

**POSITION CLASSIFICATION, JOB GRADING,
AND POSITION MANAGEMENT**

- 1. REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) procedures regarding position classification, job grading, and position management.
- 2. SUMMARY OF CONTENT/MAJOR CHANGES:** This handbook sets forth mandatory procedures previously contained in numerous other issuances. No substantive changes have been made.
- 3. RESPONSIBLE OFFICE:** The Human Resources Management and Labor Relations Compensation and Classification Service (055), Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations.
- 4. RELATED DIRECTIVE:** VA Directive 5003, "Position Classification, Job Grading, and Position Management."
- 5. RESCISSIONS:** Refer to the Transmittal Sheet for VA Handbook 5001, "General Introduction and Administration."

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AND POSITION MANAGEMENT**

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PART I. POSITION CLASSIFICATION AND JOB GRADING

1. SCOPE. This part covers the classification of General Schedule and Federal Wage System (FWS) positions subject to the provisions of 5 U.S.C., chapters 51 and 53, sections 5342 and 5346 and 5 CFR, parts 511 and 532. It provides procedures that will facilitate sound and consistent classification and job grading practices.

2. COVERAGE

a. All VA positions, that are not specifically exempted from 5 U.S.C., chapters 51 and 53, sections 5342 and 5346 and 5 CFR, parts 511 and 532 are subject to these provisions. Also excluded are employees appointed in Veterans Health Administration (VHA) under authority of 38 U.S.C., chapter 73 or 74.

b. All employees in recognized trades or crafts, or other skilled mechanical crafts, or unskilled, semi-skilled, or skilled manual labor occupations, and other employees including leaders and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, including those in Veterans Canteen Service covered by 5 U.S.C. 5342 (a)(2)(C).

c. VA is authorized, using guidelines and standards issued by OPM, to determine whether a position is subject to or excluded from coverage under the General Schedule or the FWS. Questions of coverage or exemption of an individual position at a field location will be initially determined by the servicing human resources management office providing human resources management services to the facility concerned. For positions in Central Office, questions of coverage or exemption will initially be determined by Central Office Human Resources Service (05HRS). If, in connection with a specific position, there is reasonable doubt as to coverage, the case will be referred to the Shared Service Center and VACO (055) for a decision. In unusual circumstances, the position may be submitted to OPM by the Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations (055) for determination in accordance with the provisions of 5 U.S.C. 5103.

3. DELEGATIONS OF AUTHORITY TO CLASSIFY POSITIONS AND GRADE JOBS

a. **General.** Authority is delegated to [Under Secretaries], Assistant Secretaries, and [Operating Human Resources Offices] to classify positions. All classification activity must adhere to the following conditions:

(1) Delegations of authority relative to classification of positions centralized to the Secretary and other VACO officials must be followed. A current list of the delegations of authority is contained in VA [Handbook] 5001[, General Introduction and Administration, part II, appendices A-D]. Updates to the list of delegations will be made available on the [Office of Human Resources and Labor Relations Web site](#). []

(2) Classification authority affecting non-centralized positions will be delegated through the Assistant Secretary for [the Office of] Human Resources Management and Administration (006) memoranda.

(3) [Servicing Human Resources Offices are responsible for ensuring that classification decisions/actions are consistent with law, VA human resources management policy and practices, including those regarding good position management, and Office of Personnel Management standards].

[]

b. Other HR Delegations. All other HR delegations remain unchanged regardless of the automated tools and redesigned business processes used to initiate, request, and effect those actions.

c. [Restrictions

(1) Managers are expected to exercise these authorities within budgetary and resource limits and to obtain appropriate reviews, concurrences, and/or approvals that apply to their organizations and programs, and to apply good position management practices.

(2) None of these HR authorities may be used to effect an action that would directly or indirectly result in an increase in the grade level or pay of the official responsible for taking the action.

(3) None of these HR authorities may be used to change the classification of any position description, the title, series, and/or grade of which has been assigned by VACO Office of Human Resources Management and Labor Relations (055) or OPM].

[]

4. POSITION CLASSIFICATION AND JOB GRADING STANDARDS AND GUIDES

a. OPM Standards

(1) OPM standards and guides take precedence in the classification and grading of positions. OPM has final authority over position classification and job grading standards, and is required to keep them current and to ensure, to the extent practicable, that existing positions are covered by current published standards. VA will cooperate with OPM in the development of new position classification and job grading standards and the modification of existing standards. VA will encourage the initiation of standards studies by OPM in the interest of attaining maximum coverage, uniform treatment and proper classification of VA positions.

(2) Prior to issuing a new or revised classification standard or guide, OPM conducts an occupational study. Field facilities [] may be asked by the Human Resources Management and Labor Relations Compensation and Classification Service (055) to participate in any or all aspects of an OPM study, i.e., occupational review, data development, or on-site fact finding. Occupational studies are concerned only with information about the occupation; the studies are not a review of the classification or grading of existing positions. Incumbents and their exclusively recognized labor organizations should be made aware of the purpose and limitations of the studies, and all human resources officials, supervisors, program officials and employees should cooperate fully with the OPM representatives.

(3) The final phase of an occupational study involves the Department's review of and comment on OPM's tentative (or draft) standard. As time permits, representative groups of field facilities [] will be selected to participate in the review by the Human Resources Management and Labor Relations Compensation and Classification Service (055). Selected facilities will be provided a copy of the draft standard with instructions identifying the date for submission of the facilities' comments. Selection of facilities will be based on the degree or extent to which activities covered by the draft are present at the location. Employees in occupations directly affected by the tentative standards, their supervisors, program officials and exclusively recognized labor organizations should be given the opportunity by the human resource office to review such standards and prepare written comments for consideration in facility submissions. In order that VA may respond in a timely manner to OPM it is important that the facilities' [] comments be submitted to VA Central Office, Human Resources Management and Labor Relations Compensation and Classification Service (055) by the date specified in the Department[']s instructions.

b. Department Guidelines and Supplements. Department guidelines and supplements may be periodically developed and issued by OHRM&LR to facilitate the proper and consistent classification and grading of VA positions. VA guidelines and supplements will be consistent with published OPM standards and guides. Such internal guides are not reviewed and approved by OPM. They are properly used to supplement existing OPM standards, not to replace them. Accordingly, should any conflict arise, the OPM standards govern in accordance with the provisions of law.

c. New or Revised Standards

(1) New or revised position classification and job grading standards published by [] OPM automatically supersede Department guidelines and supplements which conflict with such standards. Upon a finding of OPM or the Deputy Assistant Secretary for Human Resources Management and Labor Relations that application of any Department guide or supplement results in the erroneous classification of positions, such guides or supplements will be amended or withdrawn, as appropriate.

(2) [Implementation of new or revised OPM standards and guides will begin one to three months from the OPM release date and will normally be completed within eighteen months after that date. This timeframe does not apply to classification appeals for which the new standards must be applied immediately. Implementation of VA guidelines and supplements must be applied to covered positions as soon as possible, normally within six months of the VA effective date].

[]

d. Standard, Guide and Guideline Availability. OPM position classification and job grading standards and guides, and VA guidelines and supplements will be available for review to interested officials and employees, their representative, and their exclusively recognized labor organization, which will be informed by the servicing human resources management office of their location and conditions of availability.

5. POSITION DESCRIPTIONS

a. An accurate and current written description must be developed and maintained for each position covered by this part. Accurate position descriptions are essential in the VA integrated job analysis system, which is used for the following human resources functions: selection procedures, performance appraisal, position classification and grading, training and development. Accurate descriptions are also necessary for a sound position management program. Wherever possible, employees will be afforded the opportunity to assist in the preparation of their position descriptions; however, supervisors and/or managers are responsible for assigning work to positions and insuring that the descriptions are accurate.

b. Position descriptions will be prepared using an Optional Form 8 (OF-8) as a cover sheet. Appendix B of this part contains instructions for completing the OF-8. The major duties, responsibilities, supervisory relationships, and other pertinent information related to the position must be described specifically, clearly, and definitively so that descriptions will provide the information necessary for proper classification of positions. Position descriptions shall be as concise as practicable.

c. In order to maintain uniformity throughout the agency, position descriptions for non-supervisory positions shall be prepared in either the traditional narrative or factor evaluation system (FES) format (see par. 1 and 2 of appendix A of this part) as appropriate. The FES format must be used when the classification of the position is based on a FES standard. All first and second level supervisory positions must be specifically described in terms of the supervisory format (par. 3 of appendix A of this part), which will facilitate comparison with the General Schedule Supervisory Guide (GSSG) or the Job Grading Standard for Supervisors, as appropriate.

d. When changes occur in principal duties which are not sufficiently extensive to justify writing an entirely new description, an addendum, prepared with an OF-8, should be used. An addendum shall be processed through the appropriate supervisory channels and signed by the same authorities as would be appropriate for a new complete description. Clarity, conciseness, and ease of understanding of the position description should dictate the number of times an addendum shall be used to reflect changes in a position. The use of addenda should not defeat the primary objective of accurate and adequate position descriptions. Generally, no more than two addenda should be used before the position description is completely rewritten. Pen and ink notations to the description may be made in lieu of an addendum or redescription when the changes are incidental (e.g., a change in organizational title).

e. For positions which are in identified career ladders, a complete position description need be established only for the target, full performance position. Lower grade positions within the ladder representing developmental stages in the progression to the target position may each be covered by a statement of difference, which should clearly define only significant differences in assigned duties and supervisory relationships from the full performance position. Each statement of difference must refer to the target position and should be identified with the related basic position number; each must contain sufficient information to support a valid classification action and permit the development of relevant performance standards. Whenever substantial revisions are made to the full performance position, the statements of difference covering the other positions within the ladder must similarly be revised or abolished as appropriate.

f. Supervisors are responsible for the continuing accuracy of descriptions of positions under their direction. Necessary and proper modifications of position descriptions will be made to reflect significant changes in duties and responsibilities as they occur. The frequency with which position descriptions will be rewritten will depend on the individual circumstances. However, position descriptions generally must be rewritten when new standards covering the classification of the positions are issued, and when, in the judgment of the appropriate supervisors, a revised position description is necessary to reflect material changes in the assignment.

g. [Supervisors and managers shall review and/or update position descriptions under their jurisdiction as changes to duties and responsibilities occur in order to ensure correct classification and compliance with law.] This review shall include a review of the position sensitivity [and Fair Labor and Standards Act (FLSA)] designation in consultation with the servicing human resources management office and in accordance with [governing regulations.] The servicing human resources management office shall establish local procedures to document the review.

h. The original copy of the officially classified position description shall be maintained in the servicing human resources management office. Copies of the official description shall be provided to the operating organization and to each employee assigned to the position. Supervisors are responsible for assuring that employees are given a copy of their current position description including appropriate addenda.

i. New position descriptions and addenda which reflect changes in conditions of employment of bargaining unit employees will be forwarded by the servicing human resources management office to the labor organization.

6. POSITION TITLES AND SERIES CODES. Position titles and series listed in the OPM and VA position classification and job grading standards and supplements shall be used in the classification and grading of positions and in all personnel actions. Titles for positions for which there are no published position classification standards should be consistent with existing classification titles and reflect as nearly as possible the nature of the work performed. (See "Introduction to the Position Classification Standards.") Requests for additional titles and/or series [] require submission in writing to the Office of Human Resources Management and Labor Relations (055) []. All requests should include the position description, the proposed title and/or series, an evaluation report, organizational chart and a thorough justification for the request.

7. POSITION CLASSIFICATION REVIEWS AND POST AUDITS

a. Classification and job grading reviews play a key role in ensuring that positions are properly classified. However, regularly scheduled reviews are not necessarily the most efficient or effective means of ascertaining classification accuracy. Rather, each facility should devise a classification review program which will meet its individual needs. To this end, each supervisor/manager and/or servicing human resources management office shall develop a local systematic position classification review plan to ensure that the classification accuracy requirements of 5 U.S.C. 5107 are met. The plan will include:

(1) The specific responsibilities of the servicing human resources management office, supervisors and managers, and

(2) The types of organizational or operational events which indicate the need for classification reviews.

b. There are a wide variety of situations which could necessitate a classification review. Some indicators of the appropriate timing for such reviews include:

(1) Most efficient organization (MEO) studies directed by OMB Circular A-76, privatization initiatives or Agency efficiency review programs;

(2) Changes in mission and functions;

(3) Realignment of duties and responsibilities;

(4) Significant changes in average grade and/or payroll costs; or

(5) Other appropriate circumstances.

c. Post audit reviews of the classification of individual positions or organizational components can be conducted by local human resources management offices [] or VACO (055) at any time as special needs are identified by line management.

d. The scope of the classification reviews, as well as the frequency, should be tailored to the needs of the individual facility. A review could appropriately cover a section within a service/division/etc. or a

group of services/divisions/etc., or it could comprise positions in an occupational group throughout the facility, e.g., technical support positions, secretarial positions, or computer-related positions.

e. The classification of each position [under review] shall be evaluated and certified as correct by an official with authority to classify the positions involved. Desk audits will be conducted and evaluation reports prepared as deemed necessary by the appropriate delegated classification authority. In addition, line operating officials should certify to the accuracy of all positions [under review].

f. Adequate local records shall be maintained to reflect the completion of the classification review, to include desk audit reports, supervisory conformance checks, etc. These records will be subject to review during human resources management evaluation or other visits.

g. In addition to the above formal reviews, the classification and grading of each position should be reviewed when it is re-described. The classification of a vacant position should also be reviewed before action is taken to fill it, since this represents the best opportunity to take any corrective action required. Identical/additional positions which are filled frequently should be reviewed often [] to ensure their accuracy.

8. EVALUATION REPORTS AND DESK AUDITS

a. An evaluation report is a written record of the rationale used to classify and grade a position. Evaluation reports are designed to provide consistency and continuity in classification and grading decisions. Although there is no requirement that an evaluation report be prepared for all positions, a written record, however brief, is helpful in human resources management evaluations and any subsequent review of the position classification rationale.

b. For positions described in the traditional narrative format, a written report is required when the classification judgments are not self-evident by reference to the standard(s), or when the final classification decision differs from that recommended by the program official. The length, in-depth discussion, and format of an evaluation report should be tailored to the individual classification judgment. The evaluation report should include a concise but thorough comparison of the grade-controlling duties and responsibilities with the classification standard(s) used to evaluate the position. It should show how the assignment meets, exceeds or falls short of the various classification elements and factors in the standard.

c. For General Schedule positions classified by reference to a [an] FES standard, the level and point values for each factor and the General Schedule grade must be shown on all copies of the position description. In addition, the benchmarks, factor level descriptions or primary standard factor levels used in point rating must be shown in an evaluation report summary [] or VA Form 5-3963a, Position Evaluation Statement Factor Evaluation System (FES). [E]xtensive reports are required [] when the evaluation of the factor is not self-evident by reference to the standard used.

d. A summary evaluation report shall also be prepared for positions classified under the GSSG and the Job Grading Standard for Supervisors. [E]xtensive reports are required [] when the evaluation of the factor is not self-evident by reference to the appropriate standard.

e. A desk audit does not need to be conducted for each classification action. The number and frequency of audits should depend on local classification needs. The need for a desk audit may be indicated by a variety of reasons, e.g., recent establishment of a new position; introduction of new technology affecting position assignments; apparent accretion/erosion of grade controlling duties; or where grades above established[,] full performance levels are recommended. Desk audits may be conducted during a classification review by the person responsible for classifying the position, for individual classification actions, or as part of an integrated job analysis which uses a job-oriented method. A record of desk audit findings should be maintained with the evaluation report.

f. Since an evaluation and/or desk audit report is part of the classification records, copies should be provided by the local human resources management office, if available, to employees, program officials and union representatives at their request.

9. VA CENTRAL OFFICE ASSISTANCE. A formal classification determination may be requested from VA Central Office [] from all designated classification offices for non-centralized positions when assistance is needed to determine the proper classification or grading of a position. This includes the grade level, title and/or occupational series involved or basic coverage under the General Schedule or FWS. When assistance is required for centralized positions, such assistance may be requested from OHRM&LR (055). This would normally involve questions concerning the interpretation of particular portions of OPM standards or Agency guidelines, or the applicability of particular standards to specific positions, or other comparable matters. All requests will be in writing and should be accompanied by an adequate position description, organizational and functional charts, evaluation report, and any other pertinent information available including comments by operating officials and the employee(s) involved. Requests should be submitted through appropriate channels[] to the Office of Human Resources Management and Labor Relations (055). Formal written determinations rendered by 055 in which a definitive classification conclusion is provided represent the Department's judgment on the correct classification and accordingly must be applied by the requesting facility to existing position(s) or future identical positions. (See par. 11, Adherence to Classification Decisions.)

10. POSITION CLASSIFICATION APPEALS

a. Employees who are dissatisfied with the classification or grading of their positions have the right to appeal the decision. An appeal may be filed at any time and may involve the grade, series, title, or pay system coverage for the position.

(1) Employees covered under the General Schedule (5 U.S.C., ch. 51 and 5 CFR 511) have the options of:

(a) Appealing to VA;

(b) Appealing to OPM through VA; or,

- (c) Appealing directly to OPM.

Employees who elect to appeal first to VA as in (a) may subsequently appeal to OPM if they are dissatisfied with the Department's decision. However, employees may not appeal to VA if they have previously appealed the same position to OPM. When employees file an appeal under (b), the Department must render a decision not later than 60 calendar days from receipt. In coordination with the servicing human resources management office, Administration Heads, Assistant Secretaries, Deputy Assistant Secretaries, Other Key Officials and field facility directors are responsible for keeping employees informed of classification appeal policies and procedures.

(2) Employees covered under the FWS must first appeal to VA (unless the grading of their job has been certified by OPM; in that case, they must appeal to OPM). If they are dissatisfied with the Department's decision, they may appeal to OPM. If they so elect, they must file within 15 calendar days after they receive the VA decision.

b. VA Central Office shall be notified immediately upon knowledge of an employee's classification appeal to OPM. If an employee had previously filed a similar appeal to VA on which a decision is pending, the Department appeal will be canceled. A duplicate copy of all material provided OPM shall be forwarded through appropriate channels to VA Central Office, Office of Human Resources Management [and Labor Relations] (05[5]). Upon receipt of the OPM decision, a copy shall also be forwarded to VACO in order to complete the case file. Local human resources management offices shall maintain complete files on classification appeals decided on positions under their facility's jurisdiction.

c. If an appellant is assigned to a position that is centralized for classification to the Secretary or an Administration Head, Assistant Secretary, Deputy Assistant Secretary, or Other Key Official (in accordance with VA Handbook 5001, General Introduction and Administration), the facility will notify OPM that the position is centralized and that the Department response will be submitted by the Office of Human Resources Management [and Labor Relations]. The OHRM[&LR] (05[5]) in Central Office will be notified promptly of the appeal and copies of all correspondence with the appellant and OPM on the matter will be submitted expeditiously to 05[5].

d. An appeal decision by the Department or OPM can result in the appealed position's grade being raised, lowered or sustained. The position's title and/or series may be changed or sustained. In addition, the position may remain included or become excluded from coverage under the General Schedule or the FWS. Employees will be advised by the appropriate servicing human resources management office of the effect of an appeal decision which changes the classification of the position has on other employees assigned to the same position. If an appellant desires to cancel an appeal pending within the Department, a written request must be forwarded through channels to the Office of Human Resources Management [and Labor Relations] (05[5]).

- e. Pending classification or job grading appeals will be canceled by the agency if the appellant:

(1) No longer occupies the appealed job (Administration Heads, staff office or field facility directors should notify the servicing human resources management office if this occurs);

(2) Does not furnish information required by the agency or otherwise does not proceed with the advancement of the appeal (OPM Operating Manual 532-1, S7-6); or

(3) Requests in writing that his/her appeal be withdrawn or canceled.

f. Specific details concerning the classification appeals process are contained in appendix C of this part.

11. ADHERENCE TO CLASSIFICATION DECISIONS

a. A classification action required by certificate of the OPM, or a Department appeal decision or formal determination, is binding on all VA officials. A change in title, series, or grade for a position for which OPM has issued a certificate, or on which a VA decision has been rendered, is inappropriate unless there is a significant change in the duties and responsibilities or a change in the applicable position classification standards. A classification action directed by certificate of the OPM or the Department does not restrict management's right to assign duties and responsibilities to any job consistent with the principles of sound position management. This includes the right to add or delete grade-controlling duties. If grade-controlling duties are deleted from the position, adverse action or reduction-in-force procedures may be required. Any change which will affect the implementation of the OPM or Department decision, or Department formal determination, shall be reported to OPM or VA, as appropriate, as soon as possible.

b. Facilities desiring to formally request reconsideration of an OPM certificate resulting from either an audit finding or an appeal decision on a centralized position, or a position previously certified by VA Central Office, must submit a complete reconsideration request to the Office of Human Resources Management [and Labor Relations] (05[5]) within 30 days of the date of the certificate. That office, after coordinating with the appropriate VACO line elements, will determine whether the facility's justification and other considerations warrant pursuing the case with OPM. If a Department-level reconsideration request is determined to be supportable, the Office of Human Resources Management [and Labor Relations] (05[5]) will forward the package to OPM within a 45-day time frame. If the OPM certificate raised the grade of a position for which reconsideration of the decision is being requested, the facility should consider implementing the certificate using established temporary compliance authority.

12. IMPLEMENTING CLASSIFICATION/JOB GRADING ACTIONS OR DECISIONS

a. Except as noted in subparagraphs b and c below, a personnel action implementing a change in the classification or grading of a position will be made effective no earlier than the date of the classification action nor later than the beginning of the fourth pay period after the date of the classification action. (The date of the classification action is the date Item 21 of the OF-8 is signed.) In unusual cases an extension or exception to this reasonable "four-pay period" time frame may be requested by the facility Director, Administration Head, Assistant Secretary, Deputy Assistant Secretary, or other key official through the Office of Human Resources Management [and Labor Relations] (05[5]) to the appropriate OPM jurisdiction. A written request containing appropriate justification should be forwarded as soon as possible after the classification decision, in order to permit an OPM determination to be made within the allotted time period.

b. In cases of VA classification appeal decisions, the provision(s) of 5 CFR 511 and 532 will apply.

c. Classification actions directed by OPM for any reason will be made effective in accordance with 5 CFR 511 and 532.

d. An employee whose position is changed to a lower grade based on a classification decision is entitled to a prompt written notice from the facility, specifying the effective date. The notice shall also inform the employee:

- (1) Of the employee's right to submit an appeal to VA (if it has the authority to take the action) or to OPM;
- (2) Of the information which must be provided to VA or OPM supporting the appeal;
- (3) Of the time limits within which the employee must file an appeal in order to establish or preserve the right to retroactive adjustment in connection with a favorable decision; and
- (4) Of the employee's entitlement to grade and/or pay retention under 5 U.S.C. 53, sections 5362-5363.

13. CLASSIFICATION DECISIONS AFFECTING LARGE NUMBERS OF POSITIONS

a. Servicing human resources management offices are required to consult with the Office of Human Resources Management [and Labor Relations] (05[5]) in VA Central Office on proposed classification actions affecting 20 or more substantially similar positions, prior to effecting the decisions. For the purposes of this paragraph, the term "positions" refers to the number of employees. Consultation is also required if fewer than 20 substantially similar positions are directly affected and it is anticipated that the decision will have a "ripple" effect on a significant number of other positions at the facility.

b. Consultation as specified in subparagraph a above is required on classification actions resulting from:

- (1) The application of new or revised standards or guides;
- (2) New interpretations or applications of existing standards and guides;
- (3) Unplanned accretion or erosion of duties to existing positions;
- (4) The establishment of new, higher grade positions in lieu of existing lower grade positions; and
- (5) Classification appeal decisions. Classification actions changing the grade, series or coverage under the General Schedule and/or the FWS are included.

c. The request for consultation will be in writing and include a position description, evaluation report, organizational and functional charts and other pertinent information.

14. CENTRALIZED POSITIONS. The original copy of the position description for all positions centralized for classification action will be maintained by the classifying VACO HR organization. Centralized positions are identified in VA Handbooks 5001, General Introduction and Administration, and 5005, Staffing. Submission of centralized position descriptions is required upon establishment; when a significant change in the duties and responsibilities occurs, or by request of the appropriate Administration Head, Assistant Secretary, Deputy Assistant Secretary, or Other Key Official. Each submission should include two copies of the position description, an evaluation report justifying the grade/series recommended (if different from the existing classification), and an organizational chart. Prototype position descriptions shall not be used for centralized positions unless specifically authorized by VA Central Office.

15. INTERIM POSITIONS

a. Interim positions, identical to a base continuing position, may be established when it is determined that such a position is necessary. Interim positions differ from identical-additional positions in that they are temporary in nature.

b. Except for those positions for which the Secretary retains prior approval authority (VA Handbook 5005, Staffing), Administration Heads, Assistant Secretaries, Deputy Assistant Secretaries, Other Key Officials, and field facility directors are responsible for approving the establishment of interim positions. To ensure that a properly classified base position exists, the concurrence of the servicing human resources management office exercising classification authority for the position is necessary.

c. Interim positions may be established by personnel action (adding the suffix "I" to the position number) under the following circumstances. The list, however, is not intended to be all inclusive.

(1) **For Extended Leave or Detail Replacement.** An interim position may be established for the duration of extended leave or detail of the regular incumbent of the continuing position, when replacement is essential and an informal detail of fewer than 30 days is not suitable.

(2) **For Orientation Purposes.** When an overlapping period is essential to prevent disruption of functions, and detail of a replacement for the incumbent of a one-of-a-kind position is not feasible, an interim position may be established locally for a reasonable period of time to permit orientation of the new incumbent.

(3) **For Certain Restoration or Reemployment Actions.** An interim position may be established for a reasonable period of time when:

(a) Displacement of an employee is necessary to effect a restoration or reemployment action as defined in VA Handbook 5005; and

(b) Other types of restorations or placements are necessary because of appeals of involuntary separations, adverse actions, or complaints of discrimination.

16. IDENTICAL-ADDITIONAL POSITIONS. Additional positions may be established against base positions that are determined to be susceptible to duplication. The procedure for establishing such positions may be used only in cases where the position is:

- a. Identical in duties and responsibilities to a base position,
- b. In the same organization element, and
- c. Under the same kind and degree of supervision.

The identical-additional status of a position should be indicated on the description.

17. FAIR LABOR STANDARDS ACT (FLSA) COVERAGE DETERMINATIONS[. The Fair Labor Standards Act (FLSA) of 1938 sets minimum standards for wage and overtime entitlements and administrative procedures for which covered worktime must be compensated. Employees are nonexempt from the FLSA unless it is determined that they meet the requirements of one or more of the exemption criteria in [5 CFR, part 551](#) and any supplemental OPM guidance.]

a. An exempt or nonexempt determination shall be made for each employee assigned to a position based on a comparison of the employee's [actual duties performed with the exemption criteria outlined in OPM and Department of Labor guidelines. For unencumbered positions, an initial determination must be made based on a comparison of the projected] duties and responsibilities [] assigned in the official position description with the exemption criteria []. In general, executive, administrative and professional employees[, as well as employees performing a combination of exempt duties,] are exempt from FLSA regulations. However, this must be narrowly construed and applied only to employees who are clearly within the terms and spirit of the exemption criteria. The burden of proof as to the exempt or nonexempt status of an employee rests with the Department, rather than the employee. If the determination is not self-evident, the basis for the decision should be retained with the position description either as part of the evaluation report or as a separate document. Specific exemption criteria are set forth in 5 CFR, part 551.

b. The local human resources [(HR)] management office is responsible for determining whether or not an employee is covered by the FLSA. The exempt or nonexempt status of the position will be identified on the employee's position description. (See appendix B of this part.) If the exempt or nonexempt determination of an employee[’s position] is inconsistent with the duties and responsibilities assigned in the official position description, it [is] necessary to either revise the position description or ensure that the employee performs the duties and responsibilities as assigned.

c. The [FLSA] exempt or nonexempt status of a position should be reviewed when it is established, redescribed and classified based on significant changes in assigned duties, or in connection with a classification review.

[d. FLSA determination criteria is contained in appendix D of this part. HR specialists:

(1) Must not use other criteria (e.g., arbitrators' decisions, Department of Labor decisions on private sector employees, [OPM FLSA decisions](#), etc.) to make FLSA determinations.

(2) Must not make a nonexempt or exempt determination based on position grade. Not all positions graded at GS-9 and below are nonexempt.

(3) Must not rely solely on a check list to determine exemption status. Instead, HR specialists must analyze the duties and responsibilities for each determination.

(4) Must make all exemption determinations based on the employee's primary duty. As a general rule, the primary duty is that which constitutes the major part (over 50 percent) of the employee's work. However, a duty which constitutes less than 50 percent of the employee's work can be credited as the primary duty for exemption purposes provided that duty:

(a) Constitutes a substantial, regular part of a position;

(b) Governs the classification and qualification requirements of the position; and,

(c) Is clearly exempt work in terms of the basic nature of the work, the frequency with which the employee must exercise discretion and independent judgment, and the significance of the decisions made.

(5) Must make all exemption determinations based on the duties actually performed by the employee and not on the position description alone.

18. FLSA CLAIMS

a. Employees who are dissatisfied with the FLSA coverage determination of their positions have the right to appeal the decision.

b. Bargaining Unit employees are required to use the negotiated grievance procedure and may not file an administrative FLSA claim with either VA or OPM unless FLSA claims are expressly excluded under the applicable bargaining agreement.

c. Non-Bargaining Unit employees may file an FLSA claim either with VA or with OPM; however, the same claim may not be pursued with both VA and OPM at the same time. Employees who elect to submit a claim first to VA may subsequently submit a claim to OPM if they are dissatisfied with the Department's decision. However, employees may not file a FLSA claim with VA if they have previously submitted the same claim to OPM.

d. All employees have the right to bring an action in an appropriate United States court. Filing a claim with VA or with OPM does not stop the statute of limitations from running. OPM will not decide a claim that is in litigation.

e. In accordance with [5 CFR 551.702](#), all FLSA pay claims filed after June 30, 1994, are subject to a two-year statute of limitations (three years for willful violations). An employee must submit a written claim to either the Department or to OPM in order to preserve the claim period. The date the Department or OPM receives the claim is the date that determines the period of possible back pay entitlement.

f. Under [5 CFR 551.104](#), “willful violation” means a violation in circumstances where the Department knew that its conduct was prohibited by the Act or showed reckless disregard of the requirements of the Act. All of the facts and circumstances surrounding the violation are taken into account in determining whether a violation was willful.

g. An FLSA claim filed with VA or OPM must be in writing and submitted through the local servicing HR management office. The HR office should forward the complete appeal package within 15 days of receipt. Failure to submit an appeal through the appropriate channels may result in a delay in the decision.

(1) The following information shall be submitted by an employee for a FLSA claim:

(a) A signed statement that the employee wishes to appeal the FLSA determination of his/her position;

(b) Name of local facility;

(c) Organization to which assigned;

(d) Current position title, series, and grade;

(e) The requested FLSA determination;

(f) A description of the nature of the claim and the specific duties, issues or incidents giving rise to the claim, including the time period covered by the claim;

(g) Evidence available which supports the claim, including the identity, commercial telephone number, and location of other individuals who may be able to provide information relating to the claim;

(h) A written designation of third party representation, if applicable. The designation must include the name, address, and phone number of the representative.

(i) Evidence, if available, that the claim period was preserved in accordance with the time limits in [5 CFR 551.702](#). The date VA or OPM received the claim, whichever is earlier, becomes the date the claim period is preserved;

(j) A statement as to whether the employee was or was not a member of a collective bargaining unit at any time during the claim period;

(k) If the employee encumbers a bargaining unit position, a statement that he/she was or was not covered by the negotiated grievance procedure at any time during the claim period, or if covered, whether that procedure specifically excluded the claim from the scope of the negotiated grievance procedure; and,

(l) A statement that the employee has not filed an action in an appropriate United States court.

(2) The following information shall be submitted by the servicing HR management office along with the material supplied by the appellant:

(a) A current, accurate position description (agreed to by all levels of management) which meets standards of adequacy and which is consistent with the position evaluation report, FLSA evaluation report, and the supervisor's comments.

(b) A position evaluation report which includes an in-depth comparison of the duties and responsibilities with published FLSA criteria. If the report was prepared prior to the appeal, it should be updated to cover salient points raised by the appellant that may not have been previously evaluated.

(c) Organizational and functional charts.

(d) Comments from the immediate supervisor and/or the service or division chief (or higher level official) relative to the accuracy of the position description and the merits of the FLSA appeal. Discrepancies or disagreements should be resolved before submitting the appeal for decision.

(e) Copies of official time and leave/pay records for the time period claimed.

h. VA Appeals will be forwarded to OHRM, Compensation and Classification Service (055), Attn: FLSA Claim, VA Central Office, 810 Vermont Ave. NW, Washington, DC 20420 and/or by email to VACOclassif@va.gov.

i. OPM claims will be forwarded to Classification and Pay Claims Program Manager, Center for Merit System Accountability, Office of Personnel Management, 1900 E Street, NW., Room 6484, Washington, DC 20415.

19.] OPM AUDITS AND VA HUMAN RESOURCES MANAGEMENT EVALUATIONS

a. OPM and the Office of Human Resources Management [(OHRM)] (055) in Central Office will conduct periodic classification audits and evaluations. Normally, these reviews will be part of a comprehensive evaluation of the human resources management program. All officials shall cooperate fully with OPM or Department representatives in the conduct of these audits and evaluations.

b. [Under Secretaries], Assistant Secretaries, Deputy Assistant Secretaries, and Other Key Officials shall be kept fully informed of classification audit activities of OPM at VA field facilities. Normally, an advance notice of OPM's plans to visit facilities is provided to the [OHRM] (055), who advises the appropriate [Under Secretaries], Assistant Secretaries, Deputy Assistant Secretaries, and Other Key Officials. In those instances when OPM schedules a position audit activity without a formal notice, the

field facility shall inform the appropriate VA Central Office line elements concerned. It is not necessary to inform VA Central Office of individual desk audits conducted by OPM as part of the classification appeal process.

c. Classification reviews and evaluations conducted by [OHRM] (055) will be coordinated through the appropriate VA Central Office line elements.

d. To the extent practicable, disagreements with OPM audit report findings pertaining to a specific non-centralized position or group of positions will be negotiated directly with the OPM regional office conducting the audit. Resolution of disagreements on [OHRM] findings will be pursued through normal channels. If the OPM audit involves centralized positions, [OHRM] is responsible for determining the action to be taken.

e. Except as specifically advised by [OHRM], a field facility will take necessary final corrective action on any position within its delegated classification authority that is certified by OPM.

f. The unions will be notified before any action is taken to change the classification of a bargaining unit employee's position as a result of an OPM audit or VA human resources management evaluation.

APPENDIX A. FORMAT FOR PREPARING POSITION DESCRIPTIONS

1. TRADITIONAL NARRATIVE SYSTEM

a. Principal Duties and Responsibilities

(1) Describe the principal duties and responsibilities which characterize the position. Describe them in plain, clear language and as briefly and specifically as possible. Avoid general terms, vague expressions, repetition, and conclusions.

(2) Estimates of the percentage of time spent on different kinds of duties are not necessary in the description of many positions. However, if this information is pertinent in determining the grade or series of the position, the time spent on each should be shown.

b. **Supervisory Controls Over the Position.** Indicate the supervisory control, instruction, and guidance under which the employee operates, the kinds of problems or other matters referred to the supervisor, and the purpose and extent of the review of the work. Indicate also any significant types of actions or decisions for which he/she is responsible which are not subject to these supervisory controls.

c. **Other Significant Facts.** Any additional special facts regarding the position which cannot be appropriately or clearly expressed under the headings above will be recorded under this heading. This section may include information regarding unusual skills, licenses, special abilities, or any statistical information necessary for classifying the position in accordance with OPM or agency classification standards or guides.

2. FACTOR EVALUATION SYSTEM

a. Each position classified under FES must be described in terms of a duties statement and the following nine factors:

Duties:

Factor 1, Knowledge Required by the Position.

Factor 2, Supervisory Controls.

Factor 3, Guidelines.

Factor 4, Complexity.

Factor 5, Scope and Effect.

Factor 6, Personal Contacts.

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Factor 7, Purpose of Contacts.

Factor 8, Physical Demands.

Factor 9, Work Environment.

b. Specific guidance concerning the content of the duties statement and each factor is included in OPM's Introduction to the Position Classification Standards, Appendix 3, and OPM's The Classifier's Handbook, Chapter 2.

3. SUPERVISORY POSITIONS. Each position covered by the General Schedule Supervisory Guide must be structured in terms of the following six factors:

I. PROGRAM SCOPE AND EFFECT

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization.

II. ORGANIZATIONAL SETTING

This factor considers the organizational situation of the supervisory position in relation to higher levels of management.

III. SUPERVISORY AND MANAGERIAL AUTHORITY EXERCISED

This factor covers the delegated supervisory and managerial authorities that are exercised on a recurring basis.

IV. PERSONAL CONTACTS

This is a two part factor which assesses the nature and the purpose of personal contacts related to supervisory and managerial responsibilities. The nature of the contacts, credited under Subfactor IVA, and the purpose of those contacts, credited under Subfactor IVB, must be based on the same contacts.

V. DIFFICULTY OF TYPICAL WORK DIRECTED

This factor measures the difficulty and complexity of the basic work most typical of the organization(s) directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others.

VI. OTHER CONDITIONS

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities.

VII. SPECIAL SITUATIONS

This factor relates to supervisory and oversight work which may be complicated by special situations and/or conditions.

4. MIXED POSITIONS. If the non-supervisory duties in a mixed, working supervisor type position are expected to be grade controlling the non-supervisory portion of the position description should be prepared in either the traditional narrative or FES format, as appropriate. The assigned supervisory duties should be specifically delineated in the duties (or principal duties and responsibilities) section of the position description.

**APPENDIX B. SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING
OPTIONAL FORM 8 POSITION DESCRIPTION**

Optional Form (OF-8), Position Description, is to be used to document the decisions related to establishing VA positions and is to be attached to the front of the position description. The following instructions for completing the revised OF-8 are to be used to supplement OPM's instruction including those printed on the reverse of the form. These supplemental instructions should be provided to all personnel responsible for writing position descriptions. Items which must be completed are marked by an asterisk(*).

***Item 1. Department Position Number**

- a. The use of the facility's three- or four-digit number as a prefix to the position number is optional.
- b. Temporary positions will be identified with the letter "T" after the position number.
- c. Positions subject to duplication (identical-additional) will be identified with the letter "A" after the position number.
- d. Temporary positions subject to duplication will be identified with the letters "TA" after the position number.

NOTE: A *permanent position* is one which has been established for a period of time without limit, or for a limited period of a year or more or which, in any event, has been occupied continuously for a year or more (regardless of the intent when it was established)

A **temporary position** is one which has been established for a limited period of less than 1 year, and which has been filled continuously for less than 1 year.

***Item 2. Reason for Submission.** Under "Explanation" show any position(s) re-described, replaced, amended or reactivated. Include the position classification title, series, grade, date classified, and position number.

Item 3. Service. No additional instructions necessary.

***Item 4. Employing Office Location.** No additional instructions necessary.

***Item 5. Duty Station.** No additional instructions necessary.

Item 6. OPM Certification Number. No additional instructions necessary.

NOTE: *Items 7 and 9-13 are to be completed by the servicing human resources management office.*

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***Item 7. Fair Labor Standards Act.**

Item 8. Financial Statements Required. To be completed by originating office with advice and guidance by the servicing human resource management office.

***Item 9. Subject to IA Action.**

Item 10. Position Status.

Item 11. Position is.

Item 12. Sensitivity.

Item 13. Competitive Level Code.

Item 14. Agency Use.

***Item 15. Official Title of Position, Pay Plan, Occupational Code, Grade.**

a. through c. are not for field facility use. VA Central Office human resources components will complete line "b."

d. To be completed by the classifier of the position.

e. Use by supervisor or initiating office is optional.

Item 16. Organizational Title of Position. Although optional, supervisors and initiating offices are encouraged to complete if different from official classification title.

Item 17. Name of Employee. For IA positions with more names than can be accommodated in the space provided, an additional sheet of bond paper listing all the incumbents may be attached to the position description.

***Item 18. Department, Agency, or Establishment.** Enter VA.

a. First Subdivision. Enter VBA, VHA, NCA, or specific assistant secretary, deputy assistant secretary, other key office.

b. through e. Enter the next and any subsequent organizational component in descending order. In field facilities, the second subdivision is medical center, regional office, cemetery, data processing center, etc., as appropriate, and the third subdivision is the specific division, service, etc.

Item 19. Employee Review. Although optional, a note indicating that the employee has read the position description may be included if the employee declines to sign. For IA positions, the employees may sign the attached bond sheet listing the incumbents (see item 17 above).

***Item 20. Supervisory Certification.** Supervisors are reminded of their personal responsibility and liability relating to the contents of the position description and certification thereof. No classification action should be taken before the signatures of the immediate and, as appropriate, a higher-level supervisor or director are obtained.

a. Immediate Supervisor. A higher-level supervisor or manager may sign for the immediate supervisor.

b. Higher-Level Supervisor or Manager. In the field, the higher-level supervisor should be at no lower echelon than the division or service chief. If the division, service, etc. chief is also the immediate supervisor, one signature will suffice.

***Item 21. Classification/Job Grading Certification.** This certification must be completed by an appropriate official to whom position classification authority has been delegated.

Item 22. Standards Used in Classifying/Grading Position. The identification of the standards used does not negate the responsibility for preparing and attaching a position evaluation report as necessary.

Item 23. Position Review. Although optional, use of this item in conjunction with classification reviews is encouraged.

Item 24. Remarks. Facilities may use this space for any additional local requirements or controls.

Item 25. Description of Major Duties and Responsibilities. Additional information on describing duties and responsibilities is contained in appendix A of this part.

APPENDIX C. VA CLASSIFICATION APPEAL PROCEDURES

1. [An e]mployee[] dissatisfied with the classification and/or grade of [his/her] position should first discuss the problem informally with [his/her] supervisor. If the supervisor is unable to resolve the issue to the employee's satisfaction, the employee[] should discuss [his/her] dissatisfaction with the servicing human resources [office].

a. **General Schedule Employees.** If the employee still believes there is an inequity, he/she may appeal to VA[,] or to OPM (either directly or through VA). In appealing to OPM [subsequent to] a VA [appeal] decision reclassifying a position to a lower grade, an employee is responsible for filing such an appeal within 15 calendar days of either (a) receipt of written notification of the final VA administrative decision or (b) the effective date of the action taken as a result of the classification decision (whichever is later), in order to preserve the right to retroactive adjustment resulting from a favorable OPM appeal decision.

b. **Federal Wage System Employees.** [Federal Wage Grade employees' classification] appeal[s] must be made first to VA, unless the grading of their job has been certified by OPM. In that case[,] they must appeal to OPM. If they are dissatisfied with the agency's decision, they may appeal to OPM. If they so elect, they must file within 15 calendar days after they receive the VA decision.

2. A classification appeal to VA or to OPM through VA should be in writing and submitted [] through [] the employee's supervisor(s) and local servicing human resources management office [to VA Central Office (Attention: (055))]. The human resources office will forward the appeal (together with the information specified in paragraph 4 []) to VA Central Office [] within 15 days of receipt. Failure to submit an appeal through [the appropriate] channels will usually result in a delay in the decision, since it is necessary to secure the information listed in paragraph 4 [] before adjudicating the appeal.

3. The following information shall be submitted by the employees:

- a. A signed statement that the employee wishes to appeal the classification of his/her position.
- b. Name of local facility.
- c. Organization to which assigned.
- d. Current position title, series, and grade.
- e. The requested title, series, and/or grade, or other classification action.

f. A statement that the official position description is accurate, or a statement of how the duties performed differ from the official position description.

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g. A statement with the reasons why the position should be classified differently. If the interpretation of a specific standard(s) is at issue, an analysis comparing the position with the pertinent standard(s) should be included.

h. A written designation of third party representation, including the union, if the appellant elects such representation. The designation must include the name and address of the representative.

4. The following information shall be submitted by the servicing human resources management office along with the material supplied by the appellant:

a. A current, accurate position description (agreed to by all levels of management) which meets standards of adequacy and which is consistent with the position evaluation report and the supervisor's comments.

b. A position evaluation report which includes an in-depth comparison of the duties and responsibilities with published classification standards. If the report was prepared prior to the appeal, it should be updated to cover salient points raised by the appellant which may not have been previously evaluated.

c. Organizational and functional charts.

d. Comments from the immediate supervisor and/or the service or division chief (or higher level official) relative to the accuracy of the position description and the merits of the appeal. Discrepancies or disagreements should be resolved before submitting the appeal for decision.

e. Copies of all position descriptions for positions directly supervised or led by the appealed position, and supporting evaluation reports, if appropriate.

f. Copy of immediate supervisor's position description and evaluation report, if appropriate.

5. Prior to a final decision on a Department classification appeal which affects more than one bargaining unit employee assigned to a position description, the servicing human resources management office will provide to the union the title, series and grade of the position being appealed so they can submit information in support of the appeal.

6. For positions for which field facility directors have classification authority, the appeal decision letter will be signed by the appropriate VA Central Office line official, or designee. For field positions centralized to an Administration Head, Assistant Secretary, Deputy Assistant Secretary or Other Key Official and positions for which Central Office Human Resources Service has classification authority, the decision will be signed by the Deputy Assistant Secretary for Human Resources Management [and Labor Relations].

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7. There is only one level of appeal in VA. The letter of decision signed by the appropriate official or designee constitutes a final decision within VA. A classification appeal decision may be reopened and reconsidered by that official when the employee presents material facts not previously considered.
8. Department appeal decisions may be appealed to the OPM. Instructions for such an appeal are contained in 5 CFR 511.

[APPENDIX D. FLSA DETERMINATION CRITERIA

1. NON-EXEMPTION CRITERIA

| Type | Apply to | CFR Citation |
|-----------------------|--|--|
| Salary-based | Employees, including supervisors, whose annual rate of basic pay is less than \$23,660 Exceptions: <ul style="list-style-type: none"> • Employees performing different work or duties for a temporary period of time that are not consistent with the employee’s primary duties. • Employees who meet foreign exemption criteria. • Professionals engaged in the practice of law or medicine as the regulations prescribe. | <u>5 CFR 551.203</u> <u>5 CFR 551.211</u> <u>5 CFR 551.212</u> <u>5 CFR 551.208</u> |
| Position-based | <ul style="list-style-type: none"> • Certain non-supervisory, white collar employees (e.g., equipment operating or protective occupations and most clerical occupations) • Non-supervisory employees in the Federal Wage System (with the same exceptions as listed above for salary-based nonexemptions) who do not meet any of the exemption categories. • Employees at any grade in occupations requiring highly specialized, technical skills and knowledge that can be acquired only through prolonged job training and experience. • Employees performing technician work in positions classified below GS-9 and many, but not all, of those positions properly classified at GS-9 or above. | <u>5 CFR 551.204</u> |

2. EXEMPTION CRITERIA

| Type | Apply to | CFR Citation |
|------------------|---|--|
| Executive | Employees whose primary duties are management of a Federal agency or any subdivision (including the lowest recognized organizational unit with a continuing function) and who: <ul style="list-style-type: none"> • Customarily and regularly direct the work of two or more other employees, and • Have the authority to hire or fire other employees (or whose suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other | <u>5 CFR 551.205</u> <u>5 CFR 551.104</u> |

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| Type | Apply to | CFR Citation |
|-----------------------|---|----------------------|
| | change of status of other employees are given particular weight). | |
| Administrative | Employees whose primary duties: <ul style="list-style-type: none"> • Are performing office or non-manual work directly related to the management or general business operations (as distinguished from production functions) of VA or VA's customers, and • Include exercising discretion and independent judgment on significant matters. | <u>5 CFR 551.206</u> |
| Professional | Employees whose primary duties are performing work that requires: <ul style="list-style-type: none"> • Advanced knowledge in a field or science; and, • Learning customarily acquired by a prolonged course of specialized intellectual instruction (typically a 4 year degree); or • Invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor. NOTE: <i>There are three basic types of professionals: learned, creative, and computer</i> | <u>5 CFR 551.207</u> |
| | Learned professionals | |
| | Employees whose primary duties are performing work that requires advanced knowledge (predominately intellectual in nature and including work requiring the consistent exercise of discretion and judgment). The knowledge must be: <ul style="list-style-type: none"> • In a field of science or learning which includes the traditional professions of law; medicine; theology; accounting; actuarial computation; engineering; architecture; teaching; various types of physical, chemical, and biological sciences; pharmacy; and other similar occupations. • Acquired by a prolonged course of intellectual instruction in a field where specialized academic training is a standard prerequisite for entering the profession (typically Bachelors level preparation). | <u>5 CFR 551.208</u> |
| | Creative professionals | |
| | Employees whose primary duties are performing work that requires invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor (as opposed to routine mental, manual, mechanical, or physical work). Such fields include music, writing, acting, and the graphic arts. | <u>5 CFR 551.209</u> |

| Type | Apply to | CFR Citation |
|---|---|-----------------------------|
| | <p>Computer professionals</p> <p>Computer systems analysts, computer programmers, software engineers, or other similarly skilled workers in the computer field who are eligible under sections 13(a)(1) and (17) of FLSA.</p> <p>NOTE: <i>Because job titles vary widely and change quickly in the computer industry, job titles alone may not be used to determine the applicability of this exemption.</i></p> | <p><u>5 CFR 551.210</u></p> |
| <p>Title 38 Employees</p> | <p>Employees covered by 38 U.S.C. 7421 are excluded by statute. This includes physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, expanded function dental auxiliaries, and chiropractors.</p> | |
| <p>Certain Hybrid Title 38 employees</p> | <p>Hybrid employees who are authorized to receive premium pay on the same basis as registered nurses are exempt from the FLSA overtime pay provision.</p> | |
| <p>Availability pay</p> | <p>Criminal investigators who receive availability pay under 5 CFR 550.181(a).</p> | <p><u>5 CFR 551.213</u></p> |
| <p>Exemptions because of temporary duties or performing different work assignments from primary work</p> | <ul style="list-style-type: none"> • Employees performing work or duties that are not consistent with the employee’s primary duties and are for an extended period of more than 30 consecutive calendar days; or • Employees performing work or duties under designated emergency situations that directly threaten human life or safety, serious damage to property, or serious disruption to operations. In this case, nonexempt employees’ designations remain nonexempt. Exempt employees’ designations will depend on the primary duties the employees perform within a work week (see <u>5 CFR 551.211 (f)(2)</u>). | <p><u>5 CFR 551.211</u></p> |

NOTE: *The above categories are not mutually exclusive. Failure to meet the criteria for exemption under one category does not preclude exemption under another category.]*

PART II. POSITION MANAGEMENT

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PART II. POSITION MANAGEMENT

1. SCOPE. This part contains mandatory procedures regarding VA's position management program as defined in paragraph 2b of VA Directive 5003.

2. COVERAGE. Although position classification and job grading refers specifically to positions in the General Schedule and Federal Wage System (FWS), respectively, the principles of position management apply to all positions regardless of pay plan in all organizational elements within VA.

3. POSITION MANAGEMENT PROGRAM. Administration Heads, Assistant Secretaries, Deputy Assistant Secretaries, Other Key Officials, and facility directors will:

a. Devise and implement a position management program which will:

(1) Be integrated with related ongoing programs such as budget formulation, review and execution; organization and procedural studies; and position classification/job grading reviews.

(2) Utilize total available management resources including budget, program and management analysts, personnel, accounting and other special staff, as necessary. The work of these staffs shall be coordinated and mutually supporting.

b. Appoint a committee or coordinator to assist in the implementation of the position management program.

c. Establish and maintain an effective position management program consistent with established policies and principles and suited to the needs of the organization.

d. Ensure that all employees and their exclusively recognized labor organizations are made aware of the policy, objectives and requirements of the Department's position management program.

e. [Supervisors and others responsible for assigning duties and responsibilities to positions are directly responsible for position management actions taken within their areas of jurisdiction. The duties and responsibilities assigned to a position control the classification or grading and, ultimately, the personnel cost of the position. In appropriate situations, supervisors should ensure that assignments reflect application of sound and economical position management principles and provide for career development and promotional opportunities by establishing lower grade entry level positions with identified career ladders when possible.]

f. Ensure that each position established or changed conforms to the objectives of effective position management.

g. Provide for a review of each proposed organizational change from the standpoint of work design, occupational distribution, supervisory ratio, grade distribution and staffing requirements.

- h. Initiate special studies and analyses, making full use of staff advice, leading to improved structure and better utilization of human resources.
- i. Monitor average grade.
- j. Take appropriate action necessary to ensure that the organization meets the objectives outlined.
- k. Periodically evaluate the effectiveness of the position management program within the organization and report results as required.
- l. Maintain records and documentation of the reviews, considerations and activities of the position management committee or coordinator for future review.

4. POSITION MANAGEMENT REVIEWS

- a. Supervisory and program management officials are responsible for ensuring that recurring, planned reviews of the management of all positions within their organizations are conducted. These assessments must be scheduled on a regular basis, with the frequency at local management's discretion. Each organizational element will be reviewed to ensure that the most efficient and effective position structure and utilization of personnel are being achieved. Position management assessments may generate the need for classification reviews (as delineated in par. 7 of part I of this handbook), which could be accomplished concurrently or scheduled for conduct at a later time.
- b. The servicing human resource management office shall provide advice and assistance to the designated facility position management committee or coordinator in the development of a local position management review plan. The plan should include:
 - (1) the frequency of the conduct of reviews for each organizational component; and
 - (2) the specific responsibilities of the position management committee/coordinator, supervisors and managers, and the human resources office.
- c. Adequate local records shall be maintained to reflect the completion of position management/classification reviews. These records will be subject to review during human resources management evaluation or other visits.
- d. Part of a review is the requirement that position descriptions must be examined when they become vacant to ensure that they are essential, as designed, to the efficient operation of the organization.

[5. TITLE 38/HYBRID TITLE 38 POSITION MANAGEMENT CONSIDERATIONS AND FUNCTIONAL STATEMENTS

- a. In lieu of positions descriptions described in Part I, functional statements are required to be utilized for all title 38 and hybrid title 38 positions which are not licensed independent practitioners and subject to the approval of provider-specific privileges as recommended by the Executive Committee of the Medical Staff and approved by the Medical Center Director in accordance with VHA Handbook 1100.19

(i.e., functional statements are NOT required for physicians, dentists, podiatrists, chiropractors and other occupations similarly situated.) The functional statement is the official statement of the major duties and responsibilities assigned by management to a position. Supervisors and/or managers are responsible for the ongoing accuracy of functional statements. Supervisors/managers are required to review functional statements under their jurisdiction at least once every two years and in accordance with applicable union contracts to ensure that they are current and accurate. Servicing human resources management offices are responsible for reviewing functional statements upon initial establishment and when the duties and responsibilities of a position have been significantly altered to ensure assignment to the proper occupational series. The servicing human resources management office shall establish local procedures to accomplish and document this review.

b. Functional statements must be written when a new position is established, or when the duties and responsibilities of a position have been significantly altered. Developmental positions (i.e., those below the full performance level) require distinct functional statements at each grade level delineating the specific differences from the next higher level.

c. Functional Statements must include the following information:

(1) Position Title and Organization

(2) General description of assigned duties which describes the nature, purpose, and location of the work;

(3) Functions or scope of assigned duties which lists the major duties and responsibilities of the position;

(4) Supervisory controls related to the position covering both clinical and administrative aspects of the work;

(5) Qualification requirements. Cite the VA Handbook 5005, Part II, Appendix appropriate to the title 38/hybrid title 38 occupation;

(6) Customer service requirements;

(7) Age, development, and cultural needs of patients requirements;

(8) Computer security requirement;

(9) Supervisor signature and date; and

(10) Employee signature and date (optional unless required by union contract).

d. Servicing human resources management offices remain responsible for determining the initial occupational coverage and FLSA determination for these positions, however grading will be determined through the application of the qualification standard during the boarding process. Medical Center

PART II

Officials including but not limited to Medical Center Director, Chief of Staff, Human Resources Officer, Service Chiefs, and immediate supervisors are responsible for:

(1) Ensuring that positions that require clinical knowledge, skills, and abilities of an occupation covered by title 38 are not placed under title 5.

(2) Ensuring that positions that do not require the knowledge, skills, and abilities of a health care professional are not removed from the competitive civil service by placing a title 38 employee in the position.

(3) Controlling the degree to which title 38 employees are assigned duties that do not specifically require clinical skills. However, when such action is necessary, officials must ensure that:

(a) Staffing is sufficient to provide patient care, continuous quality improvement, health care education and research, etc.

(b) The assignment of the non-clinical duties is consistent with good position management principles. The provision of administrative support services needs to be evaluated in a comprehensive manner at the organization and position levels. Positions may be reengineered so non-clinical responsibilities can be assigned to competitive service employees, making more clinical staff available for patient care services. Positions that involve a mixture of clinical and non-clinical duties are to be evaluated to determine if title 38 employees might be used on a part-time, consultative, collateral or rotational basis. Also, non-clinical duties assigned to title 38 employees are to be reduced to a minimum and assigned to title 5 employees.

(c) Staffing patterns are established so that title 38 employees are not routinely required to perform administrative or support functions that do not require the services of a health care professional.

(4) Converting positions that do not specifically require clinical skills to the competitive civil service.]

[6]. ORGANIZATIONAL AND FUNCTIONAL CHARTS

a. Along with position descriptions, organizational and functional charts provide valuable assistance for making sound position management decisions. They provide management with a clear and concise graphic of the organization as it exists. The charts enable management to conduct organizational analyses and to plan for efficient utilization of their work force.

b. Administration Heads, Assistant Secretaries, Deputy Assistant Secretaries, Other Key Officials and field facility directors are responsible for ensuring that organizational and functional charts are developed and updated for their respective organizations. The scope and format of the individual charts are local determinations based on individual needs consistent with the requirements in VA Handbook 5001, General Introduction and Administration. Generally, however, separate charts should be established for each service and division, as appropriate.

c. To ensure that all levels of management agree on the approved organizational structure, the organizational and functional charts should be signed by (1) the Administration Head, Assistant Secretary, Deputy Assistant Secretary, Other Key Official or field facility Director, (2) the head of the organization depicted in the charts, (3) the position management committee chairperson or coordinator, and (4) the Human Resources Management Officer.

d. New organizational charts are not necessary each time a change in the number of authorized positions or the grade levels of positions occurs. Pen and ink notations reflecting minor changes may be made. The number of such pen and ink changes made before a new chart is prepared should be limited so as not to adversely affect the readability of the chart. Organizational and functional charts shall be revised as appropriate during position management reviews.

e. Human resources management (HRM) officers should ensure that the grade levels of positions included in the chart are proper before signing. Recommended or proposed grades in organizational charts do not affect the HRM officer's responsibility for the classification program which requires classifying positions in accordance with published classification standards and guides.

f. The original copy of the organizational and functional charts shall be maintained in the servicing human resource management office with the related position descriptions. Copies should also be maintained in the program areas concerned.

[7]. EVALUATIONS. Compliance with agency policy and the effectiveness of the position management program, including position classification and job grading activities, will be evaluated during regular human resources management evaluations conducted by the Office of Human Resources Management [and Labor Relations] ([05]). Other Department program reviewing offices, the Inspector General, and administration evaluation elements will, in the normal review of programs and operations, appraise the effectiveness and efficiency of the organization, position structure, and other position management actions, except for the specific classification or grading of positions, which is the delegated responsibility of the servicing HRM Officer. OPM representatives will also review this aspect of human resources management during their scheduled visits. Appropriate VACO and field facility officials are expected to take necessary action within a reasonable period of time when areas for improvement have been identified.