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Article 28

Classification

Section 1. General

A. The parties agree that position descriptions shall accurately state the principal duties and responsibilities of the position.

B. The phrase “other related duties as assigned” and other phrases having similar meaning as used in position descriptions, means duties related to the basic duties of the position. Such phrases will not be used to regularly assign work to an employee that is not reasonably related to the duties listed in the position description.

C. The Principle of equal pay for substantially equal work will be applied to all position classification actions.

D. Affected employees and the Union will be provided timely notice of personnel management evaluations conducted by either the Agency or OPM that will involve classification audits of bargaining unit employees.

E. While classification audits are in process, the Agency will not reassign

25 **duties if the purpose of the reassignment is to avoid reclassification of**
26 **the position.**

27
28

29 **F. Employees shall have the right to Union representation in all phases of**
30 **the classification process, including desk audits, covered by this**
31 **Agreement.**

32

33 **G. The Agency will notify the Union in writing as soon as possible when**
34 **substantive changes will be made in the duties and responsibilities of**
35 **positions held by bargaining unit employees due to reorganization, or**
36 **when changes in position classification standards result in**
37 **classification changes, or for any other reason that changes will be**
38 **made in position classification standards that could result in**
39 **classification changes.**

40
41

42 **H. The Agency will apply newly issued OPM classification and job grading**
43 **standards within a reasonable period of time. The Union will be**
44 **provided with copies of new standards. Current standards will be**
45 **provided upon request.**

46

47 **I. Upon request, the Agency will provide the Union with copies of all**
48 **Agency guidance provided to OPM in connection with any classification**

49 **standards.**

50

51

52 **J. The Agency will consider the Union's oral or written views concerning**
53 **occupational classification standards when making recommendations**
54 **to the Office of Personnel Management and will notify the Union, in like**
55 **manner, of any action taken.**

56

57 Section 2. Position Description

58

59 **A. All employees are entitled to a complete and accurate position**
60 **description, which clearly and concisely states the principal and**
61 **grade controlling duties, responsibilities, and supervisory**
62 **relationship of the position. ~~The Agency will maintain a complete and~~**
63 **~~up-to-date file of position descriptions of all classified positions in the~~**
64 **~~bargaining unit~~ Each position covered by this Agreement must be**
65 **current and accurately described, in writing, and classified to the**
66 **proper occupational title, series, code, and grade in accordance with**
67 **OPM and Agency regulations. ~~and will provide~~ Each employee will be**
68 **provided with a copy of his/her position description at the beginning of**
69 **an assessment period.**

70

71 **B. Upon request, the Union will be provided a copy of all official information**
72 **relating to the classification of a position, including but not limited to the**

73 position description, analysis/evaluation reports (if available), and
74 organizational and functional information.

75

76

77

**C. The Union will be provided the opportunity to review proposed
78 changes in position descriptions and copies of updated and new
79 position description and make recommendations and present
80 evidence concerning the adequacy and equity of position
81 descriptions. The Union will be given four (4) weeks to review the
82 proposal and offer comments.**

83

84

85

B D. When an employee has a question concerning the proper classification of
86 his/her position, the employee will discuss the situation with his/her
87 immediate supervisor. ~~If the immediate supervisor cannot resolve the~~
88 ~~employee's concerns to the employee's satisfaction,~~ the employee **wishes**
89 **to pursue the matter further, he/she** may request a **desk audit as**
90 **provided for in Section 3 of this Article, file a grievance as**
91 **appropriate, or file a classification appeal in accordance with Section**
92 **6 of this Article and 5 CFR Part 511, Subpart F. Prior discussion with**
93 **an Agency official is not required before an employee either requests**
94 **a desk audit or files a grievance or classification appeal.** ~~that the~~
95 ~~supervisor arrange for a Classification Specialist to provide further~~
96 ~~information to the employee.~~

97

98 **Section 3. Desk Audits**

99

100 **A. Desk audits may occur by request of an employee or the Union or at the**
101 **discretion of the Agency. Employees may request a desk audit by**
102 **notifying their supervisor. Upon such notification, the Agency will**
103 **either acknowledge receipt of the request within 10 calendar days or**
104 **provide an estimate of the additional time needed to reply. If a**
105 classification audit is determined to be appropriate, the Union will be notified
106 as to the anticipated starting date of the audit. The initiating employee will be
107 provided the results of the classification audit upon completion thereof.

108

109 **B. An employee(s) who is the subject of a desk audit, and the Union, will**
110 **be provided timely notice by the Agency prior to the desk audit. Notices**
111 **will identify the employee(s), position, the reason the audit is being**
112 **conducted, and propose a time for the audit.**

113

114 **C. While a desk audit is in process, the Agency will not reassign duties for**
115 **the sole purpose of avoiding reclassification of the position.**

116

117 **D. During an audit, the employee and Union representative may discuss**
118 **the audit with the employee's supervisor and other involved Agency**
119 **officials (e.g., Human Resources staff). Upon completion of the audit,**

120 **the Agency shall designate an official to discuss the findings with the**
121 **employee and the representative.**

122
123 **E.** If a classification inquiry results in an audit, the employee will be afforded an
124 opportunity to discuss the results and analysis of the classification audit with
125 his/her immediate supervisor. If the immediate supervisor cannot resolve the
126 employee's concerns to the employee's satisfaction, the employee may
127 request that the supervisor arrange for a Classification Specialist to provide
128 further information to the employee. The request will normally be honored.

129

130 **Section 4. New Classifications**

131

132 **A. Classification decision rendered by the Agency or OPM having the**
133 **effect of establishing a grade level that did not exist before within an**
134 **occupation will be forwarded by the Agency to the Union with the basis**
135 **for that decision.**

136

137 **B. A promotion resulting from the application of a new classification**
138 **standard or correction of a classification error will normally be effected**
139 **no later than the beginning of the second pay period following a**
140 **management decision to promote the incumbent(s), provided he or she**
141 **meets any applicable qualification, performance, or other requirements**
142 **for the position in question.**

143

144 **Section 5. Downgrades**

145

146 **A. An employee whose position is reclassified to a lower grade which is**
147 **based in whole or in part on a classification decision is entitled to a**
148 **prompt written notice from the Agency. This notice will be issued to**
149 **affected employees within 10 calendar days of the decision. This**
150 **includes employees who are eligible for retained grade or pay. The**
151 **notice will explain:**

- 152 **1. The reasons for the reclassification action ;**
- 153 **2. The employee's right to appeal the classification decision to the**
154 **Agency and/or to OPM as provided by regulations, if such appeal**
155 **has not already been made;**
- 156 **3. The time limits within which the employee's appeal must be filed**
157 **in order to preserve any retroactive benefits under 5 CFR 511.703;**
158 **and**
- 159 **4. Any other appeal or grievance rights available under applicable**
160 **law, rule, regulation, or this Agreement.**

161

162 **B. For a downgraded position, the employee's pay and grade will be**
163 **maintained in accordance with law and regulations.**

164

165 **C. Employees who have been downgraded as a result of a classification**
166 **action while serving under a career or career-conditional appointment**

167 shall be entitled to priority referral for noncompetitive consideration for
168 permanent promotion prior to a vacancy being filed by competitive
169 promotion under Article 26, Merit Promotion. Such employees shall be
170 entitled to priority referral and consideration only to vacancies for which
171 the downgraded employee is highly qualified up to the grade level or the
172 equivalent level of the position from which downgraded.

173 1. A listing of the ten most senior highly qualified downgraded
174 employees will be referred to the selecting official before a
175 competitive promotion certificate is issued and before referral of
176 other candidates not entitled to preferred placement by
177 application regulations (e.g. reassignment eligibles). If there are
178 less than ten highly qualified re-promotion eligibles, all highly
179 qualified eligibles will be referred. The seniority of highly
180 qualified candidates is determined by Service Computation Date.

181 2. If the list of downgraded employees contains five or more highly
182 qualified re-promotion eligibles, selection from among those
183 eligibles will be mandatory, unless persuasive reasons for non-
184 selection are provided in writing to the Head of the Agency or
185 designee.

186 D. The impact of any notice of downgrading will be negotiated with the
187 Union prior to implementation, in accordance with Article 4, Mid-Term
188 Bargaining.

189

190 F. ~~Where there is a statutory duty to bargain the impact of classification activity~~
191 ~~on employee(s), SSA will provide notice and an opportunity to bargain~~
192 ~~consistent with the procedures in Article 4.~~

193

194 G. ~~If a classification audit is adverse (i.e., a position is reclassified at a lower~~
195 ~~grade) affected employees will be given three pay periods advance notice.~~

196

197 Section ~~3~~ 6. Classification Appeals

198

199 A. ~~Upon request, the Agency will provide any employee information on the~~
200 ~~procedures for filing classification appeals to SSA or OPM.~~

201 **Employees may appeal classification decisions that result in a reduction**
202 **in their grade or pay through Article 24, Grievances, or through the**
203 **administrative process provided for under 5 CFR 511.101 et seq. Other**
204 **classification disputes concerning the establishment or change the title,**
205 **series, grade, or pay system of a position will be processed under 5**
206 **CFR 511, Subpart F.**

207

208 B. ~~An employee who files a classification appeal to SSA or OPM is entitled to a~~
209 ~~copy of the position description, analysis/evaluation reports (if available),~~
210 ~~organizational and functional information and other official information related~~
211 ~~to classification of the position.~~

212 **Employees or their designated representative may file appeals with**
213 **OPM to challenge either the appropriateness of the occupational series**
214 **or grade of the employee's position or the inclusion under or exclusion**
215 **of their position from chapter 51 of Title 5 USC by either the Agency or**
216 **OPM. However, employees who suffer reductions in grade or pay in**
217 **part or wholly because of reclassification may opt to resolve disputed**
218 **classification issues through Article 24, Negotiated Grievance**
219 **Procedure.**

220

221 ~~C. General Schedule and Federal Wage System employees who file~~
222 ~~classification appeals to SSA will have their appeals decided within a~~
223 ~~reasonable period of time. Upon request, the initiating employee and/or~~
224 ~~his/her union representative will be provided a copy of the classification~~
225 ~~appeals file.~~

226 **Classification appeals will be processed in accordance with 5 CFR Part**
227 **511, Subpart F, for General Schedule employees; 5 CFR Part 532,**
228 **Subpart G, for Federal Wage System employees; applicable Agency**
229 **rules; and the provisions of this Agreement, as appropriate. The**
230 **Agency will provide employees and their designated representatives**
231 **with copies of procedures for filing classification appeals through the**
232 **Agency and OPM channels upon request. Employees who do not elect**
233 **Union representation will be informed by the Agency of employees'**
234 **grievance or appeal rights, as appropriate.**

235

236 ~~Section 4. Effective date~~

237

238 ~~Changes in grade level based on reclassification resulting from action other than~~

239 ~~OPM appeals will be effective on the first pay period following final approval of~~

240 ~~the action.~~