

*Fact Sheet -  
Position Classification Appeals*

**Introduction**

This Fact Sheet explains the basic Position Classification Appeal process applicable to employees serviced, for classification purposes, by the Administrative Service Center One (ASC-1) Human Resources Division (HRD). Due to servicing arrangements specific to the Department of Housing and Urban Development (HUD), not all employees in the ASC-1HRD service may be serviced by ASC-1 for **classification** purposes. As of this writing, the following are field-level servicing arrangements within HUD for classification services:

ASC-1	- Community Planning and Development - Office of General Counsel - Administration
ASC-2	- Fair Housing and Equal Opportunity - Public and Indian Housing - Enforcement Center
ASC-3	- Housing

Field Policy and Management is serviced by the Executive Personnel Management Division, while most or all of the smaller, specialized organizations are serviced for classification purposes by the Headquarters Staffing and Classification Division. Periodically, classification resources are shared across servicing lines. Please check with your local HR Specialist if you're in doubt as to your servicing HR Office for classification purposes.

**Getting Started**

What can you do if you think your position is not properly classified? First, we recommend that you speak with your supervisor. If you have questions your supervisor cannot answer, you may want to speak with an Appeals Officer (please see list at the bottom of this Fact Sheet) in HRD. You may see the position classification standards used to classify your position. These usually are not kept in hard copy any longer, but HRD will assist you in identifying and locating on-line versions on the Office of Personnel Management (OPM) web site ([www.opm.gov](http://www.opm.gov)). Other information is available on the OPM web site that might assist you, including past appeal decisions. On the OPM web site, simply use the "site index" to navigate to "classification."

If you believe that your position description does not accurately describe your work, please discuss this with your supervisor before discussing the classification, since the two issues, while related, are distinct. Since your supervisor certifies your position description's accuracy, he or she should be able to give an explanation of its contents.

If your supervisor believes that your position should be reevaluated, he or she may request that HRD conduct a position review. The servicing Appeals Officer may conduct

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a desk audit (interview you, your supervisor, other management officials with knowledge of the position, review documentation (e.g., current or previous position descriptions, organizational mission and function descriptions, performance elements (not completed appraisals), occupational information available through the Department of Labor, work samples you provide, and other sources) to obtain information about the kind and difficulty of the work you perform..

If your position is desk audited, whether in person or telephonically, you will be provided notice and a checklist (which may not be all-inclusive) of the major items expected to be covered. You are encouraged to prepare thoroughly and to emphasize the major areas of your work and how your position fits into your unit's and HUD's operations. Most important, please strive for accuracy, neither under- nor over-stating the difficulty and complexity of your duties and responsibilities and the qualifications required to perform them. Please take an active role in helping to ensure that the Appeals Officer has a complete and accurate understanding of your position. You always will be allowed an opportunity to provide additional information within a reasonable time (e.g., a few days to a week) after completion of the audit if something important comes to mind later.

Please remember that a position audit is not personal to you or your performance, neither of which are being evaluated, and most certainly is not an adversarial process. Instead, it is simply a means of acquiring information about your position. Your Appeals Officer is there to assist you in developing information, and is not trying to trick you, mislead you, or artificially hold down your grade. You will be treated in conformity with the highest standards of dignity, professional courtesy, and respect. Everything that happens will be in the open, all information relied upon will be available to you, and each step in the process will be explained to you fully.

**What May Be Appealed / What May NOT Be Appealed**

You may seek a change in the grade, occupational series, and sometimes the title of your position. You may seek to have your General Schedule (GS) position changed to the Federal Wage System (FWS) or your FWS position changed to the GS.

Some things may not be appealed. For instance, you may not appeal the content or accuracy of your official position description, the accuracy of a classification standard, a **proposed** classification decision, the classification of positions to which you are not officially assigned, or the classification of positions to which you are detailed or temporarily promoted for a period of less than two years.

Before submitting an appeal, you should ensure that your position description identifies the major duties you are assigned and perform. Because HUD is responsible for assigning duties to your position and including them in your current position description, and classifying the position accordingly, OPM usually will not accept an appeal until this certification is provided. If the position description is significantly inaccurate, you are encouraged to try to resolve the problem by discussing it with your supervisor and perhaps an Appeals Officer. If you are unable to resolve the problem at this level, you

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may use HUD's negotiated or administrative grievance procedure. If you are unable to obtain an accurate position description through the grievance procedure, HUD or OPM may accept your appeal and determine the proper classification based on the duties assigned by management and performed by you.

**What Are Your Appeal Choices**

Since ASC-1 HRD services only General Schedule (GS) employees, only the procedures for GS employees are covered in this section.

You may appeal at any time to HUD or directly to OPM. However, you may **not** appeal to HUD and OPM at the same time. Still another option available to you as a GS employee is to make your classification appeal to OPM through HUD HQ. HUD HQ must act on your appeal within 60 days or forward it to OPM for action.

As a general rule, most Appeals Officers recommend that you first seek an appeal decision from the lowest level first and progress upward. One reason for this is that if you appeal to HUD and our decision is unfavorable, you can still appeal to OPM. However, if you appeal first to OPM and receive an unfavorable decision, you cannot then appeal to HUD, at either the ASC or HQ levels.

**Making Your Appeal to HUD**

When appealing the classification of your position to HUD, it is best to start with your human resources office. An Appeals Officer there will describe HUD's appeal procedures to you and will help you initiate the appeal process.

**Making Your Appeal to OPM**

If an appeal to HUD does not result in a decision you believe is correct, you can still submit an appeal to OPM. You may have a representative (designated in writing) help you prepare and present your appeal case, but the representative cannot be someone with management or classification authority over your position. You or your designated representative should send your appeal to the OPM office serving the geographical area where your position is located. (See the address list at the end of this fact sheet.)

If you decide to appeal, your appeal should contain the following information in writing:

- Your name, mailing address, and commercial office telephone number.
- The present classification of your position and the requested classification.
- The name of the department or agency and the office in which you work.
- The city where you are employed and the installation's mailing address.

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- A copy of your official position description and either a statement affirming that it is accurate or a detailed explanation of the inaccuracies and an explanation of the efforts made to correct the position description.
- Any additional information about the position that will aid in understanding it.
- Arguments supporting the requested classification by referencing the appropriate classification standards.

**Fact Finding**

Appeal decisions are based on information supplied by you, and by HUD in its administrative report when the appeal is to OPM. Generally, at the ASC level, an audit will be conducted in which you will have an opportunity to personally present your understanding of your position. If either HUD or OPM requires additional information, it can be obtained through correspondence, telephone call, or on-site visit. If it is necessary to conduct an interview or desk audit, you may have a representative present if requested within HUD, but if conducted by OPM you will be the only person present unless OPM requests another person to participate. Neither HUD nor OPM conducts appeal hearings.

**Basis for Appeal Decisions**

Both HUD and OPM must base decisions on the work assigned to your position, on the qualifications required to perform that work, and on the proper application of the classification standards. Your position may not be compared to other positions. We also may not consider such factors as qualifications you have that are not required for the work of your position, quality of your performance, or volume of work assigned to your position.

HUD and OPM will notify you, and OPM will notify HUD when applicable in writing of our decision. The effective date of any change in grade, occupational series, or title will be stated in the decision.

**Effect of OPM Appeal Decision**

OPM's appeal decisions are binding on HUD and on all administrative, certifying, payroll, disbursing, and accounting officials in the Government. You should be aware that even if your position is reclassified, the decision might not necessarily be favorable to you. The grade may be raised or lowered as the facts warrant, even if that should lead to a result unexpected or unwanted by you. Regardless of the appeal decision, your line management chain retains full control over the assignment of duties to each position and who performs those duties.

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**Reconsideration of OPM Appeal Decision**

Generally, within HUD reconsideration of appeal decisions is not appropriate because further review channels are available. Reconsideration occasionally may be appropriate on a case-by-case basis under unusual circumstances.

There is no automatic right to a review of OPM's appeal decisions. However, occasionally a review may be justified. In that case, OPM may, at its own discretion, reconsider the decision. Reconsideration may be granted when either you or HUD submits written evidence or arguments that establish a reasonable doubt as to the technical accuracy of the decision, or presents new, relevant, and substantive information that was not considered in the original decision. To establish a reasonable doubt, you should refer specifically to the decision and to the applicable classification standard to demonstrate possible error in the technical evaluation of the position.

The Director of OPM has discretion to reconsider any decision when written evidence or argument is submitted which tends to establish that the decision is erroneous in its interpretation of statute, regulation, or current policy. The Director may also reconsider a decision that involves a new or unreviewed policy consideration that may have effects beyond the case at hand, or when the case is so exceptional that it warrants the Director's personal attention.

The deadline for submitting a request for reconsideration is 45 calendar days after the date of the decision.

**Cancellation of Appeal Request**

Either HUD or OPM may cancel your appeal at your request, or if you fail to provide requested information in a timely way, or if you leave the position under appeal.

**For More Information**

Please visit OPM's web site at <http://www.opm.gov/fedclass>. If you have specific questions or need more information on making a classification appeal, contact your Appeals Officer or the office, or send an email to OPM at [fedclass\\_appeals@opm.gov](mailto:fedclass_appeals@opm.gov). The regulatory requirements for making an appeal request can be found in title 5 of the Code of Federal Regulations (5 CFR). Part 511, subpart F, covers General Schedule positions, and part 532, subpart G, covers Federal Wage System jobs. Your Appeals Officer will assist you in locating regulatory information as needed.

**ASC-1 Appeals Officers**

Chief	Gary C. Lyman	(212) 264-8000 (3354)
Primary Appeals Officer	John W. Manos	(212) 264-8000 (3359)
Alternate Appeals Officer	Betty Ann Jordan	(212) 264-8000 (3353)

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**ASC-2 (Atlanta) Appeals Contact Points**

Linda Catroppa	(404) 331-5001 (2383)
Linda Larkin	(404) 331-5001 (2386)

**ASC-3 (Denver) Appeals Contact Points**

Ann Ornelas	(303) 672-5259 (1838)
Paula Lopez	(303) 672-5259 (1850)

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**Where to Submit Appeals**

Classification appeals should be forwarded by mail to:

*At the ASC\* Level*

ASC-1 Human Resources Division  
Attention: Chief of Staffing and Classification  
26 Federal Plaza  
New York, NY 10278

*\*Please contact the ASC-2 and ASC-3 contact points listed above for their preferences, if they provide your classification services.*

*At the HUD Headquarters Level*

Department of Housing and Urban Development  
Office of Human Resources  
451 7th Street SW  
Washington, DC 20410

*At the Office of Personnel Management*

<b>Office</b>	<b>Jurisdiction</b>
OPM Atlanta Oversight Division 75 Spring Street, SW., Suite 1018 Atlanta, GA 30303-3109 (404) 331-3451	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia (except as noted under the Washington, DC Oversight Division)
OPM Chicago Oversight Division 230 S. Dearborn Street, DPN 30-6 Chicago, IL 60604-1687 (312) 353-0387	Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, Wisconsin
OPM Dallas Oversight Division 1100 Commerce Street, Room 4C22 Dallas, TX 75242-9968 (214) 767-0561	Arizona, Arkansas, Colorado, Louisiana, Montana, New Mexico, Oklahoma, Texas, Utah, Wyoming
OPM Philadelphia Oversight Division 600 Arch Street, Room 3400 Philadelphia, PA 19106-1596 (215) 861-3102	Connecticut, Delaware, Maine, Maryland (except as noted below under the Washington, DC Oversight Division), Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Puerto Rico, Virgin

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	Islands
OPM San Francisco Oversight Division 120 Howard Street, Room 760 San Francisco, CA 94105-0001 (415) 281-7050	Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington, Pacific Ocean Area
OPM Washington, DC Oversight Division 1900 E Street, NW., Room 7675 Washington, DC 20415-6000 (202) 606-2990	The District of Columbia The Maryland counties of Charles, Montgomery, and Prince George's. The Virginia counties of Arlington, Fairfax, King George, Loudoun, Prince William, and Stafford; the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and any overseas area not included above.