

POSITION CLASSIFICATION AND POSITION MANAGEMENT

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) policy regarding position classification, position management, and Fair Labor Standards Act (FLSA).
2. **SUMMARY OF CONTENT/MAJOR CHANGES:** This handbook contains mandatory VA procedures on position classification and management. The changes will be incorporated into the electronic version of VA Handbook 5003 that is maintained on the [Office of the Chief Human Capital Officer \(OCHCO\) website](#) and [VA Publications Website](#). Significant changes include:
 - a. Removes “Job Grading” from title of handbook;
 - b. Establishes OCHCO accountability and oversight procedures;
 - c. Adds section on accretion of duty reporting requirements;
 - d. Adds section on standardized position descriptions;
 - e. Adds section on career ladder position descriptions;
 - f. Eliminates the requirement for OCHCO consultation for classifications affecting large number of positions;
 - g. Adds automated classification system guidance; and
 - h. Adds Appendix E, Classification Guidance for Non-Supervisory General Schedule (GS) GS-15 Positions.
3. **RESPONSIBLE OFFICE:** Compensation and Classification Service (055), Office of the Chief Human Capital Office, Office of Human Resources and Administration/Operations, Security and Preparedness.
4. **RELATED DIRECTIVE:** VA Directive 5003, “Position Classification and Position Management.”
5. **RESCISSIONS:** VA Handbook 5003/5 Classification, Job Grading and Position Management, dated 15 June 2017.

CERTIFIED BY:

/s/

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**BY DIRECTION OF THE SECRETARY
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**POSITION CLASSIFICATION
AND POSITION MANAGEMENT**

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PART I. POSITION CLASSIFICATION PROGRAM

1. PURPOSE. This part provides procedures for classifying positions subject to the provisions of 5 U.S.C., chapters 51 and 53, § 5342 and 5346 and 5 C.F.R., § 511 and 532. It provides instructions that will facilitate sound and consistent position classification practices.

2. SCOPE.

- a. This handbook covers all VA positions in the GS and Federal Wage System (FWS), including those in Veterans Canteen Service covered by 5 U.S.C. § 5342 (a)(2)(C).
- b. Positions not specifically exempted from 5 U.S.C., chapters 51 and 53, § 5342 and 5346 and 5 C.F.R., § 511 and 532 are subject to the provisions in this handbook.
- c. Veterans Health Administration (VHA) positions listed in 38 U.S.C. § 7401(3), hybrid occupations, are covered under 5 U.S.C. §§ 5104 and 5105 for classification and are subject to the provisions in this handbook. Agency specific qualifications based grading is provided in VA Directive and Handbook 5005. Positions under title 38 U.S.C., chapters 73 and 74 are subject to the provisions in this handbook for the Fair Labor Standards Act (FLSA) of 1938, the Federal Cybersecurity Workforce Assessment Act of 2015 (cybersecurity coding) and OPM data elements.
- d. VA is authorized to determine whether a position is subject to or excluded from coverage under the GS or the FWS.
 - (1) Questions pertaining a position's coverage or exemption will be initially determined by the Servicing Human Resources Office (HRO) using guidelines and standards issued by Office of Personnel Management (OPM).
 - (2) If reasonable doubt as to coverage remains after HRO determination, the case will be referred to Compensation and Classification Service (055) for a decision.
 - (3) In unusual circumstances, the position may be submitted to OPM by the Office of Human Resources and Administration/Operations, Security and Preparedness for determination in accordance with the provisions of 5 U.S.C. § 5103.

3. AUTHORITY TO CLASSIFY POSITIONS.

- a. **General. Under Secretaries, Assistant Secretaries, and Other Key Officials and Operating Human Resources Offices (HRO) have the authority to classify positions. All classification activity shall:**

- (1) Follow delegations of authority contained in VA Handbook 5001, Human Resources Management - General Introduction and Administration;
- (2) Ensure classification decisions and position management actions are consistent with law, OPM standards, and VA human resources management policy;
- (3) Ensure HR authorities are not used to affect 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;
- (4) Ensure HR authorities are not used to change the classification of any position, when the title, series, and/or grade has been assigned by OPM or OCHCO.

4. POSITION CLASSIFICATION STANDARDS AND GUIDES.

a. OPM Standards.

- (1) OPM standards and guides take precedence in classifying positions in VA.
- (2) VA will cooperate with OPM when developing new and modifying existing position classification standards.
- (3) New or revised position classification standards published by OPM automatically supersede agency guidelines and supplements.
- (4) HROs shall apply new or updated OPM standard to its positions and effect necessary reclassification actions within 12 months of the standard's official release date, unless otherwise specified. This timeframe does not apply to classification appeals for which the new standards must be applied immediately.
- (5) Any change to the classification of a position because of the application of a new standard, resulting in upgrade, is a non-competitive action covered under exception to competitive promotion procedures under VA Handbook 5005. The documentation required for a non-competitive action resulting from the implementation of a new or revised OPM classification standard is the evaluation statement prepared when implementing the new standard and the authority code in processing the personnel action.

b. OPM Occupational Studies.

- (1) VA facilities, human resources officials, supervisors, program officials and employees will participate OPM studies which include occupational reviews, data requests, or on-site fact-finding visits.

- (2) VA will request OPM to initiate occupational studies when necessary to attain maximum coverage, uniform treatment, and proper classification of VA positions.
- (3) Occupational studies are concerned only with information about the occupation and are not a review of the classification or grading of existing positions.
- (4) Administrations and Staff Office HROs shall notify employees and their exclusively recognized labor organizations of the purpose and limitations of the studies and shall advise all entities to cooperate fully with the OPM representatives.
- (5) Representative groups from facilities will be selected to participate in the Agency's final review and comment phase of OPM draft standards. Facilities will be selected based on the extent to which activities covered by the draft are present at the location.

c. VA Guidelines and Supplements.

- (1) VA interpretative guides or supplements may be developed and issued to facilitate the proper and consistent classification and grading of VA positions.
- (2) VA guidelines and supplements shall be consistent with published OPM standards and guides. Internal guides are not reviewed and approved by OPM. They are properly used to supplement existing OPM standards, not to replace them.
- (3) HROs shall apply VA guidelines and supplements to covered positions within six months of the VA effective date.

5. POSITION DESCRIPTIONS.

- a. Accurate position descriptions (PD) shall be developed and maintained for all positions covered by this part. Accurate PDs are essential for recruitment, performance appraisal, position classification, training and development and position management.
- b. Supervisors and Managers are responsible for the continuing accuracy of PDs for positions under their direction.
- c. Standardized Position Descriptions (SPDs).
 - (1) SPDs are classified PDs that describe recurring work assignments that are general enough to cover identical positions in an occupation at multiple locations in an organization.

- (2) Administration and Staff Offices shall:
 - (a) Establish and maintain SPDs; and
 - (b) Certify SPDs are properly reviewed and classified to title, series, and grade by signing Optional Form 8 (OF-8), Position Description.
 - (3) SPDs for supervisory positions where the grade is based on the General Schedule Supervisory Guide instead of technical duties are prohibited, unless GSSG applicability and evaluation are verified through the classification process for all additional/identical supervisory positions.
- d. **Position Description Adequacy and Format. PDs** shall:
- (1) Be prepared in the format of the grade-controlling classification standard. Narrative PDs can be written utilizing the nine Factor Evaluation System format as long as the evaluation criteria for the narrative standard is met. The [Classifier's Handbook](#) contains detailed instructions on general schedule position formats. The [Introduction to Federal Wage System Job Grading System](#) details instructions for FWS position formats;
 - (2) Be written using plain, clear, and concise language;
 - (3) Include all major, recurring duties, responsibilities and supervisory relationships required for proper classification of title, series, and grade;
 - (4) Be organized with similar duties and functions in the same paragraph(s);
 - (5) List percentages of time spent performing the work for each paragraph;
 - (6) Include all duties that require unusual qualifications to perform the work;
 - (7) Include the statement "Performs other duties as assigned;"
 - (8) Contain only the factor levels or narrative format descriptions that support the major duties described in the body of the PD. Factors that do not support duties outlined in the PD must be revised to support the duties prior to final classification; and
 - (9) Include the point values for each factor, the total point values, and the final classified grade on the PD when classified by the Factor Evaluation System.
- e. **Supervisors and Managers** shall:
- (1) Review and/or update PDs as changes to duties and responsibilities occur to ensure correct classification and compliance with law;

- (2) Review PDs for accuracy, validity, and classification consistency before action is taken to fill vacant position since this represents the best opportunity to take any corrective action required;
- (3) Provide employees a copy of their current PD including all addenda;
- (4) Review position sensitivity, cybersecurity coding and Fair Labor and Standards Act (FLSA) designation in consultation with the Servicing HRO and in accordance with governing regulations.

f. **Servicing Human Resources Officers** shall:

- (1) Establish local procedures to accomplish PD reviews;
- (2) Review PDs for accuracy, validity, and classification consistency prior to affecting a personnel action to fill a vacant position;
- (3) Ensure PDs are reevaluated, and citations are updated when new OPM standards covering positions are issued;
- (4) Maintain the original officially classified PD and provide a copy to the operating organization;
- (5) Forward new PDs and addenda which reflect changes in conditions of employment of bargaining unit employees to the appropriate labor organization; and
- (6) Review position sensitivity, cybersecurity coding (include on the PD) and FLSA designation in accordance with governing regulations and record on OF-8.

g. **Optional Form 8 (OF-8).** An OF-8 shall be prepared for each PD, refer to Appendix A for instructions.

h. **Risk and Position Sensitivity Level Designations.**

- (1) Supervisors and managers must designate position risk level for all covered positions at High, Moderate, or Low Risk Levels.
- (2) PDs shall be evaluated for risk and sensitivity as part of the hiring process prior to placement. If the PD has been modified, or position designation has not been conducted since the last position description review, an updated Position Designation Record (PDR) must be generated by the Human Resources Office.

- (3) If the risk or sensitivity level of the position has changed and the employee's background investigation is insufficient for the new designation, a new investigation must be initiated within 14 calendar days of the change (see VA Handbook 0710 Personnel Security and Suitability Program).
- (4) OPM Position Designation Automated Tool (PDT) will be used to determine position risk and sensitivity levels and to identify the background investigation required for the position. In working with supervisors and managers, HR offices must ensure the appropriate position sensitivity designation for the position is identified on the OF-8.

i. Cybersecurity Codes.

- (1) Cybersecurity codes shall be used to identify cybersecurity duties assigned to a position.
- (2) Managers and HROs shall assess all position duties to determine if assigning cybersecurity work codes are appropriate.
- (3) Cybersecurity codes must be documented on the classified PD and OF-8. Cybersecurity codes are found in the [Guide to Data Standards](#) and the National Initiative for Cybersecurity Education ([NICE](#)) [Cybersecurity Workforce Framework](#) per OPM Guidelines.

j. Addendum and Pen and Ink Changes.

- (1) Prepare an addendum to a PD when changes occur in major duties that do not affect the position's current series and grade.
- (2) Only one addendum to a classified PD is authorized before the position is completely rewritten.
- (3) Process addendums with an OF-8 through the appropriate supervisory channels signed by the same authorities as would be appropriate for a new complete description.
- (4) Pen and ink changes to a PD, and OF-8, may be made in lieu of an addendum or re-description when the changes are incidental (e.g., a change in organizational title).

k. Career Ladder Position Descriptions.

- (1) A career ladder position is a structured position to allow for entry at a lower developmental grade level than the full performance or target grade of a position.
- (2) When a career ladder position is established, the full performance PD must be complete and fully described before it is advertised for recruitment.

- (3) A statement of difference (SOD) may be developed for every other grade level after the fully described full performance level PD in a career ladder; e.g., GS-11 full PD, GS-9 SOD, GS-7 full PD. More than one SOD in a row is prohibited. SODs must:
 - (a) Be combined with a fully described and classified PD at the next higher-grade level to be considered a complete PD;
 - (b) Clearly define the significant differences in assigned duties and supervisory relationships from the next higher-grade position within the ladder;
 - (c) Refer to the full performance position and contain all related PD number(s) in the career ladder; and
 - (d) Be revised when substantial revisions are made to the full performance position.

6. OFFICIAL POSITION TITLES.

- a. 5 U.S.C. § 5105 requires OPM to establish official titles of positions in published classification standards.
- b. Servicing HROs shall only use approved OPM prescribed titles on official documents relating to a position; e.g., position descriptions and official personnel actions.
- c. Titles for which there are no published position classification standards shall be consistent with existing classification titles and reflect the nature of the work performed. See ("[Introduction to the Position Classification Standards](#)".)
- d. Approved VA titles must be used on all official personnel actions in cases where no OPM title is prescribed.
- e. Unofficial titles may be appropriate and helpful for internal VA use or for recruiting purposes.
- f. Submit requests for new official titles in writing to the Compensation and Classification Service (055) at vacoclassif@va.gov. All requests must include:
 - (1) Position description;
 - (2) Proposed title and/or series;
 - (3) Evaluation report;
 - (4) Organizational chart; and

- (5) Justification for the title request.
- g. The required use of prescribed titles on official personnel actions does not preclude organizations from establishing local organizational titles for positions. Organizational titles will be recorded in box 16 of the OF-8; however, this title will not be reflected on official personnel action documentation.

7. EVALUATION REPORTS.

- 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. An evaluation report must be prepared when:
 - (1) Evaluation of a factor using the Factor Evaluation System (FES) is not self-evident by reference to the standard used.
 - (2) Positions described in the traditional narrative format require a written report when the classification determination is not self-evident by reference to the standard(s), or when the final classification decision differs from that recommended by the program official.
 - (3) Developing a standardized PD.
- b. Evaluation reports shall include a concise comparison of the grade-controlling duties and responsibilities with the classification standard(s) used to evaluate the position. It must include how the assignment meets, exceeds, or falls short of the various classification elements and factors in the standard.
- c. GS positions classified by reference to a FES standard must show the level and point value for each factor and the GS grade on all copies of the position description.
- d. Benchmarks, factor level descriptions or primary standard factor levels used in point rating, must be shown on an evaluation report summary or VA Form 5-3963a, Position Evaluation Statement Factor Evaluation System.
- e. A summary evaluation report shall also be prepared for positions classified under the General Schedule Supervisory Guide (GSSG) and the Job Grading Standard for Supervisors. Extensive reports are required when the evaluation of the factor is not self-evident by reference to the appropriate standard.

8. DESK AUDITS.

- a. **A desk audit** is the position classification determination method used for obtaining information about a position. It requires a three-step process of fact finding, position data analysis, and documenting the findings. It includes interviews held by the Human Resources Specialist with delegated classification

authority with the employee and the supervisor. A desk audit focuses solely on current major regular and recurring duties.

b. A desk audit does not consider:

- (1) Hypothetical or projected duties;
- (2) Minor or temporary duties that do not affect the position's classification;
- (3) Volume of work; or
- (4) Concerns regarding an individual employee's qualifications, promotion, or work performance.

c. A desk audit may be required when:

- (1) A substantive change has been made in the assignment of work or the organization of work and it is expected to continue, and a revised position description cannot otherwise be processed;
- (2) A change is proposed to the title, series, or grade level of an encumbered position; or
- (3) A new classification standard is being implemented.

d. Requesting a Desk Audit. A supervisor and/or employee may request a formal desk audit at any time.

- (1) Supervisors and/or employees shall initiate a request for a desk audit by preparing a memorandum to the Servicing HRO specifying how the position has changed. The memorandum should cite examples of work assignments and the way the position is supervised and should be accompanied by an updated position description or a revised description of duties and responsibilities when applicable.
- (2) Request should be submitted through the employee's first level supervisor to the Servicing HRO or may be submitted to the Servicing HRO directly.

e. Processing a Desk Audit Request.

- (1) Upon receipt of a desk audit request, the HROs shall assign an HR Specialist to review the request and determine the appropriate course of action.
- (2) The HR Specialist shall contact management and the appropriate administrative staff to acknowledge receipt of the desk audit request, obtain any additional information, and schedule the desk audit at a mutually convenient time if an audit is deemed to be needed.

f. **Conducting the Desk Audit.**

- (1) Assigned HR Specialist shall conduct a desk audit interview either at employee's work site or by telephone.
- (2) HR Specialist shall interview the first level supervisor to verify the assignment of work and the nature of supervision. Questionnaires, work samples, work logs are typically used in the review process.
- (3) An audit summary of major duties and responsibilities for supervisor and employee review and concurrence will be prepared when the position description accompanying the audit request does not accurately reflect work performed.

g. **Issuing the Evaluation Report.**

- (1) HR Specialist shall conduct a preliminary discussion with first level supervisor to discuss desk audit findings and position management options available to the supervisor prior to finalizing the evaluation report and notifying the employee.
- (2) Discussion should cover:
 - (a) Extenuating classification circumstances affecting a title, series, and/or grade level determination;
 - (b) Whether a position graded at a higher-level shall be subject to competition or if the position is eligible for an accretion of duties promotion without competition in accordance with the administration Merit Promotion Plan;
 - (c) Whether desk audit findings concluded that the employee's current grade is no longer supportable.
- (3) HR Specialist shall provide a written evaluation report informing both the supervisor and the employee of the desk audit findings. The evaluation report must include a determination of the title, series, and grade level of the position.

h. **Reporting and acting on desk audit findings.** Supervisors shall in consultation with the Servicing HRO, Meet with the employee and provide a copy of the evaluation report. The Supervisor may take any of the following actions based on audit findings:

- (1) Take action to promote the employee if reclassification to a higher-grade qualifies under the Merit Promotion Plan; or

- (2) Advertise the higher-graded position in accordance with the agency Merit Promotion Plan; or
- (3) Change the title or series as recommended in the desk audit findings; or
- (4) Assign the higher-level duties to a higher-grade employee if it is determined that work at the higher-level is not expected to continue over the long term.
- (5) Explore the feasibility of a temporary promotion as an option to resolve the short-term work issue where applicable.
- (6) If the desk audit findings conclude that the employee's current grade is no longer supportable, the position may be downgraded.

9. ACCRETION OF DUTIES.

- a. Accretion of higher-graded duties is the gradual addition of duties and responsibilities to an employee's position over a period of time which results in re-classifying the position to a higher-grade.
- b. The following guidelines and conditions must be met to substantiate a non-competitive promotion based on accretion of duties:
 - (1) Change to the position has occurred over a period of at least one year;
 - (2) Position is in the same organizational component;
 - (3) Organization is not reorganized with the intent to promote selected employees through accretion of duties;
 - (4) Major duties of the original position must be absorbed into the new position and the original position must be abolished;
 - (5) Neither the original nor the new position is subject to identical/additional action;
 - (6) New position is in the same series. Accretion of duties does not apply to situations where a position is reclassified from one-grade to two-grade intervals across series lines (e.g., from GS-318 to GS-301), or from administrative to professional series (e.g. from GS-301 to GS-801);
 - (7) New position does not add any lead or supervisory duties not previously assigned to the position;
 - (8) Position has no further promotion potential;

- (9) Upgrade of the position does not adversely affect another encumbered position or other employees within the same organization (i.e., there was no reasonable alternative for handling the changes to the position);
 - (10) There is no reduction-in-force or transfer of function being planned or implemented within the organization;
 - (11) Employee has met all eligibility/qualification requirements; and
 - (12) There has not been a previous accretion of duties/planned management action to assign higher-graded work. Successive non-competitive promotions (more than one) of an employee in the same job, based on accretion of duties, violates merit principles.
- c. If any of the above conditions are not met, the position must be classified as “new” and filled competitively through Merit Promotion action.
- d. **Responsibilities of the Immediate Supervisor.**
- (1) Supervisors shall control the assignment of work. It is strongly recommended that the supervisor discuss the potential accretion of duties action with the Servicing HRO prior to initiating the promotion action.
 - (2) Supervisors shall prepare and submit the following documents to the Servicing HRO:
 - (a) Revised PD with the specific higher-grade duties and responsibilities identified;
 - (b) Statement explaining the origin of duties added to the original position (e.g., new program responsibilities); and
 - (c) Signed “Accretion of Duties Promotion Certification” (see appendix B).
- e. **Servicing HRO with delegated classification authority shall:**
- (1) Evaluate accretion of duties submissions through a formal classification desk audit to verify higher-graded duties are being performed;
 - (2) Provide advisory opinion about whether the proposed accretion action is appropriate;
 - (3) Classify new position descriptions when accretion is supported;
 - (4) Notify supervisor to submit a Request for Personnel Action to promote the employee, should position classification desk audit determine an upgrade is warranted. Request shall include all required signed documentation;

- (5) Notify supervisor or originator in writing with an explanation when accretion of duties promotion criteria is not met.

f. Reporting Requirements.

- (1) Administrations and Staff Offices shall submit a mandatory quarterly report from the personnel data system identifying the number of non-competitive promotions based on classification actions processed within their Administration to Compensation and Classification Service (055). Reportable activity will include:
 - (a) Non-competitive promotions based on accretion of duties;
 - (b) Non-competitive promotions due to the application of new or revised standards or guides; and
 - (c) Non-competitive promotions due to new interpretations or applications of existing standards and guides.

10. OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER CLASSIFICATION ADVISORY ASSISTANCE.

- a. Under Secretaries, Assistant Secretaries, Deputy Assistant Secretaries and Other Key Officials delegated classification authority are responsible for ensuring classification decisions are consistent with law, OPM regulations, and agency policy and practices.
- b. Office of the Chief Human Capital Officer, Compensation and Classification Service (055) advisory assistance may be requested when policy guidance and/or consultation is required to interpret the applicability of OPM standards or VA guidelines; or a determination is needed to decide basic coverage under the GS or FWS.
- c. In unusual cases, offices may request a formal written determination of the title, series or grade of a position. Decisions rendered where a definitive classification conclusion is provided represent VA's binding determination on the correct classification and must be applied by the requesting facility to existing position(s) or future identical positions.
- d. Requests must be submitted through appropriate Administration or Staff Office channels to Compensation and Classification Service (055) at vacoclassif@va.gov. All requests should include:
 - (1) Position description;
 - (2) Organizational and functional charts;
 - (3) Evaluation report; and

- (4) Any other supporting documentation available including comments by operating officials and the employee(s) involved.

11. POSITION CLASSIFICATION APPEALS.

- a. Employees who are dissatisfied with the classification 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.
- b. Employees covered under the General Schedule (5 U.S.C., § Chapter 51, and 5 C.F.R. § 511) have the following options:
 - (1) Appealing to VA;
 - (2) Appealing to OPM through VA; or
 - (3) Appealing directly to OPM.
- c. Employees who appeal to VA first may subsequently appeal to OPM if they are dissatisfied with the VA's decision. However, employees may not appeal to VA if they have previously appealed the same position to OPM. When employees file an appeal to OPM through VA, Compensation and Classification Service (055) must render a decision not later than 60 calendar days from receipt.
- d. In coordination with the Servicing HRO, Under Secretaries, Assistant Secretaries, Deputy Assistant Secretaries, Other Key Officials and Facility Directors are responsible for keeping employees informed of classification appeal policies and procedures.
- e. 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 VA's decision, they may appeal to OPM. If they so elect, they must file within 15 calendar days after they receive the VA decision. Employees must specify the part of the decision where they disagree. OPM's time limit for filing may be extended if circumstances beyond control prevented an employee from filing within 15 days, or if not aware of the 15-day time limit.
- f. Employees covered under hybrid title 38 may appeal to VA for an occupational series and title determination. Employees may appeal to OPM for title 5 U.S.C coverage and occupational series determinations. Grade reconsiderations procedures can be found in VA Handbook 5005, Staffing, Part III, Chapter 4 Section B (7).
- g. Compensation and Classification Service (055) 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 VA appeal will be canceled. A duplicate copy of all material provided to OPM shall be forwarded through appropriate channels. Upon receipt of the OPM

decision, a copy shall also be forwarded to complete the case file. Servicing HROs shall maintain complete files on classification appeals decided on positions under their facility's jurisdiction in accordance with Agency recordkeeping provisions.

- h. An appeal decision by VA 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 Servicing HRO of the effect the appeal decision has on other employees assigned to the same position. If an appellant desires to cancel an appeal pending within VA, a written request must be forwarded through supervisory channels to the Compensation and Classification Service (055).
- i. Pending classification appeals will be canceled by the agency if the appellant:
 - (1) No longer occupies the appealed job (Under Secretaries, Staff Office or Facility Directors should notify the Human Resources 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, S7-6); or
 - (3) Requests in writing that his/her appeal be withdrawn or canceled.
- j. Specific details concerning the classification appeals process are contained in appendix C of this part.

12. ADHERENCE TO CLASSIFICATION DECISIONS.

- a. All classification decisions rendered by OPM, the VA or formal delegation are considered binding on all VA officials unless there is a significant change in the duties and responsibilities or a change in the applicable position classification standards.
- b. A classification action directed by OPM certificate or VA decision 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 VA decision, shall be reported to OPM or VA, within 30 calendar days of change.
- c. Offices desiring to formally request reconsideration of an OPM certificate resulting from either an audit finding or an appeal decision, or a position previously certified by the VA, must submit a complete reconsideration request to the Compensation and Classification Service (055) within 30 calendar days of the date of the certificate.

- d. Compensation and Classification Service (055) will forward all cases determined to be supportable 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.

13. IMPLEMENTING CLASSIFICATION ACTIONS OR DECISIONS.

- a. Except as noted in subparagraphs b and c below, a personnel action implementing a change in the classification of a position will be made effective no earlier than the date of the classification action. The personnel action changing the classification must be processed no later than the beginning of the fourth pay period after the date of the classification action.
- b. In unusual cases an extension or exception to the "four-pay period" time frame may be requested by the facility Director, Under Secretary, Assistant Secretary, Deputy Assistant Secretary, or other key official through the Compensation and Classification Service (055) to the appropriate OPM jurisdiction. A written request containing appropriate justification should be forwarded as soon as possible after the classification decision, to permit an OPM determination to be made within the allotted time.
- c. In cases of VA classification appeal decisions, the provision(s) of 5 C.F.R. § 511 and 532 will apply.
- d. Classification actions directed by OPM for any reason will be made effective in accordance with 5 C.F.R. § 511 and 532.
- e. 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 of:
 - (1) Employee's right to submit an appeal to VA (if it has the authority to take the action) or to OPM;
 - (2) Information required to be submitted to VA or OPM to support the appeal;
 - (3) Time limits within which the employee must file an appeal to establish or preserve the right to a retroactive adjustment in connection with a favorable decision; and
 - (4) Employee's entitlement to grade and/or pay retention under 5 U.S.C. § 53, sections 5362-5363.

14. INTERIM POSITIONS.

- a. Interim positions are temporary positions that are identical to a permanent position but are limited in duration to a period of less than one year.

- b. Interim positions must be approved by the proper management authority authorized to establish positions.
- c. Human Resources Offices exercising classification authority for the position must concur that a properly classified base position exists. Refer to VA Handbook 5005 Staffing for circumstances that may warrant establishing interim positions.

15. IDENTICAL-ADDITIONAL POSITIONS.

- a. 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:
 - (1) identical in duties and responsibilities to a base position;
 - (2) in the same organization element; and
 - (3) under the same kind and degree of supervision;
- b. The identical-additional status of a position should be indicated on the description.

16. FAIR LABOR STANDARDS ACT (FLSA) COVERAGE DETERMINATIONS.

- a. 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 C.F.R. part 551](#) and any supplemental OPM guidance.
- b. 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.
- c. Each employee is presumed to be FLSA nonexempt unless the employing administration correctly determines that the employee clearly meets the requirements of one or more of the FLSA exemption criteria set forth in 5 C.F.R. part 551. Exemption criteria must be narrowly construed and applied only to employees who are clearly within the terms and spirit of the exemption criteria.
- d. The burden of proof as to the exempt or nonexempt status of an employee rests with the Agency, rather than the employee. An employee who clearly meets the criteria for exemption must be designated FLSA exempt. If there is a reasonable doubt as to whether an employee meets the criteria for exemption, the employee

will be designated FLSA nonexempt. Specific exemption criteria are set forth in 5 C.F.R. part 551.

- e. The Servicing HRO is responsible for determining whether 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 D 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.
- f. The FLSA exempt or nonexempt status of a position should be reviewed when it is established, re-described and classified based on significant changes in assigned duties, or in connection with a classification review.
- g. 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;
 - (3) Must not rely solely on a check list to determine exemption status;
 - (4) Must analyze the position's duties and responsibilities for each determination;
 - (5) 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) 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;
 - (6) Must make all exemption determinations based on the duties actually performed by the employee and not on the position description alone.

17. FLSA CLAIMS.

- a. Employees who are dissatisfied with the FLSA coverage determination of their positions have the right to appeal the decision.
 - (1) 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.
 - (2) 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.
 - (3) Employees who elect to submit a claim first to VA may subsequently submit a claim to OPM if they are dissatisfied with the Agency's decision. However, employees may not file a FLSA claim with VA if they have previously submitted the same claim to OPM.
 - (4) All VA 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.
 - (5) In accordance with 5 C.F.R. § 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 Agency or to OPM in order to preserve the claim period. The date the Agency or OPM receives the claim is the date that determines the period of possible back pay entitlement.
 - (6) Under 5 C.F.R. § 551.104, "willful violation" means a violation in circumstances where the Agency 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.
 - (7) An FLSA claim filed with VA or OPM must be in writing and submitted through the Servicing HRO. The Servicing HRO forward the complete appeal package within 15 calendar days of receipt. Failure to submit an appeal through the appropriate channels may result in a delay in the decision.
 - (8) The following information shall be submitted by an employee for a FLSA claim:
 - (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) Requested FLSA determination;
 - (f) 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) 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 C.F.R. § 551.702. The date VA or OPM received the claim, whichever is earlier, becomes the date the claim period is preserved;
 - (j) 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) Statement that the employee has not filed an action in an appropriate United States court.
- (9) The following information shall be submitted by the Servicing HRO along with the material supplied by the appellant:
- (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) 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.
- b. VA Appeals will be forwarded to OCHCO, Director, 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.
 - c. 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.

18. CLASSIFICATION PROGRAM REVIEWS.

- a. Each Administration shall establish a systematic classification review plan to ensure the classification accuracy requirements of 5 U.S.C. § 5107 are met. The plan will include:
 - (1) Specific responsibilities of the Servicing HRO, classification specialist, supervisors and managers;
 - (2) Advertised frequency of classification review schedules;
 - (3) Procedures for selecting the number of position descriptions to review for accuracy;
 - (4) Audit of OF-8 related elements and personnel data system accuracy;
 - (5) Statement from the delegated classification official and supervisor certifying the accuracy of all positions under review;
 - (6) Instructions to maintain local records of classification review findings, to include desk audit reports, supervisory conformance checks, etc. Records shall be subject to review during evaluation or other visits.
- b. Classification reviews may be combined with the Position Management Review process outlined in part II of this handbook.

- c. OCHCO, Classification Review and Oversight.
 - (1) OCHCO, Compensation and Classification Service (055) shall conduct periodic accountability reviews and audits of Administration and Staff Offices classification review programs. Program audits will analyze compliance with OPM policy, VA Handbook 5003, and all applicable Federal laws and regulations.
 - (2) Compensation and Classification Service (055) will publish the frequency and functional subjects of classification program reviews and coordinate schedules through the appropriate Administration Staff elements.
 - (3) 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 audit or classification review.
 - (4) Events that may warrant ad hoc VA level audits are:
 - (a) Most Efficient Organization (MEO) studies directed by the Office of Management and Budget Circular A-76, privatization initiatives or Agency efficiency review programs;
 - (b) Significant changes in mission, functions, and realignment of duties for a single organization;
 - (c) Significant changes in average grade for a single position or occupation affecting a large number of employees (formerly referred to as Classification Actions Affecting 20 or more Positions).
 - (5) Administrations are held fully accountable to exercise classification authority. However, the Agency has the right to revoke delegation at any time if/when it deems necessary when delegation of classification authority is not appropriately enforced. All classification decisions are subject to review by Compensation and Classification Service (055) who retains the right to override Administrations' classification determinations when not consistent with applicable laws, OPM standards, guides, appeal decisions, and consistency reviews.

19. AUTOMATED CLASSIFICATION SYSTEM.

- a. The web-based Automated Classification System supports a paperless classification workflow through an end-to-end product. It enables users to build and manage PDs and functional statements (FS).
- b. The system supports the process of building PDs, FSs, scopes of practice, evaluation statements and PD cover sheets (OF-8); and it has the ability to upload documents related to classification. The Automated Classification System should be used in accordance with the Office of Personnel Management

(OPM) and VA Handbook 5003 classification laws, regulations and guidance, and should not subvert any delegated classification authorities.

- c. **Authority.** The Compensation and Classification Service (055) maintains the System Administrator role. This role may be delegated, in a limited number, to each administration. A full list of roles is outlined in the Automated Classification System user guide.
 - (1) **System Administrator.** The System Administrator can authorize access and assign users to the Administrative Classifier role for those authorized to perform the function at the Central Office level within each Administration. This position is also responsible for overall system maintenance.
 - (2) **Administrative Classifier (Administration Central Office).** The Administrative Classifier is assigned to the Central Office or its equivalent of each Administration. A list of roles is in the Automated Classification System user guide.
 - (3) **Servicing HR Office.** The HR office maintains delegated operational classification authority.
 - (4) **Classifier.** User has delegated classification authority and is authorized to perform all classification operations in the system.
 - (5) **Supervisor.** User develops and/or determines the accuracy of the duties and responsibilities of the position and who routes the PD to the classifier.
 - (6) **HR Specialist.** User can develop a PD, cover sheet (OF-8), attach supporting documents and routes them directly to the supervisor for approval.

20. DOCUMENTING CLASSIFICATION ACTIONS.

- a. Servicing HROs must establish and maintain records that:
 - (1) Document actions to identify and correct misclassified positions;
 - (2) Document responses to request for information or oversight reporting requirements.
- b. Records associated with actions taken under VA Handbook 5003 must be maintained and readily available for a minimum of five years from the date of the activity.
- c. Records documenting third party reconstruction of employee records must be retained according to the record disposition schedule.

APPENDIX A. 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 one year, and which has been filled continuously for less than one 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.

***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 resources management office.

***Item 9. Subject to Identical-Additional 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 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 employees may be attached to the position description.

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

First Subdivision. Enter VBA, VHA, NCA, or specific Assistant Secretary, Deputy Assistant Secretary, Other Key Official.

Through e. Enter the next and any subsequent organizational component in descending order. In 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.

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

Higher-level Supervisor or Manager. In VA facilities, 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. OPM requires the inclusion of cybersecurity job codes found in the Guide to Data Standards and the National Cybersecurity Workforce Framework to be included on the OF-8.

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

**APPENDIX B: SAMPLE JUSTIFICATION FOR
ACCRETION OF DUTIES PROMOTION**

This is to request a non-competitive promotion for (Employee Name) from the position of (title, series, grade and position number).

Part I – Answer each of the following questions to identify the changes in the employee's duties:

What are the changes in the employee's duties and reason(s) for each change?

What position included these duties in the past? If the duties were not performed in the past, what created the need for these duties to be performed now? (For example, further delegation of authority, new regulatory requirements, etc.).

Is another encumbered position being downgraded, abolished, or impacted as a result of this action? If so, describe.

What are the reasons for assigning these duties to the position?

Are there other employees in positions in the same series and grade as the employee being recommended for promotion who could have assumed these duties? If so, why was the decision made to assign the duties to this position instead of one of those positions?

What consideration was given, if any, to assigning these new duties to an already established higher-graded position?

Does the new position absorb the major duties of the old position and will the old position be abolished?

Which duties will no longer be performed, and which position will now perform those duties?

State whether the new position is in the same organization as the old position and if it retains the same supervisor as the old position.

Does the new position involve the addition of project leader, group leader, or supervisory duties to a formerly non-supervisory position, or involve the addition of duties which identify the new position as a predecessor to a higher-level supervisory position?

PART I
APPENDIX B

Part II -Certify that the following conditions are met for the non-competitive promotion for the employee named above:

1. The employee continues to perform the same basic functions of the position to which originally assigned.
2. The major duties of the former position are absorbed into the new position (i.e., the new position is a clear successor to the previous position).
3. The new duties could not reasonably be assigned to any other position within the organization.
4. The new position has no further promotion potential.
5. No other positions within the organizational unit --whether encumbered or vacant -- are adversely affected by the action. (For example, the "new" duties were not removed from another position in the organization which could adversely impact on that position's grade level as a result.)
6. Time-in-grade requirements have been met.
7. The new position is not a reclassification from non-supervisory to a team leader or supervisory position.
8. The new position is not a reclassification of the position from a one-grade interval to a two-grade interval series.
9. The new position is not a reclassification of the position to a new series.
10. The approval of this request would not compromise Merit System Principles in perception or actuality.

I certify that the above conditions are met.

First-Level Supervisor:

Signature

Date

Higher-Level Supervisor Concurrence:

Signature

Date

Approval of Human Resources Officer:

Signature

Date

*All documents justifying the non-competitive promotion must be kept with the original position description.

APPENDIX C. VA CLASSIFICATION APPEAL PROCEDURES

1. An employee dissatisfied with the classification and/or grade of their position should first discuss the problem informally with their supervisor. If the supervisor is unable to resolve the issue to the employee's satisfaction, the employee should discuss their dissatisfaction with the servicing human resources office.
 - a. **General Schedule Employees.** If the employee still believes there is an inequity, they 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 appeals 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.
 - c. **Hybrid Title 38 Positions.** Employees covered under hybrid title 38 may appeal to VA for an occupational series and title determination. Employees may appeal to OPM for title 5 U.S.C coverage and occupational series determinations. Grade reconsiderations are processed under Grade reconsiderations are processed under VA Handbook 5005, Part III, Chapter 4, Section B(7) procedures.
2. A classification appeal to VA or to OPM through VA should be in writing and submitted through the employee's supervisor(s) and servicing human resources management office to the VA Appeals will be forwarded to OCHCO, Attn: Director, Compensation and Classification Service (055), VA Central Office, 810 Vermont Ave. NW, Washington, DC 20420 and/or by email to vacoclassif@va.gov.
3. The human resources office will forward the appeal (together with the information specified in paragraph 4) to OCHCO within 15 calendar 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.
4. 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, grade, and pay plan.**
 - e. **The requested title, series, grade, and pay plan.**
 - f. **A statement that the official position description is accurate.**
 - 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.**
5. 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.
6. Prior to a final decision on a VA 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.

7. For positions for which Facility Directors have classification authority, the appeal decision letter will be signed by the appropriate VA Central Office official, or designee.
8. 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.
9. VA appeal decisions may be appealed to the OPM. Instructions for such an appeal are contained in 5 C.F.R. part 511.
10. OPM or VA appeal decision must be kept on file. Decisions may be filed with the position descriptions to which they refer or filed separately. If filed separately, the related position descriptions and decisions should be cross-referenced.

APPENDIX D. FLSA DETERMINATION CRITERIA

1. NON-EXEMPTION CRITERIA

Type	Apply to	C.F.R. Citation
Salary-based	<p>Employees, including supervisors, whose annual rate of basic pay is less than \$23,660</p> <p>Exceptions:</p> <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. 	<p><u>5 C.F.R. § 551.203</u></p> <p><u>5 C.F.R. § 551.211</u></p> <p><u>5 C.F.R. § 551.212</u></p> <p><u>5 C.F.R. § 551.208</u></p>
Position-based	<p>Certain non-supervisory, white collar employees (e.g., equipment operating or protective occupations and most clerical occupations)</p> <p>Non-supervisory employees in the Federal Wage System (with the same exceptions as listed above for salary-based non-exemptions) who do not meet any of the exemption categories.</p> <p>Employees at any grade in occupations requiring highly specialized, technical skills and knowledge that can be acquired only through prolonged job training and experience.</p> <p>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.</p>	<p><u>5 C.F.R. § 551.204</u></p>

2. EXEMPTION CRITERIA

Type	Apply to	C.F.R. Citation
Executive	<p>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:</p> <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 change of status of other employees are given particular weight). 	<p><u>5 C.F.R. § 551.205</u> <u>5 C.F.R. § 551.104</u></p>
Administrative	<p>Employees whose primary duties:</p> <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. 	<p><u>5 C.F.R. § 551.206</u></p>
Professional	<p>Employees whose primary duties are performing work that requires:</p> <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. <p>NOTE: There are three basic types of professionals: learned, creative, and computer</p>	<p><u>5 C.F.R. § 551.207</u></p>
	<p>Learned professionals</p>	

Type	Apply to	C.F.R. Citation
	<p>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:</p> <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 bachelor's level preparation). 	<p><u>5 C.F.R. § 551.208</u></p>
	Creative professionals	
	<p>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.</p>	<p><u>5 C.F.R. § 551.209</u></p>
	Computer professionals	
	<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: 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.</p>	<p><u>5 C.F.R. § 551.210</u></p>

Type	Apply to	C.F.R. Citation
Title 38 Employees	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.	
Certain Hybrid Title 38 employees	Hybrid employees who are authorized to receive premium pay on the same basis as Registered Nurses are exempt from the FLSA overtime pay provision.	
Availability pay	Criminal Investigators who receive availability pay under 5 C.F.R. § 550.181(a).	<u>5 C.F.R. § 551.213</u>
Type	Apply to	C.F.R. Citation
Exemptions because of temporary duties or performing different work assignments from primary work	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.	<u>5 C.F.R. § 551.211</u>
	Exempt employees' designations will depend on the primary duties the employees perform within a work week.	5 C.F.R. § 551.211 (f)(2)

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.

APPENDIX E. INTERPRETIVE GUIDANCE FOR NON-SUPERVISORY GS-15 POSITIONS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS (VA)

1. Purpose

The Office of the Chief Human Capital Officer (OCHCO) is issuing this interpretive guidance to assist Human Resources Offices (HROs) classify Non-Supervisory GS-15 positions within the VA. This guidance does not supersede criteria in the Office of Personnel Management (OPM) position classification standards or the requirement to reference standards. This guidance addresses the following: definition of “professional and administrative” occupational series and characteristics of major duties and responsibilities reflective of non-supervisory GS-15 professional and administrative positions. The OCHCO encourages consistency within the Department; therefore, HROs are required to administer sound classification and position management judgment in accordance with published classification standards and guides when classifying non-supervisory GS-15 positions.

2. Introduction. Positions at the non-supervisory GS-15 grade level include those classes of positions the duties of which are:

- a. To perform, under general administrative direction, with very wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments;
- b. To plan and direct or to plan and execute specialized programs of marked difficulty, responsibility, and national significance, along professional, scientific, technical, administrative, fiscal, or other lines, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or
- c. To perform consultative or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

3. Work Definitions of Administrative and Professional Series: Work covered under Title 5, Chapter 51, General Schedule (GS) summarizes general characteristics of work classifiable as non-supervisory GS-15 within the “Administrative” or “Professional” field of work.

a. Administrative Positions:

- (1) Exercise a high order of analytical ability, judgment, discretion, and the application of a substantial body of comprehensive knowledge of principles,

- concepts, and practices to one or more fields of administration or management. While these positions do not require specialized education, they do involve the type of skills (analytical, research, writing, judgment) typically gained through a college level education, or through progressively responsible experience.
- (2) Perform as a part of the principal mission or program of an agency or subcomponent or perform as a service function which supports the agency's mission or program.
 - (3) Analyze, evaluate, modify, and develop programs, policies, and procedures which facilitate the work of Federal agencies and their programs; and apply knowledge of administrative analysis, theory, and principles in adapting practices to the unique requirements of a program.
 - (4) Require a high order of analytical ability combined with a comprehensive knowledge of the functions, processes, theories, and principles of management; and the methods used to gather, analyze, and evaluate information.
 - (5) Titles of Administrative Non-Supervisory, GS-15 positions reflect the occupational series for which the work is assigned, for example, Program Manager, Information Technology Specialist, Health Systems Specialist, or Management/Program Analyst.

b. Characteristics of Administrative Non-Supervisory GS-15 positions:

- (1) Agency, Bureau, or major organizational level executive layer (limited exceptions).
- (2) Oversight and accountability for managing an entire VA program function.
- (3) Recommend program resources for entire *agency program* function or a major segment of the government; autonomy and power to publish and interpret policy; ensure program direction and compliance with no technical expert in chain of command above them.
- (4) Program management of extensive studies and ad hoc teams from *various* agencies; studies evolve as time and information dictate different decision points and unforeseen choices; results impact new legislation, systems, government or agency-wide policy; fundamental shift in how one or more agencies operate. Generate new concepts, principles, and methods not previously known within the field of work and/or conceive, plan, and manage entire Program functions for broad, emerging, or similarly critical large-scale agency programs of national or international scope.

c. Professional Positions:

- (1) Knowledge in a field of science or learning characteristically acquired through education or training equivalent to a bachelor's or higher degree with major study in or pertinent to the specialized field, as distinguished from general education.
- (2) Discretion, judgment, and personal responsibility for the application of an organized body of knowledge that is constantly studied to make new discoveries and interpretations, and to improve data, materials, and methods.
- (3) Occupational series follow in a two-grade interval pattern and are identified as professional in the series definitions. If a series definition does not state that the work covered is professional, it should not be considered professional for classification purposes.
- (4) Titles of Professional Non-Supervisory, GS-15 positions reflect the occupational series for which the work is assigned, for example, Attorney, Medical Officer, Biologist, Engineer, Chemist, or Accountant.

d. Characteristics of Professional Non-Supervisory GS-15 positions

- (1) Agency, Bureau, or major organizational level executive layer (limited exceptions).
- (2) Operate with total autonomy and recognized as an authority in the analysis and evaluation of program and issues; subject to only administrative and policy direction concerning overall agency project priorities and objectives; delegated complete authority to plan, schedule, and carry out major projects or studies; results of work considered authoritative and accepted without change.
- (3) Involve creativity, analysis, evaluation, and interpretation; apply basic or natural law, principles, or theory; evaluate the research of others; and assess the need for and validity of proposed changes and improvements in procedures and methods (ability to reason from existing knowledge to unexplored areas to adapt methods to circumstances that deviate from the standards); and to stay abreast of and evaluate technical subjects, analyses, and proposals in professional literature.
- (4) Generate new concepts and methodologies in the field of theories; plan and direct entire financial or budgeting systems for broad, emerging, or similarly critical large-scale department/agency-wide programs of national or international scope where no precedents exist; education/training in concepts and theories of the occupation gained only through completion of a specified curriculum at a recognized college or university (positive education requirement).

NOTE: This knowledge is not appropriate for a non-professional administrative series position which does not generate or develop new hypothesis and theories in carrying out work requirements.

4. Evaluating Non-Supervisory GS-15 Positions:

- a. **Authorities:** Accountable to an SES position of authority and operate with total autonomy and recognized as an authority in charge and a recognized authority in the analysis of agency program issues; delegated full agency-level authority on overall agency project priorities and delegated complete authority to plan, schedule, and carry out major projects/studies. Results of work are considered authoritative and are normally accepted without change; use judgment and ingenuity and exercise broad latitude to determine intent of guidelines; and develop policy/guidance and formulate interpretations which take the form of policy statements and guidance.
- b. **Complexities:** Plan, organize, and carry through to completion analytical studies involving key agency programs. Studies are of such breadth require input and assistance from other analysts and subject matter expert specialists in the field appropriate to the subject of study.
- c. **Environmental Scope and Impact:** Programs of study may be cross-functional and strongly influence multiple Federal agencies.

5. References

- a. [Title 5, U.S.C. Subpart D, Pay and Allowances, Chapter 51, Classification, § 5104. \(15\). Basis for grading GS-15 positions.](#)
- b. [OPM Position Classification Flysheet for Miscellaneous Administrative and Program Series, GS-0301, June 1979.](#)
- c. [OPM Administrative Analysis Grade Evaluation Guide, TS-98 dated August 1990.](#)
- d. [OPM Introduction to Position Classification Standard, TS-134, July 95, TS-107, August 1991, Revised August 2009.](#)
- e. [VA Directive 5003, Position Classification and Position Management.](#)
- f. [OPM General Schedule Position Classification Standards - The Classifier's Handbook, TS-107 dated August 1991.](#)
- g. [VA Handbook 0710 Personnel Security and Suitability Program dated May 2016.](#)