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**U. S. DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
DIRECTIVES SYSTEM**

**Subject Number:**  
PER-3-1

**Transmittal Number:**  
437

**Date:** 4/19/88

**Subject:** Employee Classification Appeal Procedures

**Approved:**

**Acting Director**

Please make the following changes to:

Subject No.: PER-3                      Date: 8/28/86  
Transmittal No.: 271                      Subject: Same

This change notice incorporates the revised Departmental Manual 370 IM 511,6, to provide the current classification appeals procedures for the Department of Interior. The revisions incorporate the Office of Personnel Management's revisions covering appeals under the General Schedule as issued in FPM Letter 511-9 dated March 20, 1981.

1. Remove pages 7, 8, 9, 10, 11, and 12 and substitute the attached pages.
2. On page 4, paragraph (4) (g), change 30 days to 60 days.

**CHANGE NOTICE**

(2) Filing the Appeal (Formal Procedures).

(a) If, through the formal reconsideration procedures, a satisfactory resolution of the employee's concerns is not obtained with respect to the classification assigned to the position, the employee may initiate a formal classification appeal. Such appeal must be to a higher organizational level with classification authority than the level at which the original decision was made. An employee is entitled to only one decision on a classification appeal within the Department of the Interior.

(b) The OSMRE Headquarters employees have the option of appealing to the Department or to OPM. Employees whose positions are within the classification authority of the Administrative Service Center, if they elect not to appeal to Headquarters, OSMRE, have the option of filing a classification appeal either directly or through OSMRE, to the Department or to an appropriate Regional Office of OPM. If the employee appeals first to OSMRE, or the Department, an appeal may be made later to OPM. If the employee appeals directly to OPM, a later appeal to OSMRE or the Department may not be made since a decision of OPM is binding. An employee may file an appeal directly with the appropriate Regional Office of OPM, as listed in FPM 511, Appendix B. (See appendix 1) If the employee appeals directly to OPM, he/she may not later appeal to the bureau or the Department since OPM decisions are final.

(c) The administrative level to which the employee appeals has 60 calendar days in which to provide the employee with a written appellate decision. If the decision is favorable, the necessary personnel action may be taken and the appeal closed. If the decision is unfavorable, the bureau or Department must forward the appeal, along with the written decision to OPM for adjudication.

(d) An employee's appeal, though addressed to the bureau or Department, may be forwarded by the concerned administrative level to the appropriate OPM Regional Office without issuing a final decision. In the case of a Headquarters employee, the appeal may be forwarded to the OPM Central Office, Washington, D.C. If this option is elected, the appeal must be forwarded to OPM within 30 calendar days of its receipt. The bureau or Department will notify the employee, in writing, of its intended OPM submission action, and will obtain the employee's concurrence. If the employee does not concur with the action, the bureau or Department will cancel the appeal.

(e) The rights of an employee to appeal under the provisions of this Directive are in addition to any other rights of appeal which exist under provisions of the Federal Personnel Manual. Under this Directive, there is no entitlement to a hearing. An employee must file the appeal in writing. The employee must submit, as a minimum, the following:

1 Full name.

2 Mailing address.

3 The title of the immediate organizational component to which officially assigned and its address and business telephone number.

4 The title, series, grade, and position number to which the employee is officially assigned, and a statement that the position in question is described accurately.

5 The title, series, and grade which the employee considers proper.

6 Reasons the present classification is considered incorrect, together with reasons to justify the classification considered correct.

7 A statement indicating that the appeal is not pending Office of Personnel Management adjudication.

8 The full name, mailing address, and business telephone number and organizational designation of the employee representative, if any. An employee may choose anyone as personal representative in a classification appeal except a supervisor (line or staff) or an official who has classification authority over the position. The deciding official must be notified in writing of the selection of a representative. A representative's duties will consist of providing information significant to the classification of the appeal, as needed or requested by the deciding officials and relaying their instructions to the employee. A representative may not, however, be present during any fact-finding sessions, i.e., onsite audit or supervisory interview.

(f) An appeal may be filed by an employee:

1 Individually; or

2 On behalf of a group of employees occupying additional identical positions. (Additional identical positions are established when two or more employees are required to carry out the same duties and responsibilities in order to handle the workload, and they are placed on one position description.) All members of a group appeal must sign the appeal, and their representative must be designated in writing. The decision on the group appeal is applicable to all additional identical positions.

(g) Inherently, an appeal is a request for review by a higher level authority of a decision made by a lower level authority. A Servicing Personnel Office's classification appeal may be reviewed, at the employee's option, by Headquarters, OSMRE, by

the Department, or an appropriate Regional Office of OPM. Nevertheless, the Servicing Personnel Office may, at any time prior to submission of the case file for appellate action, reverse its prior decision and grant the employee's request; or they may make other appropriate decisions which may include a partial meeting of the employee's request, as for example the granting of an in-between grade. Such an action must be documented and notification given to the employee and to the designated representative, if any. If this latter action satisfies the employee the appeal will be terminated. If not, the appeal will be continued.

(h) The case file must contain:

1 The current position description with the following certification by the employee, the supervisor and classification specialist and dated on or after the date of appeal: "The undersigned hereby certify that the foregoing is an accurate and complete description of this position."

2 Current organizational charts which clearly reflect the location of the position being appealed in relation to other positions.

3 Functional statements and other supporting documents such as directives, executive orders, technical orders or extracts therefrom, etc.

4 The substantiating analysis supporting the classification decision by reference to applicable published standards or precedents.

5 Material specified in Section e. (2) (e).

f. Cancelling an Appeal.

(1) An appeal is cancelled when one of the following occurs:

(a) The employee submits a written request to withdraw the appeal.

(b) The duties and responsibilities in the position being appealed have changed significantly, except when the employee or the beneficiaries may be entitled to retroactive benefits as in the instance of a change to a lower grade.

(c) The employee moves from the position, except when the employee or the beneficiaries may be entitled to retroactive benefits as in the instance of a change to a lower grade.

(d) The employee makes an appeal to OPM.

(e) The employee fails to cooperate in furnishing requested information within a reasonable time (e.g., 15 calendar days), unless the employee can show circumstances beyond his/her control which prevented him/her from doing so.

g. Personnel Actions Following Decisions on Appeals.

(1) When the decision on a classification appeal changes the grade or compensation of the position upward or downward, the personnel action to effect the necessary change is subject to the provisions below:

(a) Position and personnel actions shall be effected no later than the beginning of the fourth pay period following the date of decision, unless special authority is granted by OPM.

(b) Retroactive Action applies only to demotions involving the loss of grade. The personnel action to correct a demotion resulting from a classification appeal decision is made retroactively effective if the employee's appeal was submitted within the specified time limit for retroactive benefits. The time limit is stated in Section 511.703 of OPM regulations and Section d(2) of this Directive.

1 Restoration to former grade: When the classification appeal decision is that the grade held before the appeal is correct, the employee's pay is adjusted retroactively to the date of demotion. The employee is restored to the grade and step rate which he/she would have held if the demotion action had not been taken.

2 Classification to intermediate grade: When the classification appeal decision changes the grade of the position to an intermediate grade (i.e., a grade between the grade to which demoted and the grade held before demotion), the employee is retroactively restored to the intermediate grade. The employee's pay is adjusted retroactively to the date of the initial demotion.

3 Classification to a higher grade upon appeal subsequent to demotion: When the classification appeal decision raises the grade of the position appealed to level higher than the grade held before the appeal was initiated, the demotion is thereby cancelled and the retroactive provision applies only to the employee's former grade. The promotion is effected in accordance with (1)(a) above. In cancelling the demotion, the employee is restored to his/her former grade for the period starting with the date of demotion. Any promotion to a grade higher than previously held must meet merit promotion plan requirements, if applicable.

(c) Nonretroactive Actions. The personnel action to correct the classification of a position is not retroactive when:

1 The appeal is not submitted within the 15 calendar days time limit specified in Office of Personnel Management regulations (see 511.703).

2 The classification appeal decision results in further demotion.

3 The classification decision results in a promotion to a higher grade. See (1) (a) above for the effective date. The promotion must meet merit promotion plan requirements, if applicable.

h. Appeal Records. This file shall be separate from the Official Personnel Folder (OPF). This file shall constitute the official record. It shall contain the employee's written appeal, all correspondence, and pertinent related documents. The file shall be retained for a period of 3 years after the date of final decisions, or the case is otherwise terminated, and then destroyed. All information contained in the appeal file shall be made available to the employee and/or the designated representative for review.

i. Notification of Appeal Decision. Headquarters Division of Personnel, OSMRE will notify the complainant, in writing, of its decision. The Office will also insure that the Department receives copies of all appeal decisions made by OSMRE or OPM.

j. Other Provisions.

(1) Freedom From Reprisal or Interference. Unless an employee feels free to use the appeal system provided in this Directive, the system will not serve the intended purpose of giving the employee a means for review of his/her dissatisfaction relating to the classification of his/her position. An employee and his/her authorized representative must be free to use the system without restraint, interference, coercion, discrimination or reprisal. No supervisor or other person acting in an official capacity shall take or threaten to take any act of reprisal against an employee because he/she has exercised or expressed an intention to exercise any of his/her rights under this Directive. To be fully effective, the spirit as well as the letter of the requirement must be enforced. It is not enough for an official to abstain from overt threats or interference. An official must refrain from making any statement or taking any action that has the flavor of a threat, interference or intimidation.

(2) Representation. The employee has the right to be assisted and advised by a representative, of his/her choice, designated in writing, in appealing the classification of his/her position under the provisions of this Directive. A representative so designated will be furnished a copy of any written statement or

notification of an OSMRE decision furnished to the employee and a copy of the appeal decision.

(3) Use of Official Time.

(a) An employee is entitled to a reasonable amount of official time for the preparation of a classification appeal under the procedures authorized in this Directive, if he/she is in an active duty status. The time to be allowed will be determined on the basis of the facts and circumstances in each case.

(b) If the employee's representative is an OSMRE employee in an active duty status, he/she is also entitled to a reasonable amount of official time to assist or act for the employee in the preparation of a classification appeal.

(c) Employees, whether complainants or representatives, must make advance arrangements with their supervisors for the use of official time.

(d) When there is a disagreement concerning the amount of official time to be granted, the matter will be submitted by the supervisor to the Personnel Office for assistance in resolution.

(4) Publicity Requirements. This Directive will be brought to the attention of all employees covered by the Directive at least annually, and they will be notified where copies are available for review. Copies will be provided to employees, their representatives, and recognized labor organizations, on request.

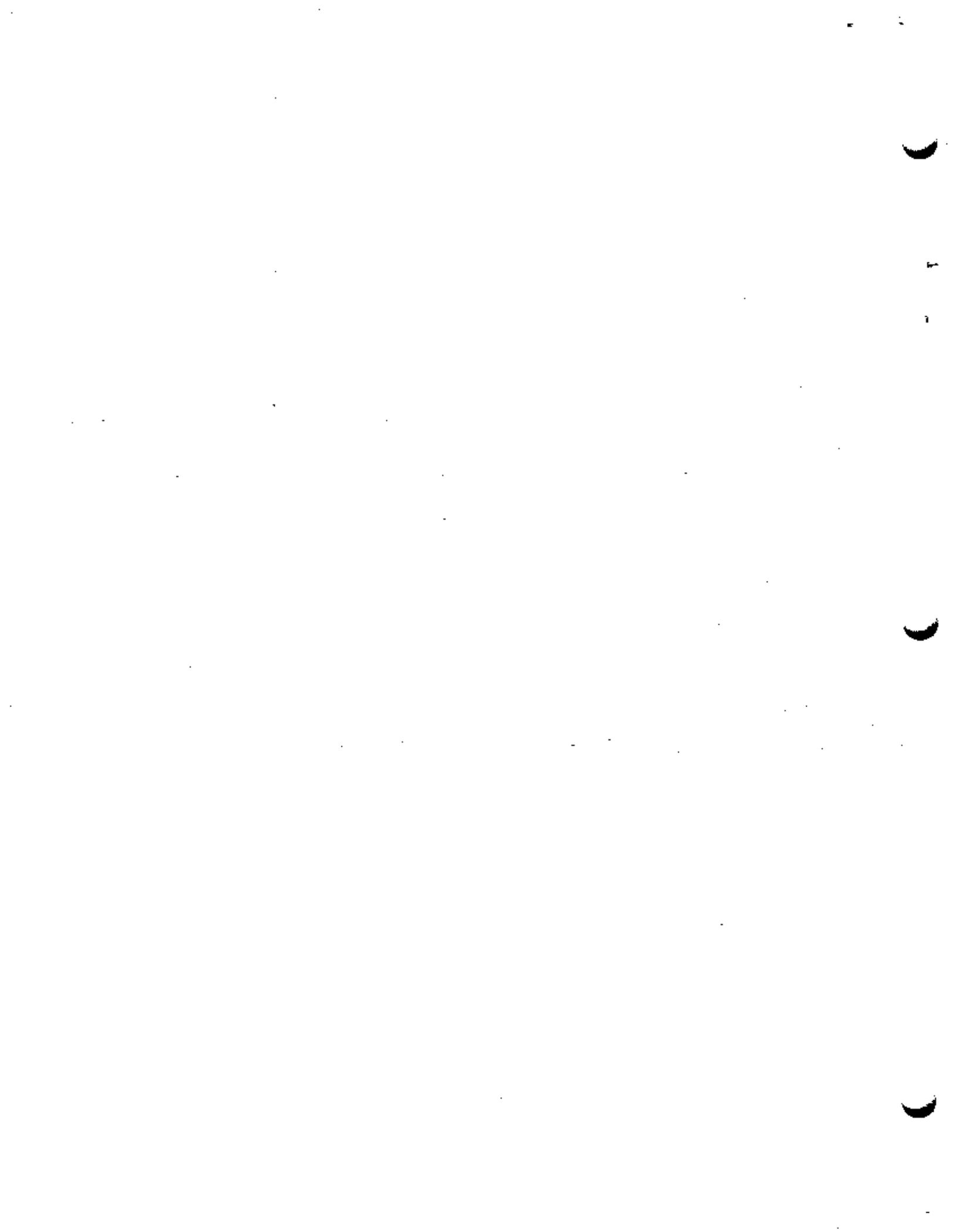
4. Reporting Requirements. None

5. References. Federal Personnel Manual - OPM, Chapter 511, and Department of the Interior, Department Manual Part 370 DM 511.6 dated July 28, 1987.

6. Effect on Other Documents. This change notice supersedes pages 7 through 12 of OSMRE Directive PER-3, dated August 28, 1986.

7. Effect Date. Upon issuance.

8. Contact. Branch of Personnel Policy and Evaluation, Division Personnel, (202) 343-1010.



Appendix 1- Employee Classifications Appeal Procedure

Appendix B. Office of Personnel Management Offices Responsible  
for Adjudicating Classification Appeals

<u>REGION</u>	<u>ADDRESS</u>	<u>STATES COVERED</u>
Atlanta	Richard B. Russell Federal Building 75 Spring Street, SW Atlanta, GA 30303	Alabama, Florida, North Carolina, South Carolina, Georgia, Tennessee, Virginia*
Chicago	John C. Kluczynski Federal Building 230 S. Dearborn Street Chicago, IL 60604	Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, Wisconsin
Dallas	1100 Commerce Street Dallas, TX 75242	Arizona, Arkansas, Colorado, Louisiana, Montana, New Mexico, Oklahoma, Texas, Utah, Wyoming
Philadelphia	William J. Green, Jr. Federal Building 600 Arch Street Philadelphia, PA 19106	Connecticut, Delaware, Maine, Maryland *, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Puerto Rico, Virgin Islands
San Francisco	211 Main Street 7th Floor San Francisco, CA 94105	Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington, Pacific Ocean Area
Classification Appeals Office	Office of Personnel Management, 1900 E Street, NW Washington, DC 20415	All of the District of Columbia;  In Maryland: Calvert, Charles, Frederick, Montgomery, and Prince Georges Counties;
(original and all reconsiderations)		In Virginia: Arlington, Fairfax, King George, Loudoun, Prince William, and Stafford Counties; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and any overseas area not included above

\*Except as noted above