

United States Department of Agriculture
Marketing and Regulatory Programs
Agricultural Marketing Service
Animal and Plant Health Inspection Service
Grain Inspection, Packers and Stockyards Administration

Directive MRP 4511.1

2/16/06

**CLASSIFICATION APPEALS WITHIN THE MARKETING AND
REGULATORY PROGRAMS MISSION AREA**

1. PURPOSE

This Directive states the Marketing and Regulatory Programs' (MRP) mission area policies and procedures regarding appealing the classification of positions within the Agricultural Marketing Service (AMS), Animal and Plant Health Inspection Service (APHIS), and Grain Inspection, Packers and Stockyards Administration.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces:

- a. AMS Directive 310.1, Classification of Positions, dated 4/15/91.
- b. APHIS Directive 435.1, Classification Appeal Procedures, dated 9/1/82.

3. POLICY

Federal employees have the right to appeal the classification of their positions at any time if they disagree with the official classification. However, prior to filing an appeal, employees are strongly urged to discuss their concern(s) with their supervisor and/or their servicing Human Resources Specialist (HRS) for classification in an attempt to resolve their concern(s) prior to engaging in the appeal process. If the concern(s) are not resolved by their supervisor and/or through discussions with their servicing HRS, employees may appeal their position's classification using a variety of options. Employee appeals will be submitted without fear of restraint, interference, coercion, or reprisal.

4. POSITIONS COVERED BY THIS DIRECTIVE

- a. All positions in the General Schedule.
- b. All positions in the Federal Wage System (FWS).

5. POSITIONS NOT COVERED BY THIS DIRECTIVE

In accordance with the provisions of Title 5, United States Code, Chapter 51, the following groups of positions are excluded from coverage of this Directive:

- a. All positions in the Foreign Service.
- b. All positions classified to the AD (i.e., Administratively Determined) pay system.
- c. All positions classified to the MMA (i.e., Milk Market Administrator) pay system of Dairy, Agricultural Marketing Service (AMS).
- d. All positions in the Senior Executive Service (SES).
- e. All GS-15 employees who assert their position should be reclassified to the SES.

6. APPEALABLE ISSUES

- a. The position's occupational series.
- b. The position's grade level.
- c. The position's title. Only titles that are mandated by the appropriate classification standard may be appealed. (For example, Budget Analyst is the mandated title for non-supervisory positions in the GS-560 series and, therefore, is an appealable issue.)
- d. The inclusion in or exclusion of the position from the General Schedule pay plan, i.e., the FWS, which covers labor, trades, and crafts work.

7. ISSUES WHICH ARE NOT APPEALABLE

- a. The series, grade, or pay system of a position to which an employee is detailed or temporarily promoted.
- b. A proposed classification action.
- c. The classification of any position to which an employee is not permanently assigned by an official personnel action.
- d. The classification of a position based on a comparison to another position and not to published Office of Personnel Management (OPM) classification standards.
- e. The classification of someone else's position.
- f. The accuracy of OPM-published classification guides or standards.

- g. Whether or not a major duty should be included or excluded from the position description.
- h. An assignment or detail which is outside the scope of the work normally performed.
- i. The official title of a position that is not mandated by the appropriate classification standard. (For example, the GS-301, Miscellaneous Administration and Program Series, does not contain mandated titles; therefore, the title assigned to a position in the GS-301 series is not an appealable issue.)
- j. The accuracy or consistency of mission area supplemental classification guides used to classify a position.

Some of the above issues may be covered by administrative or negotiated grievance procedures. Refer to the appropriate directive or bargaining unit agreement for further information.

8. TIME FRAMES FOR FILING AN APPEAL

- a. Employees may file an appeal of the current classification of their position at any time.
- b. Employees may file an appeal of a notice that a reclassification of their position will take place upon receipt of the official notice.
- c. To preserve any rights to retroactive pay benefits, an employee may file an appeal within 15 calendar days of the effective date of a reclassification of his/her position (i.e., the effective date of the personnel action (SF-50) that appoints or assigns the employee to the reclassified position which results in the loss of pay or grade.)
- d. FWS employees must file an appeal to OPM within 15 calendar days of the date they receive a decision from either the APHIS Human Resources Division or the United States Department of Agriculture (USDA), Office of Human Capital Management). FWS employees should refer to Section 9. below for specific information regarding the filing of FWS appeals. Additionally, for further information regarding timeframes for FWS employees choosing to appeal to OPM, refer to the [Employee Fact Sheet on Position Classification Appeals](#) which is available through an Internet web link cited in Section 13. b. below.

9. WHERE TO FILE AN APPEAL

- a. General Schedule Employees. In accordance with USDA Personnel Bulletin 511-1, mission areas are required to offer employees at least one level of classification appeal or review within the mission area. Thus, the first avenue of appeal for an employee is to file with the Office of the Director, Human Resources Division, Marketing and Regulatory Programs Business Services (MRPBS), APHIS.
- b. Employees may choose to bypass this first avenue and appeal directly to:
 - (1) The Director, Office of Human Capital Management, USDA, or
 - (2) The Office of Personnel Management. Classification appeal decisions issued by OPM constitute final classification decisions, and employees may not appeal unfavorable OPM decisions to either USDA or the mission area.
- c. Federal Wage System Employees. OPM regulations prescribe that employees whose position is currently classified under the Federal Wage System must first appeal to their Agency, i.e., either with the APHIS, Human Resources Division or the USDA, Office of Human Capital Management.
- d. General Schedule and Federal Wage System Employees. Attachment 1 contains further information on where to file an appeal.

10. EMPLOYEE'S RIGHT TO A REPRESENTATIVE

An employee may select an individual to represent him/her during the course of his/her appeal proceedings. A representative must be designated as such in writing and cannot be a supervisor with line or staff authority over the appellant's position, or be any official having classification authority over the position (e.g., a Human Resources Officer or HRS (Classification)). A representative shares with the appellant the responsibility for cooperating in processing the appeal, including providing information in a timely fashion and in the manner specified. A representative is not entitled to be present during any factfinding sessions about the appellant's position. If the representative is an employee of the mission area and is otherwise in duty status, he/she will be granted reasonable time by his/her supervisor to prepare and present an employee's appeal.

11. PROCEDURES FOR SUBMITTING AN APPEAL

An appeal must be in writing and include the following information for adjudication by any reviewing authority. Failure to provide this information in the timeframe provided may result in rejection of the appeal.

- a. The appellant's name, mailing address, and office telephone number. In those cases where the appellant designates a representative, the name, mailing address, and office telephone number of the designee also must be included.
- b. Exact location of the appellant's position within the organization (e.g., agency, division, branch, section, unit, etc.).
- c. The current classification of the appellant's position including pay plan, occupational series, title, and grade.
- d. A copy of the appellant's official position description, along with a statement containing the appellant's views as to its accuracy. If the position description is considered to be inaccurate, provide a description of the work being performed and steps taken to have the official description changed.
- e. The requested pay plan, occupational series, position title, and grade.
- f. Reason(s) why the appellant feels his/her position is currently misclassified, or why the position should be brought under or excluded from the General Schedule or Federal Wage System. The employee should include any statement of facts which he/she feels supports his/her request.

An employee may not file a classification appeal electronically because the appeal must have an original signature by the appellant and/or the appellant's designated representative, if applicable. Additionally, a classification appeal frequently contains supporting documentation such as position descriptions, organization charts, and work samples that are not available electronically.

12. WITHDRAWING AN APPEAL

An appeal may be withdrawn, in writing, at any time by notifying the office handling the appeal. As stated above, an appeal may be cancelled if the appellant and/or his/her representative are not responsive to requests for information within the timeframe provided.

13. INQUIRIES

Further information on the classification appeals process may be obtained by:

- a. Contacting your servicing HRS for classification in the Human Resources Division, MRPBS, APHIS.
- b. Reviewing the Employee Fact Sheet on Position Classification Appeals, MSO-98-3, OPM, which is accessible through this Internet web link:
www.opm.gov/fedclass/html/gclass.asp
- c. This Directive can be accessed at *<http://www.usda.aphis.gov/library>*

/s/

William J. Hudnall
Deputy Administrator
MRP Business Services

Attachment

MAILING ADDRESS FOR FILING CLASSIFICATION APPEALS

For **APHIS, MRPBS, HRD** appeals:

Director
MRPBS Human Resources Division
U. S. Department of Agriculture
Room 1709, South Building
Stop 3440
1400 Independence Avenue, SW
Washington, D. C. 20250

For **Office of Human Capital Management, USDA** appeals:

Director
Office of Human Capital Management
U. S. Department of Agriculture
Room 316-W, Jamie L. Whitten Building
1400 Independence Avenue, SW
Washington, D. C. 20250

For **OPM** Appeals:

Location of Your Duty Station

OPM Address

Washington, D.C. Metropolitan Area including in Maryland: the counties of Charles, Montgomery, and Prince George's; in Virginia: the counties of Arlington, Fairfax, King George, Loudoun, Prince William, and Stafford; the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; Europe and any overseas area not included elsewhere.

OPM Washington DC Oversight Division
1900 E Street N.W, Room 7675
Washington, D.C. 20415-0006

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia (except those locations served by the Washington, D.C. Oversight Division) Illinois, Indiana, Iowa, Kansas, Kentucky,

OPM Atlanta Oversight Division
75 Spring Street S.W., Suite 1018
Atlanta, GA 30303-3109

Michigan, Minnesota, Missouri, Nebraska,
North Dakota, Ohio, South Dakota, West
Virginia, Wisconsin

Arizona, Arkansas, Colorado, Louisiana,
Montana, New Mexico, Oklahoma, Texas,
Utah, Wyoming

Connecticut, Delaware, Maine, Maryland,
(except those locations served by the
Washington, D.C. Oversight Division),
Massachusetts, New Hampshire, New Jersey,
New York, Pennsylvania, Puerto Rico, Rhode
Island, Vermont, Virgin Islands

Alaska, California, Hawaii, Idaho, Nevada,
Oregon, Washington, Pacific Ocean Area

OPM Chicago Oversight Division
230 S. Dearborn Street, DPN30-6
Chicago, IL 60604-1687

OPM Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242-9968

OPM Philadelphia Oversight Division
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

OPM San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001