



DEPARTMENT OF DEFENSE
OFFICE OF DEPENDENTS SCHOOLS
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ALEXANDRIA, VIRGINIA 22331.1100

PERSONNEL DIVISION

DS REGULATION 5511.2
16 DEC 1987

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS
POSITION CLASSIFICATION REVIEW REQUESTS AND APPEALS

- References:
- (a) DoD Directive 1400.13, "Salaries and Personnel Practices Applicable to Teachers and Other Employees of the DoD Overseas Dependents' Schools System," July 8, 1976
 - (b) DS Regulation 5511.1, "Position Classification," May 13, 1986, as amended
 - (c) Federal Personnel Manual, Chapter 511, Subchapter 6, "Classification Appeals:" (See FPM Letter 511-9, March 20, 1981)
 - (d) through (f), see enclosure 1

A. PURPOSE

This regulation establishes the policies and Procedures for the submission of informal position classification review requests and formal position classification appeals. An informal position classification request involves the review of the classification of a position at the lowest level possible and prompt communication of any related determination. A classification appeal is a process by which an employee may obtain a formal review and decision as to the classification of the position to which assigned. The review and decision may include the designation of the pay system, title, occupational series, grade level or pay schedule, and pay plan to which assigned. An employee may obtain a review and resolution to the question of whether the position description accurately and completely describes the work assigned or performed.

B. CANCELLATION

This regulation cancels DS Regulation 5511.2, "Position Classification Appeals," August, 3, 1977.

C. APPLICABILITY AND SCOPE

The provisions of this regulation apply to employees of the Department of Defense Dependents Schools (DoDDS) stationed overseas. Except in the DoDDS-Panama Region, non-U.S. citizen employees are excluded from coverage.

DISTRIBUTION: X, G

Any classification appeal rights for non-U.S. citizen employees, except in, the Panama Region, are as provided by the procedures of the servicing military departments for a particular foreign area.

D. POLICY

It is the policy of DoDDS to attempt resolution of employee dissatisfaction over position classification issues in an informal manner. Informal resolution attempts will be processed promptly. Each employee is entitled to seek an appropriate adjustment in the classification of the position to which assigned without restraint, interference, coercion, discrimination, or reprisal.

E. AUTHORITIES AND RESPONSIBILITIES

1. Employees. Although the procedures may vary, each employee covered by this regulation is entitled, upon request, to receive a review of the classification of the position to which assigned. To obtain an informal review and determination and/or formal appeal decision as to the classification of a position, the incumbent of a position must personally initiate a request. Employees must sign an appeal, satisfy all submission requirements, and ensure that statements regarding the duties and responsibilities of the position to which assigned are accurate and complete. The provisions of applicable collective bargaining agreements must be considered.

2. Supervisors. Supervisors serve a key and essential role in the classification process. They are normally responsible for assignment of duties and responsibilities to positions and for ensuring that position descriptions accurately and completely reflect the significant duties of the position. Specific supervisory responsibilities under this procedure are to:

a. Provide an initial verbal explanation of the basis for classification of the employee's position, with the assistance of an experienced classification specialist from the servicing civilian personnel office, where necessary;

b. Afford employees a reasonable opportunity to present a classification complaint;

c. Consider classification complaints fairly and impartially; and

d. Ensure that position descriptions under classification review or appeal are currently certified as accurate and complete (i.e., within 90 days of a request for review or appeal).

3. Regional Directors. Duties and responsibilities of regional directors under this procedure are to:

a. Ensure that supervisors, employees, and servicing civilian personnel offices are informed of the provisions of this regulation and, as requested, that an employee is provided an explanation of the basis for the classification of the position to which assigned;

b. Ensure that applicable classification standards, guidelines, and precedents are made available for review by supervisors, employees, and servicing civilian personnel offices; and

c. Ensure that appeal case files include all required information.

4. Director, DoDDS. Responsibilities of the Director, DoDDS, are to:

a. Establish and interpret the DoDDS classification appeals policy;

b. Consider and decide final classification appeals for the Department of Defense; and

c. Provide guidance and assistance on matters pertaining to this procedure.

5. Civilian Personnel Officers. Responsibilities of servicing civilian personnel officers are to:

a. Provide an explanation to the supervisor and/or employee, normally within 5 working days after requested by the supervisor, as to the basis for the classification of an employee's position and, if required, prepare a classification review summary report discussing the basis for classification and citing the appropriate controlling standards and precedents;

b. Review official classification appeals and prepare a detailed evaluation for the case file record. Promptly process and forward all classification appeals through the regional director to the Director, DoDDS;

c. Advise employees of appropriate classification appeal procedures; and

d. Maintain local classification review and appeal files.

F. EFFECT OF APPELLATE DECISIONS

1. When a classification appeal decision changes the grade, pay schedule, or rate of compensation of a position, the resulting action will be made effective not later than the beginning of the fourth pay period following the date of decision, unless another date is specified in the final decision.

2. Retroactive application of a decision will occur only in the case of a change to an earlier classification decision which resulted in the loss of grade or pay, or both, and only providing that the appeal of a downgrading or loss of pay action was filed within the established time limit.

G. EFFECTIVE DATE AND IMPLEMENTATION:

This regulation is effective March 1, 1988. Two copies of any implementing instructions shall be forwarded to the Director, DoDDS, within 60 days after the effective date of this regulation.



John L. Stremple
Director

Enclosures:
As Stated

References (continued):

(d) FPM Supplement 532-1, Subchapter S7, Job-Grading Appeals

(e) Chapter 25, Title 20, United States Code

(f) Chapter 35, Code of Federal Regulations, Parts 231 and 235,
and related issuances.

MATTERS EXCLUDED FROM APPEAL CONSIDERATION

1. The accuracy of the official position description, and the inclusion or exclusion of one or more major duties in the official position description (i.e., assignment of work issues). Appeals containing such issues will be returned for consideration and resolution, consistent with management's rights to assign work. Disagreements over duties and responsibilities will be resolved before a classification appeal is decided by the appropriate appellate office. In the event that a dispute over the accuracy of the position description (i.e., the content of the position description, as certified by the employee's supervisor, differs from the employee's perspective of the required duties and responsibilities) is not resolved prior to receipt of an appeal by DoDDS and/or the Office of Personnel Management (OPM), the appeal will be decided following a determination by the appellate authority as to what are the actual duties and responsibilities assigned by the supervisor and performed by the employee. It is the prerogative of the appellate office to determine the method and means for accomplishing such determination prior to deciding a classification appeal.

2. An assignment or detail to duties outside the scope of the official position description and the classification, grade, or pay system of a position to which detailed or temporarily promoted. (The classification of a position to which assigned on a term promotion, however, maybe appealed.)

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

4. The adequacy, accuracy, consistency, or propriety of classification standards. (The question of whether a particular standard is an appropriate reference in classifying a position is a matter appropriate for review.)

5. The title of a position (unless the title is specified in the appropriate OPM standard or flysheet or if, however, the title denotes either a qualification requirement of the position or an area of specialization, the appeal will be accepted and forwarded either through the DoDDS procedure to OPM or directly to OPM).

6. Inclusion or exclusion under the Performance Management and Recognition System (i.e., whether the position should be under the GM or GS pay systems). Employees covered under this system may, however, appeal their classification as if GS employees.

7. Classification of a position which is currently under appeal to OPM or has been appealed to and decided by OPM. (The classification of GS and Federal Wage System (FWS) positions which are under appeal to, or have been appealed to and decided by, the Director, DoDDS, may be appealed to OPM).

8. A proposed classification action.

9. The classification of a position to which the employee is not assigned or the classification of an employee's position based on comparisons with other positions, and not on published standards and guidelines.

10. The classification of a position based on a previous OPM appeal decision when there have been no changes in standards or the duties.

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

PROCEDURE

The DoDDS procedure includes an opportunity for an employee to obtain an informal review and/or formal determination of the classification of the position to which assigned. Employees are strongly urged to use the informal review procedure before initiating formal classification "appeals. It is not prior to filing an appeal under the formal classification appeal procedure. Time limits are provided at enclosure 6.

1. DoDDS Informal Review Procedure.

a. Employees have a right to know the basis for classification determinations that affect the position to which officially assigned. Thus, a request maybe initiated at any time for an informal review of the employee's title, series, grade or pay schedule, and pay plan. a request for an informal classification review must be presented by an employee to the supervisor orally or in writing. This is also the appropriate time to resolve any issues related to the accuracy of the position description.

b. The supervisor should initially ensure that the assigned duties and responsibilities are reasonably reflected in the employee's position description. The supervisor should attempt to explain the basis for the respond to the employee, will be obtained through the participation of a position classification specialist from the servicing civilian personnel office.

c. A summary of the informal review will be provided to the employee in writing by the servicing civilian personnel office. If the employee remains unsatisfied with the results of the informal review, the employee may choose to proceed under the formal classification appeal procedure.

2. DoDDS Formal Classification Appeal Procedure.

a. An appeal maybe fried by a single employee or group of employees occupying identical positions (i.e., same title, series, grade or pay schedule, pay plan, and position number). Group classification appeals must be signed by-each employee and include the information required for all employees in the group by section c.(1) of this paragraph.

b. An appeal maybe made through a representative of "the employee's choice who has been designated in writing. "(See enclosure 3.)

c. Filing the formal classification appeal. An employee-may file a formal classification under the DoDDS procedure at any time. An appellant must-provide the following information in writing.

(1) Appellant's full name, personal mailing address, and duty (business) telephone number. The appeal must be signed by any party to the appeal. The name, mailing address, and duty (or business) telephone number of the appellant's representative, if any. In a group appeal, one representative is to be identified as the point-of-contact for the group.

(2) Appellant's current title, pay plan, series, grade or pay schedule, and position number of the position to which assigned. A copy Of the appellant's most recent Notification of personnel Action (Standard Form 50) reflecting the current classification and the position description number of the position to which the appellant is assigned.

(3) The title, pay plan, series, grade or pay schedule, or other classification change requested by the appellant.

(4) A copy of the appellant's official position description, along with a statement that the employee agrees with the completeness and accuracy of the official description of the position. If the position description is not considered to be complete or accurate, the employee must provide a description of the work currently being performed and explain what steps have been taken to have the official description changed or modified.

(5) The name, title, duty address, and duty phone of the appellant's supervisor.

(6) The name and exact location of the DoDDS activity (i.e., office or school) to which the appellant is assigned.

(7) Location of the appellant's regional headquarters.

(8) A statement of the facts and arguments that thd appellant and/or representative believe may bear on the appeal. Reference to any classification standards and supplemental guidance should be made if the appellant believes they may be significant to the case.

(9) A copy of any written informal review summary provided to the appellant under the DoDDS informal review procedure.

(10) For GS/GM and FWS employees only: A statement indicating whether the appeal is being submitted for a final appeal decision either (1) to the Director, DoDDS, or (2) to OPM through DoDDS for a final appeal decision.

d. Upon receipt of an appeal under the formal DoDDS procedure, the servicing civilian personnel office will review the classification of the position and fully consider the information submitted by the appellant. This review should be accomplished by a civilian personnel" office specialist other than the individual who participated at the informal stage. The case file will be prepared and forwarded for review by the regional director. The civilian personnel office will ensure that the appeal case file is established and includes:

(1) complete identification of the employee's position and current official position description.

(2) Identification of the exact location of the position, applicable organizational charts, and mission and functions statements of the activity to which the employee is assigned.

(3) "A current supervisory certification: -that the official position description is accurate and complete.

(4) A COPY of the appellant's latest SF-50 Which shows the current classification and position description number.

(5) Copies of any previous appellate or review decisions applicable to the position.

(6) A current evaluation statement.

(7) An explanation of any disagreement by the civilian personnel office with the employee's description of the work performed.

(8) A copy of the supervisor's position description.

(9) Copies of any other position -description relied upon to determine the appropriate classification of the employees position.

(10) Identification of "the 'Central Personnel Data File Organization Identifier code as "DD16."

(11) A point of contact for the civilian personnel office.

3* In summary, the opportunities for review (informal) and appeal (formal) under this procedure are:

a. GS/GM employees:

(1) DoDDS Review and Appeal Procedure (informal and formal):

(a) Informal. To the immediate supervisor.

(b) Formal.

(1) Through the servicing civilian personnel office and regional director, to the Director, DoDDS; or

(2_) Directly to the Director, DoDDS.

(2) Office of Personnel Management (OPM) Procedure (formal): To the Classification Appeals- Office, OPM. GS/GM employees may file a classification appeal with OPM either directly or through the DoDDS procedure.

b. Employees classified to the Non-Manual (NM) and Manual (WZ) pay systems in the DoDDS-Panama region:

(1) DoDDS Review and Appeal procedure (informal and formal):

(a) Informal. To the immediate supervisor.

(b) Formal. Through the servicing civilian personnel office to the regional director.

(2) Panama Canal Board of Appeals (PCAB) Procedure. In lieu of the OPM appeal procedure, NM and WZ pay systems employees in Panama have further classification appeal rights to the PCAB. The PCAB procedure provides essentially the same consideration available through an appeal to OPM.

(3) Generally, employees in the NM and WZ pay systems in the Panama Region must obtain a decision from the regional director under the DoDDS procedure prior to filing a classification appeal with the PCAB.

c. Employees assigned to the TP pay system are eligible to request a review of classification or file a classification appeal under the DoDDS Review and Appeal Procedure:

(1) Through the servicing civilian personnel office and the regional director, to the Director, DoDDS; or

(2) Directly to the Director, DoDDS.

d. FWS Employees:

(1) Through the servicing civilian personnel office and regional director to the Director, DoDDS; and

(2) To OPM.

(3) Employees under the FWS system must obtain a review under the DoDDS procedure before filing an appeal with OPM.

The provisions of applicable collective bargaining agreements must be considered in conjunction with the procedures outlined in this procedure.

e. The decision of the Director, DoDDS, will be forwarded to the appellant through the regional director and-servicing civilian personnel office. The DoDDS decision is the final agency decision. If the DoDDS decision denies the requested relief and the appellant is an employee who specifically filed the appeal through the Director, DoDDS; to OPM, the appeal will be forwarded by DoDDS to OPM. The employee will be notified of this referral and provided copies of any information added to the appeal file. If the appellant is an employee who did not address the appeal through DoDDS to OPM, the final decision, if unfavorable, will inform him of the right to appeal to OPM and of any time limits for filing.

g. In the event that an appeal is determined to be lacking in information or procedural compliance, the appeal will be returned to the appellant for appropriate action. In such cases, the appellant will be advised specifically of the requirements and allowed 15 working days to comply with the request. Failure to reply as requested will result in termination of the appeal, as provided in enclosure 5.

h. The mailing address for classification appeals to be forwarded to the Director, DoDDS, is:

Director, DoDDS
2461 Eisenhower Avenue
Alexandria, VA 22331-1100

4. OPM Formal Procedure. A GS/GM employee may appeal directly to OPM (or, in the case of FWS employees, to OPM through the Director, DoDDS, under the DoDDS formal procedure). A written appeal (which should include the information required by paragraph 2.c. of this enclosure) to OPM must be addressed as follows:

a. For employees assigned to the Atlantic, Germany, and Mediterranean regions, to:

Classification Appeals Office
Office of Personnel Management
1900 E. Street, N.W.
Washington, DC 20415

b. For employees assigned to the Pacific Region, to:

Office of Personnel Management
Western Region
525 Market Street
23rd Floor
San Francisco, CA 94105

CLOSING CLASSIFICATION APPEALS

1. Appeals from a downgrading action or the loss of pay resulting from a classification action will not be closed until final decision is rendered by either the Director, DoDDS, or OPM (in Panama, the regional-director or PCAB), as appropriate.

2. Other appeals may be closed by DoDDS when:

- a. Employee requests withdrawal of the appeal in writing.
- b. Employee files classification appeal on the same subject with OPM.
- c* DoDDS renders a final decision and no further appeal to OPM exists.
- d. Appealable issues are resolved in employee's favor.
- e. There is a significant change in duties and responsibilities of the position that is the subject of an appeal.
- f. The employee leaves the position that is the subject of an appeal.
- g. OPM (or the PCAB, in Panama) renders a final decision.
- h. The employee is deceased, unless a favorable decision on the appeal would benefit the survivors.
- i. The employee fails to provide information essential to the consideration of the appeal following due notice and reasonable opportunity to respond.

TIME LIMITS

1. Classification appeals may be filed at any time; however, in cases of downgrading or loss of pay resulting from a classification action, the employee must appeal in writing either through the DoDDS formal procedure or directly to OPM within 15 calendar days after the effective date of the action, or within 15 calendar days after receiving a final DoDDS decision, if any rights to retroactive adjustment are to be preserved,

2. Reviews under the DoDDS informal review procedure are to be completed by the first-line supervisor or designated official within 14 working days after receipt of a verbal or written request from an employee.

3. Reviews by the servicing civilian personnel office under the DoDDS formal procedure are to be completed and forwarded to the regional director or the Director, DoDDS, as appropriate, within 10 working days after receipt of a properly documented appeal.

4. Review and referral of appeals by regional directors to the Director, DoDDS, for decision will be accomplished within 10 working days after receipt of all required information.

5. Decisions by the Director, DoDDS, under the DoDDS formal procedure are to be made within 30 calendar days after receipt of all required information.

6. Appeals directed to OPM through the DoDDS formal procedure must be forwarded to OPM within 60 calendar days after receipt of all required information if favorable action has not been taken.