the GS; 5 CFR Part 532, [Subpart G](#) - Job Grading Reviews and Appeals; and the FWS Appropriated Fund Operating Manual, [Subchapter S7](#), Job Grading Appeals.

**Approving Official:** Director, Policy and Administration

**Contact:** HR Policy and Programs Division, 84-58000

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1. **Introduction.** This Directive and Standard (D&S) establishes 1) an employee classification appeal process for GS and FWS positions; and 2) a process for resolution of classification validation requests for vacant and encumbered positions, when classification validation is not obtained.
2. **Applicability.** This release applies to GS and FWS employees submitting employee classification appeal(s) and to HR specialists involved with resolution of classification validation requests, when classification validation is not obtained.
3. **Definitions.** The following terms are defined for the purpose of this release:
  - A. **Classification.** The analysis and identification of a position and placing it in a class under the position-classification plan established by Office of Personnel Management (OPM).
  - B. **Classification Action.** The decision classifying a position to a pay plan, occupational series, title, and grade in accordance with published OPM classification standards.
  - C. **Classification Appeal Decision.** A written document issued as the final administrative decision on the classification determination made for the appealed position.

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- D. **Classification Validation.** Classification confirmation by a classification appeals officer in the HR Policy and Programs Division that a servicing HR office's classification evaluation of position descriptions (PDs) with factor 1-8, 1-9 – Knowledge required by the Position; 5-5, 5-6 – Scope and Effect; **OR** position classifications below a GS-14 grade level that include factor 2-5 – Supervisory Controls, is supported.
- E. **Classification Validation Request.** A written request for an external third-party to review the pay plan, occupational series, title, and/or the grade level of a vacant or encumbered position once classification validation was not obtained by the HR Policy and Programs Division.
- F. **Consistency Review.** A review of the classification of identical, similar, or related positions conducted by a servicing HR office when a change in classification results from a Bureau of Reclamation, Department of the Interior, or OPM employee classification appeal decision or a decision resulting from a classification validation request. For this purpose, related positions are those whose classification is dependent on the classification of the certified position, e.g., supervisor and leader positions. Similar positions are positions performing the same grade controlling work in similarly structured organizations.
- G. **Department's Standardized PD.** A common PD, required for use by all Department bureaus and offices, identifying qualifications required for similar positions, wherever they are located within the Department.
- H. **Employee.** An individual employed by Reclamation, not including contractor personnel.
- I. **Employee Classification Appeal.** A written request submitted by an employee to have a formal review conducted of the pay plan, occupational series, title, and/or grade level of their current position.
- J. **Encumbered Position.** A position currently occupied by an employee.
- K. **External Third-Party.** An entity (e.g., a contract classifier, committee of Reclamation servicing HR office HR specialists, or OPM) chosen by the Director, Policy and Administration, and tasked with reviewing and resolving Reclamation's classification validation requests.
- L. **FWS.** A uniform pay-setting system that governs Federal appropriated and non-appropriated fund trades and labor positions, and ensures those located within the same local wage area and performing the same duties and responsibilities, receive the same hourly pay.

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- M. **GS.** The broadest subdivision of the Federal classification system. The GS includes a range of levels of difficulty and responsibility for covered positions from grades GS-01 to GS-15; nonsupervisory and supervisory positions.
  - N. **Pay Plan.** A two-digit alphabetical code used to identify Federal civilian pay systems (e.g., GS for General Schedule or WG for Wage Grade).
  - O. **PD.** The official description of management's assignment of major duties, nature and extent of responsibility for carrying out the major duties, the percentage of time it takes to perform each of the major duties, a description of the major duties in terms of the evaluation factors (i.e., knowledge required by the position, supervisory controls, guidelines, etc.) and the supervisory and organizational relationships of a position.
  - P. **Vacant Position.** An unencumbered position.
  - Q. **Wrongful Demotion.** A classification action resulting in actual loss of grade or pay to an employee, later found in error and corrected through an employee classification appeal.
4. **Responsibilities.**
- A. **Director, Policy and Administration.** The Director, Policy and Administration (Human Capital Officer) is responsible for:
    - (1) administering Reclamation's employee classification appeal and classification validation request processes;
    - (2) choosing external third-party entities for reviewing and resolving classification validation requests; and
    - (3) issuing consistency review instructions to servicing HR offices as needed.
  - B. **Manager, HR Policy and Programs Division.** The Manager, HR Policy and Programs Division is responsible for:
    - (1) advising and providing employee classification appeal and classification validation request information to employees, managers, supervisors, and servicing HR offices;
    - (2) ensuring that submitted employee classification appeals and classification validation requests are acted upon in accordance with the time frames described in Paragraphs 5.A.(2), 5.A.(5), and 5.B.; and

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- (3) developing and updating employee classification appeal and classification validation request requirements.

C. **Classification Appeals Officer.** A classification appeals officer (staffed in Policy and Administration, HR Policy and Programs Division) is responsible for:

- (1) reviewing, evaluating, and resolving Reclamation employee classification appeals and providing results to servicing HR offices;
- (2) sharing employee classification appeal and classification validation request decision information with servicing HR offices and providing interpretation and guidance for consistent application to impacted Reclamation positions, as appropriate;
- (3) serving as a point of contact between the Department, OPM, the servicing HR offices, and/or the employee in submitting employee classification appeals and providing additional information, as requested;
- (4) ensuring all employee classification appeal requests include the required information and forwarding the requests to the Department and/or OPM, as appropriate;
- (5) providing classification validation for servicing HR office's classification of PDs containing factor levels 1-8, 1-9 – Knowledge required by the Position; 5-5, 5-6 – Scope and Effect; **OR** position classifications below a GS-14 grade level that include factor 2-5 – Supervisory Controls;
- (6) creating consistency review instructions for servicing HR offices to review identical, similar, or related positions as a result of employee classification appeal and classification validation request decisions;
- (7) reviewing servicing HR offices consistency review data for compliance with issued consistency review instructions;
- (8) educating managers, supervisors, employees, and servicing HR offices on the employee classification appeal and classification validation request processes; and
- (9) providing technical advice on employee classification appeal and classification validation requests, as necessary.

D. **Servicing HR Offices.** Servicing HR offices (located in each Reclamation region and Denver) are responsible for:

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- (1) providing employee classification appeal information to employees whose positions have been impacted by a classification action;
- (2) discussing employee classification appeal decisions with the employee and the supervisor of the position of record;
- (3) advising employees on the procedures, requirements, and possible outcomes associated with filing an employee classification appeal with Reclamation, the Department, and/or OPM;
- (4) participating with the HR Policy and Programs Division in submitting classification validation requests to the Director, Policy and Administration when classification validation was not obtained by the HR Policy and Programs Division and resolution of the differences between the two entities cannot be reached;
- (5) coordinating payment from the office submitting the classification validation request; and
- (6) performing consistency reviews as required.

### 5. Requirements.

#### A. GS and FWS Employee Classification Appeals.

##### (1) General.

- (a) For GS-covered positions, an employee may appeal the classification of their position based on perceived inaccuracy associated with the following classification criteria:
  - (i) the position is included in or excluded from the GS;
  - (ii) occupational series;
  - (iii) grade level; and/or
  - (iv) position title.
- (b) For FWS-covered positions, an employee may appeal the classification of their position based on perceived inaccuracy associated with the following classification criteria:
  - (i) occupational series;

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- (ii) grade level; and/or
  - (iii) position title.
  - (c) For GS or FWS positions, employees may appeal the classification of their PD at any time. When a classification action results in an actual loss of grade and/or pay, the employee must appeal the action within 15 days of the classification action to preserve the right to retroactive pay if the loss of pay and/or grade is overturned.
- (2) **Submitting GS Employee Classification Appeals.**
- (a) GS employees submit classification appeals to:
    - (i) Reclamation; Policy and Administration; Manager, HR Policy and Programs Division [Email Appeals](#); **OR**
    - (ii) the Department, Director of the Office of HR; **OR**
    - (iii) the [OPM office serving the geographical area](#) where the employee works.
  - (b) Employees who appeal their classification to Reclamation will be notified by a classification appeals officer within 2 business days of receiving a complete employee classification appeal of the expected time frames for resolving the appeal.
  - (c) An employee must submit only one employee classification appeal to either the Department or Reclamation. Employees cannot appeal to Reclamation and then later appeal to the Department or vice-versa. If the employee is dissatisfied with the classification appeal decision rendered by Reclamation or the Department, the employee has the option to file an appeal with OPM. An employee has the option to submit an appeal directly to OPM at any time, without appealing first to Reclamation or the Department. If an employee elects to submit an employee classification appeal first to OPM, the employee will not be able to later appeal to Reclamation or the Department.
  - (d) If an employee PD is validated through the classification validation process conducted by the HR Policy and Programs Division, the employee will not have the option to appeal to Reclamation; they must appeal to the Department or to OPM.

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- (e) GS employees encumbering standardized PDs issued by the Department (e.g., Bureau level nonsupervisory Accountants, GS-510 and Financial Specialists, GS-501) will appeal to the Department, as described in 5.A.(2)(a)(ii) or to OPM, as described in 5.A.(2)(a)(iii).
  - (f) Subsequent Reclamation employee classification appeals to Reclamation will not be accepted for the same encumbered position unless 12-months or more has lapsed since receiving the employee classification appeal decision and the position has undergone significant changes to the major duties, responsibilities, and/or supervisory and organizational relationships of the position.
- (3) **Submitting FWS Employee Job Grading Appeals.**
- (a) FWS employees must **first** submit employee classification appeals to:
    - (i) Reclamation; Policy and Administration; Manager, HR Policy and Programs Division; **OR**
    - (ii) the Department, Director of the Office of HR.
  - (b) If the employee is dissatisfied with the employee classification appeal decision rendered by Reclamation or the Department, the employee has the option to file an employee classification appeal with the [OPM office serving the geographical area](#) where the employee works.
- (4) **Content of Employee Classification Appeals.**
- (a) Consistent with [OPM's requirements](#), all employee classification appeals will contain the following information:
    - (i) the employee's name, mailing address, and office telephone number;
    - (ii) the exact location of the employee's position within the Department (e.g., bureau, region, division, branch, section, unit, and mailing address);
    - (iii) the present classification of the position and the requested classification identifying the position title, pay plan, occupational series, and grade level;
    - (iv) a copy of the PD, along with 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;

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- (v) a copy of the servicing HR office's evaluation statement;
  - (vi) a copy of the employee's performance appraisal critical elements and standards associated with the appealed position;
  - (vii) arguments supporting the requested classification, from (iv) above, by referencing the appropriate OPM classification standards which support the appeal and specific points of disagreement with the servicing HR office's evaluation; and
  - (viii) a signature block and date for the employee's signature.
- (b) If choosing a representative in the employee classification appeal process, the appeal request will also include the name of the employee's representative, the mailing address, and office telephone number. See Paragraph 5.A.(7) for additional information on representation within the employee classification appeal process.

### **(5) Results of Employee Classification Appeals.**

- (a) The employee and the servicing HR office will be notified in writing of the final employee classification appeal decision.
- (b) The supervisor of the appealed position will be notified of the results by the servicing HR office upon the servicing HR office receiving the classification appeal decision results.
- (c) If a change in classification results from an employee classification appeal decision, the personnel action must be implemented within four pay periods after the servicing HR office receives the decision. The effective date is established by the date the classification action is issued and cannot be made effective retroactively, unless the classification action is determined to be a wrongful demotion.
- (d) If an employee classification appeal decision from Reclamation, the Department, or OPM results in a change in classification (i.e., to the pay plan, occupational series, title, and/or grade level), servicing HR offices will perform a consistency review of identical, similar, or related positions. Requirements will be issued by the Director, Policy and Administration. See Paragraph 5.C. for more information on consistency reviews.
- (e) If the consistency review described in Paragraph 5.A.(5)(d) results in a change in classification, servicing HR offices will, within four pay periods,



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identify the impact (i.e., change in the pay plan, occupational series, title, and/or grade level) to the region/office positions, the resolution of the actions, and the time frames associated with finalizing the actions. The servicing HR offices will send this information to the HR Policy and Programs Division within the time frame identified within the consistency review instructions.

- (f) The resolution for the change in classification, as a result of a consistency review, will be included within the evaluation statement.

### (6) **Cancellation of an Employee Classification Appeal.**

- (a) Reclamation will cancel an employee's classification appeal when:
  - (i) the employee withdraws the classification appeal;
  - (ii) the employee is no longer officially assigned to the position, unless there is a possibility of retroactive benefit (see Definition 3.Q. wrongful demotion); a temporary assignment to a different position will not be cause to cancel an employee classification appeal; or
  - (iii) the employee fails to provide requested information within the allotted time frames or otherwise fails to cooperate in the adjudication of the appeal.
- (b) An employee classification appeal canceled for noncooperation will not be reopened unless the employee was unable to provide requested information for reasons beyond his or her control.

### (7) **Representation.**

- (a) At his or her option, the employee may select a representative to assist in the preparation and presentation of an employee classification appeal. The representative may communicate on behalf of the employee when processing the employee classification appeal, including relaying and providing information, as necessary.
- (b) A representative will be disallowed when the representative's activities would cause a conflict of interest; when the representative cannot be released from his or her official duties because of priority needs of the Government; or when the representative's release from official duties would give rise to unreasonable costs to the Government. A supervisor with line or staff authority over the position or any official having classification authority over

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the position (e.g., servicing HR officer or HR specialist) shall not serve as an employee's representative.

- (c) The selection of a representative shall not convey a right for the representative to be present during fact finding [e.g., desk audit and/or interview(s)] conducted by a classification appeals officer.

### **B. Classification Validation Request.**

- (1) If the servicing HR office's classification is not validated by a classification appeals officer in the HR Policy and Programs Division and a means of resolving the differences cannot be reached, the two entities jointly will submit a classification validation request. The complete request package will be submitted, within 7 calendar days of not reaching classification validation, to the Director, Policy and Administration, who will choose the external third-party entity that will review and resolve the differences. The servicing HR office and the HR Policy and Programs Division HR specialists will each provide a statement to the Director, Policy and Administration as to why the classification was not validated.
- (2) The classification validation request, including the PD and any additional supporting documentation (i.e., organizational charts, functional statements, etc.) will be forwarded to an external third-party, chosen by the Director, Policy and Administration, by a classification appeals officer, for review and classification. A decision will be rendered by the external third-party within 28 calendar days of receipt of the classification validation request. The decision rendered by the external third-party will be the final and binding classification. The cost associated with submitting a classification validation request to an external third-party will be paid by Policy and Administration with potential for reimbursement from the office in which the position is located if the decision made by Policy and Administration is upheld.
- (3) If the classification decision from the external third-party described in Paragraph 5.B.(2) results in a change in classification (i.e., to the pay plan, occupational series, title, and/or grade level), the servicing HR offices will perform a consistency review of identical, similar, or related position. Requirements will be issued by the Director, Policy and Administration.
- (4) If the consistency review described in Paragraph 5.B.(3) results in a change in classification, servicing HR offices' will, within four pay periods, identify the impact (i.e., change in the pay plan, occupational series, title, and/or grade level) to the position, the proper resolution, the resolution of the actions, and the time frames associated with finalizing the actions. The servicing HR offices will send

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this information to the HR Policy and Programs Division within the time frame identified within the consistency review instructions.

- (5) The resolution for the change in classification, as a result of a consistency review, will be included within the evaluation statement.
  - (6) A classification validation request will only be canceled prior to assigning the action to a third party for review or if the employee leaves the position.
- C. **Consistency Reviews.** Use Appendix A, Template – Consistency Review for Employee Classification Appeals and Classification Validation Requests, when reporting compliance with consistency reviews. Upon completion of a consistency review, servicing HR offices will send the completed template to the Manager, HR Policy and Programs Division. A classification appeals officer will review servicing HR offices consistency review information for compliance with issued consistency review instructions.
- D. **Evaluation.** Review of the requirements for employee classification appeals and classification validation requests, including completion of consistency reviews, described within this D&S will occur during servicing HR office Accountability Reviews.
- E. **Recordkeeping.** Employee classification appeals and classification validation requests will be retained by the HR Policy and Programs Division and the servicing HR offices for a period of 3 years from the date the final classification decision was issued.

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

Ensure all employees needing this information are provided a copy of this release.

### Reclamation Manual Release Number and Subject

### Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

### Filing instructions

Remove Sheets

Insert Sheets

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Filed by: \_\_\_\_\_

Date: \_\_\_\_\_