



DEPARTMENT OF VETERANS AFFAIRS  
OFFICE LABOR-MANAGEMENT RELATIONS  
Washington DC 20420

April 6, 2012

Ami Pendergrass, Esq.  
American Federation of Government Employees  
P.O. Box 320430  
Alexandria, Virginia 22320

Dear Ms. Pendergrass:

1. This is in response to the National Grievance filed by the American Federation of Government Employees (AFGE or Union) on December 28, 2011, relating to the classification of Pay Technicians in Salem, VA, and Temple, TX. In its grievance, AFGE alleges that the Department of Veterans Affairs (VA) violated Article 9 of the parties' Master Agreement and VA Directive and Handbook 5003, by:

(1) in Salem, improperly classifying the Pay Technician position, and, through its classifier, abusing its discretion by classifying the position based on factors other than those required by the Office of Personnel Management (OPM) and the OPM Classifier's Handbook; and

(2) in Temple, failing to submit an accurate, jointly reviewed, and management approved position description, and failing to correctly classify the Pay Technician position.

2. To remedy the alleged violations, the Union requested that the Department agree to: (1) have the Salem and Temple position descriptions reviewed by a neutral classifier from either VA Central Office or another mutually agreed upon location; and (2) perform desk audits of the Pay Technician positions in Salem and Temple.

3. Pay Technician Classification in Salem, Virginia

(1) In Salem, the Pay Technician position description classified by the Department was approved and determined to be accurate by the local Pay Technicians and their supervisor. AFGE, however, takes issue with the substance of the classification, particularly the determination of factor levels and points awarded by the classifier under the factor evaluation system.

(2) In its grievance, the Union places too much emphasis on the primacy of a position description in the complex process of position classification. Article 9, § 2, of the parties Master Agreement states that "positions will be classified by comparing the duties, responsibilities, and supervisory relationships in the official

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PD with the appropriate classification and job grading standard.” While the approved position description is a critical component of position classification, a thorough classification frequently requires additional information, as explained by OPM:

(A) OPM considers a position description to be adequate for classification purposes when it is both:

(1) considered so by one knowledgeable of the occupational field involved and of the application of pertinent classification standards, principles, and policies; and

(2) *supplemented by otherwise accurate, available, and current information* on the organization, functions, programs, and procedures concerned.

4. The Classifier’s Handbook, Office of Personnel Management, p. 18 (1991) (emphasis added).

5. An appropriate classification involves comparing the employees’ actual duties and responsibilities to the OPM position classification standards. Initially, a classifier must determine the impacted employees’ major duties, which “should be only those duties currently assigned, observable, identified with the position’s purpose and organization, and expected to continue or recur on a regular basis . . . .” *Id.* at 19. In Salem, in addition to reviewing the position description, the classifier regularly communicated with the employees’ supervisor to obtain specific examples and illustrations of the work performed by the facility Pay Technicians. The supervisor supplied supplemental information relating to her employees’ judgment and decision-making, their payroll and HR interactions, and their processing of loan buybacks. The illustrations allowed the classifier to have a more complete picture of the day-to-day actions of the Salem Pay Technicians.

6. In the Evaluation Report completed by the classifier for the position, she noted instances where the employees’ actual duties matched up to specific levels in each of nine factors, and she assigned point scores for each factor. OPM’s Classifier’s Handbook describes this crediting process as follows: “One level of a factor level description can be compared with lower and higher levels to determine differences in terms of the overall occupation. Each factor level description represents the minimum or ‘threshold’ for that factor. If the position factor exceeds one factor level but fails to meet fully the intent of the next higher factor level, then the lower point value must be credited. A position factor must meet the full intent of a factor level to be credited with that level.” *Id.* at 10.

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7. AFGE complained in its grievance that the classifier incorrectly determined and scored factor levels in her report. The Department, however, has found no evidence to support the complaint. The evaluation process described above is methodical but specialized. Accurate classifications require sound judgment and insight gained through training and experience, and are not easily second-guessed by those who do not regularly perform the task.<sup>1</sup> In accordance with the Department's policy, the Salem classification was reviewed by a classifier from VA's Central Office Classification Unit, who concurred with the VISN-level classification decision.<sup>2</sup>

#### 8. Pay Technician Classification in Temple, Texas

(1) A review of the Pay Technician position in Temple resulted in an initial downgrade of the position to a GS-6 in January, 2011. The impacted employees requested a desk audit and initiated a classification appeal with the Department. The appeal was subsequently withdrawn, and then resubmitted in September, 2011. During the same time frame, the impacted Pay Technicians stated that their existing position description was inaccurate. The employees, together with their supervisor, submitted an updated position description to management on September 14, 2011, and requested that the Department conduct a desk audit and reclassify the position using the updated position description.

(2) In February, 2012, the new Payroll Technician position description, reviewed and approved by the Temple employees and their supervisor, was classified by the VISN 17 Central Classification Unit. Prior to classifying the position, the VISN conducted a desk audit of the affected Temple employees on February 22, 2012. The resulting classification of the position, completed on February 27, 2012, concluded that the position is appropriately graded as GS-6. Employees were reminded of their right to appeal the classification determination to the Department's Central Office or to OPM.

(3) After reviewing the Temple classification, the Department finds no violation of either Article 9 or VA Directive and Handbook 5003. As pointed out in the grievance, Article 9 requires that employee position descriptions be kept current and accurate. While at the time the grievance was filed, the new employee-approved position description had not yet been classified, that issue has now been remedied. The recent desk audit and classification yielded a grade determination consistent with the earlier Pay Technician classification in VISN 17; similar results have followed after classifications of the position in other facilities and VISNs.<sup>3</sup>

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<sup>1</sup> "Position classification standards are intended to be a guide to judgment, not a substitute for it. Standards are prepared on the assumption that the people using them are either skilled personnel management specialists or managers who are highly knowledgeable about the occupations which are basic to their organization units." OPM, Introduction to Position Classification Standards, Section 3(B), p. 8 (August 2009).

<sup>2</sup> Classifications that impact twenty or more employees are reviewed by Central Office. VA Handbook 5003, Part I, para. 13.

<sup>3</sup> Although requested as a partial remedy in this grievance, the Department is unwilling to routinely submit position descriptions or classifications for additional review by Departmental classifiers in other VISNs, who may be unfamiliar with the particular duties and responsibilities of employees outside their facilities. An employee

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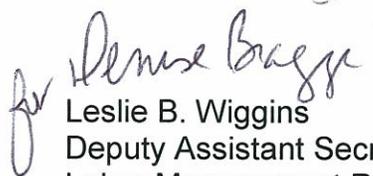
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9. Conclusion

(1) Although the Union may be convinced that the Salem and Temple classifications are flawed, the Department's review suggests otherwise. Classification of positions is a complex process potentially involving a number of steps and factors. It involves review of position descriptions, comparison of actual duties and responsibilities to OPM standards, review of VA and OPM appeals decisions, analysis of results of desk audits, discussions between managers and classifiers, and review of specific illustrations of employees' work. Ultimately, for this reason, most classification issues are excluded from the grievance process by 5 USC § 7121(c)(5).<sup>4</sup> While frustrating for those employees impacted by a downgrade, no Pay Technician in Salem or Temple suffered a loss of grade or pay as a result of the Department's classification decisions, and therefore, the issue is not grievable or arbitrable. However, as the Pay Technicians have been previously advised, they can appeal such classification determinations to the Department's Central Office or to OPM.

(2) Because the matters covered by the National Grievance are, by law, neither grievable nor arbitrable, and because the Department complied with both Article 9 and applicable Agency policies, the Union's grievance is denied.<sup>5</sup>

Sincerely,



Leslie B. Wiggins  
Deputy Assistant Secretary for  
Labor Management Relations

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impacted by a downgrade, however, may pursue further review from the Department's Central Office classifiers, as well as OPM's classifiers.

<sup>4</sup> 5 USC § 7121(c)(5) precludes from the grievance process a complaint concerning "the classification of any position which does not result in the reduction in grade or pay of an employee." In addition, 5 USC § 5366 prohibits an employee from pursuing a grievance when the employee retains grade and pay following a reclassification of the employee's position. See, AFGE, Local 2250 and Department of Veterans Affairs, Medical Center, Muskogee, OK, 51 FLRA 52 (1995) ("Under 5 U.S.C. 5366(b), an action which is the basis of an employee's entitlement to grade and pay retention benefits is not grievable or arbitrable").

<sup>5</sup> The Department has addressed the Union's requested remedy, in part. The Salem position description and classification was reviewed by a Central Office classifier. The Temple classifier conducted a desk audit prior to classifying the position, as requested, and relied on a new employee-approved position description in the February 2012 classification.