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POSITION CLASSIFICATION

This Maryland National Guard Technician Personnel Regulation contains procedures to be followed to effect position classification in the Maryland National Guard Technician Program. Unless otherwise indicated, the term "technician" means both military and competitive technicians and the use of either the masculine or feminine pronouns is intended to include both genders.

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CHAPTER 1

GENERAL PROVISIONS

1-1. THE GENERAL SCHEDULE CLASSIFICATION SYSTEM.

a. Structure of the system: The General Schedule Classification System is a comprehensive, orderly system for classifying positions by occupational group, series, class, and grade according to similarities and differences in duties, responsibilities, and qualification requirements. It evolves from Chapter 51 of Title 5, United States Code. Underlying this occupational cataloging system are:

(1) The need to identify positions with appropriate qualification standards.

(2) The principle of equal pay for substantially equal work.

(3) The principle that variations in ranges of basic pay for different employees should be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed.

b. The position classification plan. Under the General Schedule Classification System, positions are first sorted into occupational groups and each of these groups is divided into series of classes. Each series is then divided in classes and each class placed in its appropriate grade which has a salary range provided by law. The product is the position classification plan. Its structure is outlined in the Handbook of Occupational Groups and Series of Classes established under the Federal Position Classification Plan, which serves as the official guide for determining the occupational category within which a position falls. The detailed definitions of the occupational groups, series, and classes, which appear as a separate publication, are the classification standards. With their aid, positions can be placed in classes and grades on a uniform basis, wherever they are and whoever holds them.

1-2. THE FEDERAL WAGE JOB-GRADING SYSTEM. The job grading system includes (1) an orderly grouping of the occupations covered by the system; (2) a grade framework to establish the basic pegpoints of the grading system; (3) job standards to provide the criteria for determining the relative worth of jobs in terms of grades; and (4) a job grading method to assure consistency in the application of job standards.

a. Establishing and defining occupations.

(1) After consultation with agencies and labor organizations, Office of Personnel Management (OPM) establishes and defines individual occupations for use. Generally, each occupation includes the inspector and supervisory jobs and all levels of non-supervisory work.

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(2) The boundaries of an occupation are determined by the set of basic skills and knowledges required to do the work. Each job family has a general occupational category designed to include:

(a) Lines of work characteristic of the job family but not identifiable with any specific occupation in the family.

(b) Lines of work with employees populations too sparse to merit treatment as separate occupations.

(3) Occupations are formally established in Federal Personnel Manual Supplement 512-1, Part 3, "Definitions of Trades and Labor Job Families and Occupations." Agencies have a continuing responsibility for advising OPM of their needs to establishment and revision of occupational definitions.

b. Titling jobs within occupations. OPM provides guides for uniform application of titles. Job titles are as brief and as broad as possible, consistent with the need to distinguish one occupation from all other occupations.

1-3. DEFINITIONS.

a. General Schedule Classification System. The system prescribed by Chapter 51 of Title 5, United States Code, for classifying positions in the General Schedule.

b. Class or class of positions. All positions which are sufficiently similar in (1) kind or subject matter of work, (2) level of difficulty and responsibility, and (3) the qualification requirements of the work, to warrant similar treatment in personnel and pay administration.

c. Classification. The systematic evaluation and orderly arrangement of similar positions under the General Schedule Classification System into an appropriate group (class) by determining the level of the kind of work that the jobs involve.

d. Class Title. The official name given to a class of positions to identify the class and all positions in the class. Each title in a group of titles listed in position classification standards represents a separate class. The grade of the class is a part of the class title.

e. Coverage. The inclusion of a position under, or the exclusion of a position from the General Schedule Classification System.

f. Grade. All classes of positions which (although different in kind or subject matter of work) are sufficiently equivalent in (1) level of difficulty and responsibility, and

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(2) level of qualification requirements of the work, to warrant the inclusion of these classes of positions within one range or rates of basic pay.

g. Position. The work consisting of the duties and responsibilities assigned by competent authority for performance by an employee.

h. Position Classification Standards. A set of documents published by OPM which provides information for distinguishing the duties, responsibilities, and qualification requirements of positions in one class from those of positions in other classes, and which thus provides the criteria for placing each position in its proper class. These standards distinguish both in level of difficulty and responsibility and in kind of work.

i. Qualification Standards. A description of the knowledges, abilities, and skills required to predict potential for successful performance of the duties of a class of positions as well as a means for determining that applicants possess this potential.

j. Regraded position. A position which has been changed in grade without a significant change in duties or responsibilities.

k. Series. Classes of positions similar in specialized line of work but differing in difficulty or responsibility of work, or qualifications requirements, and therefore differing in grade and pay range.

1-4. AGENCY AUTHORITY.

a. Administration of the system. The authority to classify positions and to establish pay grades for both Army and Air National Guard Technicians is the responsibility of the Chief, National Guard Bureau, as delegated by the Secretaries of the Army and Air Force. This includes authority to designate which positions require membership in the National Guard and which do not.

b. Redlegation of authority. Authority to classify National Guard Technician positions is redelegated to the Support Personnel Management Offices (SPMO).

1-5. RESPONSIBILITIES.

a. NGB-HRC is responsible for administering the position management and position classification programs for the National Guard.

b. The two National Guard Personnel Centers (Eastern and Western) are responsible for the position classification and position management programs throughout their respective areas of assignment. These responsibilities include:

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(1) Ensuring compliance with all pertinent directives, policies, position classification and job grading standards, etc.

(2) Providing interpretation and implementation guidance on pertinent publications.

(3) Providing position classification and position management advisory services.

(4) Conducting on-site position reviews to ensure that all positions are properly described and classified.

(5) Developing and classifying position descriptions for implementation nationwide and forwarding them to NGB-HR for release.

(6) Responding to OPM regional offices and NGB personnel management evaluations.

(7) Reviewing classification appeals and making recommendations to NGB-HR on their disposition.

(8) Conducting position classification and position management education programs for SPMO representatives and for supervisors and managers.

c. The Support Personnel Management Office is responsible for the day-to-day administration of the position classification and position management programs within Maryland. In addition to responsibilities regarding specific personnel actions, the SPMO shares the program improvement responsibility with the NGB-EC. For example, the SPMO is responsible for:

(1) Providing recommendations to the NGB-EPC for improved organizational structuring.

(2) Requesting the elimination of any position determined to be unnecessary.

(3) Restructuring positions to lower grades, when practical, for upward mobility and economy.

(4) Providing for the education and training of management and supervisory personnel in the principles of good position management and promoting understanding and acceptance of position classification.

(5) Assuring that technicians and supervisors are aware of the necessity of compatibility of the technician and military assignment, as well as assuring that such compatibility is maintained.

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(6) Analyzing duties of positions suspected of being misclassified, working with the supervisor of the position to draft new descriptions when deemed necessary, and making recommendations to NGB-EC.

(7) Assuring that classification standards and guides are current and complete, and that they are available to supervisors and technicians desiring to examine them.

(8) Assuring that the annual maintenance review is properly conducted and positions certified, and that all cases of noncurrent or inaccurate descriptions encountered in the review are corrected.

(9) Making recommendations to the NGB-HR for exception position descriptions.

(10) Conducting position reviews and furnishing evaluations upon request of either NGB-HR or NGB-EC.

(11) Reviewing vacant positions prior to initiating recruitment to ensure that assigned duties are still required and whether higher level duties can be assigned to another position of equivalent or higher grade.

(12) Ensuring that supervisory, leader, or additive grade small shop chief positions will be responsible for the day-to-day supervision or leadership of the required number of subordinates before staffing the position at the authorized grade level. Also, processing reclassification actions when the number of onbroad subordinates falls below that required to support the grade of the higher level (WS, WL or small Shop Chief) positions.

(13) Proving advice and assistance on classification appeals.

d. Management responsibilities. Activity managers, as designated by The Adjutant General, State of Maryland, will have the responsibility for taking actions affecting position management as follows:

(1) Initiating procedures to modify position management structures in order to meet mission requirements, improve efficiency, improve economy, or to meet local requirements.

(2) Approving or disapproving requests for action (SFs 52) which affect organizational structures; such as recruiting for vacancies, restructuring positions to lower grades, eliminating positions, or establishing new positions.

(3) Reviewing the position structures periodically to determine that the organization is not unnecessarily split into too many small organizations, does not have too many levels in the chain of command, has no unnecessary positions, and does not have more supervisory positions than are necessary.

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e. Supervisors are responsible for:

(1) Ensuring that positions are accurately described in position descriptions.

(2) Ensuring that incumbents are performing the full range of duties and responsibilities of their official position descriptions.

(3) Recognizing changes in position content and recommending revisions to the Support Personnel Management Office.

(4) Becoming familiar with the principles and procedures of position management and explaining them to technicians as needed.

(5) Informing technicians of classification actions affecting them.

(6) Reviewing all vacant positions, as well as positions that later become vacant, to determine if the duties can be eliminated, assigned to other positions, or modified to permit filling at a lower grade.

CHAPTER 2

POSITION CLASSIFICATION STANDARDS

2-1. MANDATORY USE OF STANDARDS.

a. Use required. All technician positions will be evaluated in conformance with published Federal Classification Standards. If no such standards apply directly, evaluation will be consistent with guidance in the following order:

(1) Office of Personnel Management (OPM) position classification and job grading standards. Upon publication of new standards by OPM, all other standards in conflict with them are superseded automatically. Except for cross-series comparison, use of single agency standards for evaluation purposes without prior written approval from OPM is prohibited.

(2) OPM evaluation decisions. OPM decisions certified to NGB-HR are controlling upon all States. The evaluation of positions to which they apply may not be changed while the major duties remain substantially the same, unless pertinent new standards are issued.

(3) NGB-HR guidance. Classification guidance and evaluation decisions issued by NGB-HR will be used by the classification activities (Eastern, Central, Western).

b. Applying new standards. The classification activities will apply newly published standards within 6 months after receipt, unless a longer period is authorized by OPM.

c. Availability of standards. Position Classification and Job Grading Standards are on file in the Support Personnel Management Office. Managers and/or supervisors when requesting standards, are to submit their request in writing and indicate the occupational series for the standard(s) being requested.

2-2. JOB GRADING STANDARDS.

a. Grade determination. OPM develops and publishes job-grading standards which provide the criteria for assigning grades to jobs. The standards are based on factfinding studies conducted in selected work situations. For jobs not covered by published OPM standards, grades are determined by comparison with standards published for related occupations.

b. Content of standards.

(1) Because of the many differences in duties, skills, knowledges, and other aspects of trades and labor jobs, the standards are developed mainly along occupational lines. Most job-grading standards are applicable to specific occupations. OPM, however, may issue broad standards for functional areas which cross occupational boundaries. Examples of possible broad standards are those for Helper, Inspector, Supervisory, and Leader jobs.

(2) The different grade levels within lines of work are described in terms of the particular occupation covered by each standard. These grade levels in the standards are aligned with the grades of the key ranking jobs.

(3) The grade definitions indicate the key characteristics which distinguish different levels of work within an occupation. The standards do not try to describe every work assignment of each position in the occupation covered. Rather, based on factfinding and study of selected work situations, the standards identify and describe those key characteristics of occupations which are significant for distinguishing different levels of work. They define these key characteristics in such a way as to provide a basis for assigning the appropriate grade level to all positions in the occupations to which the standards apply.

2-3. JOB GRADING METHOD.

a. Grading nonsupervisory jobs.

(1) Basic method.

(a) Jobs are graded by use of a job comparison method without points. Under this method, individual jobs are placed in their correct grades by comparison with grade definitions in appropriate standards.

(b) The method of grading involves consideration of the total job. Four factors are used to identify the nature of the occupational facts to be considered in comparing jobs with grade definitions in standards. These factors are (i) skill and knowledge, (ii) responsibility, (iii) physical effort, and (iv) working conditions. Because of the many possible relationships among significant elements of a job, all pertinent job facts related to the four factors are analyzed.

(c) In all cases, when comparing jobs with the factor information and grade level definitions in standards, a determination is made of the most appropriate grade value, overall, of the total job rather than a mechanical addition of individual factor judgements. Any one factor is not considered by itself.

(2) Mixed jobs. In grading a job requiring the performance of work in two or more different occupations on a regular and recurring basis, the whole job is considered, including the full range and level of skills, knowledges, and qualifications required, as well as all other relevant job facts. Such a mixed job is graded in keeping with the highest skill and qualification requirements of the job, even if the duties involved are not performed for a majority of the time but are regular and recurring.

b. Grading supervisory and leader jobs.

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(1) Supervisory employees are covered by a separate grading plan which provides for placing each supervisory job in its proper grade through consideration of the volume, kinds and levels of work involved, and the nature of supervision exercised.

(2) Leaders also are covered by a separate grading standard. Leader jobs are graded taking into consideration the kinds and levels of work involved.

CHAPTER 3

USE OF POSITION DESCRIPTIONS IN CLASSIFICATION

3-1. DEVELOPMENT OF POSITION DESCRIPTIONS.

Optional Form 8 will be used as the position description form for all technician positions. A properly classified position description is required for all technician positions.

3-2. STANDARD OF ADEQUACY FOR POSITION DESCRIPTIONS FOR CLASSIFICATION PURPOSES.

Style and format. The position description should be clear and concise, using simple, direct, and meaningful statements. Generalities and repetition should be avoided. Positions should be described in such a way as to avoid the need for a new description when only minor respects, are established. Quantitative data should be given in terms of approximate quantities or as ranges, but not extending beyond the criteria for a single grade level. As much as possible, position descriptions should not extend beyond two or three pages in length.

(1) Nonfactor evaluation system format for General Schedule position descriptions.

(a) Introduction. The introduction portion should consist of a short paragraph explaining the exact location and basic purpose for establishing the position. If the position is supervisory, include the size and scope of the unit supervised. This should usually be in terms of the normal range of the number of subordinates and the grades of those which make up the base level.

(b) Major Duties. This section of the position description should give an overall view of the position. The duties and responsibilities, which are essential to the classification of the position and to the determination of placement and recruitment requirements, will be described reflecting what is done and the manner in which the work is accomplished. The duties may be listed in order of their importance or in the sequence in which they occur. Related duties may be grouped according to function. Supervisory positions must indicate the nature and scope of the supervision exercised (how work is planned and assigned, how work is reviewed, administrative responsibilities, participation in management, etc.).

(c) Supervisory controls. Identify the incumbent's immediate supervisor (e.g., facility manager); and describe the supervision received before, during, and upon completion of the assignment or project. Describe the guidelines available; such as directives, manuals, and standard operating procedures. Indicate the extent to which the position requires initiative (taking action without specific instructions, originality, and judgment).

(2) Factor Evaluation System (FES) format. Positions which are classified by reference to FES standards must be prepared in the factor format. The description of major duties and the nine evaluation factors must compliment one another. After the position has been classified under FES, the classifier will show on all copies of the position, and the General Schedule grade. The major duties section of the position description will be followed by descriptions of the following nine factors:

- 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
- Factor 7. Purpose of Contacts
- Factor 8. Physical Demands
- Factor 9. Work Environment

(3) Wage grade position descriptions. In addition to the format described in paragraph 3-2(1), position descriptions for nonsupervisory wage grade technicians shall contain sufficient information on the following four grading factors to allow proper application of OPM job grading standards:

- Skill and Knowledge
- Responsibility
- Physical Effort
- Working Conditions

to facilitate the analysis of the position and its comparison with job grading standards, factor information should be presented in the same order as in the applicable grading standard.

3-3. STANDARDS OF ADEQUACY FOR POSITION DESCRIPTIONS FOR MANAGEMENT PURPOSES.

a. Management use. Good management requires that a technician's duty assignments be definitely established, clearly outlined, and thoroughly understood; and that there be no conflicting or overlapping responsibilities. Position descriptions maintained on a current and accurate basis serve as effective instruments of management in that they reflect certified duties, authorities, and responsibilities assigned and performed. Although descriptions are used principally as the basis for classifying positions and consequently serve as one of a number of authorized documents that support the payment of funds for work performed, their use by management officials extends to other administrative areas. These include instruction, training, supervision of technicians, preparation of estimates and flow of work, and the execution of programs designed to ensure that the highest skills and abilities are being effectively used consistent with management needs.

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b. Required certification. National Guard Bureau policy states that all position descriptions must be properly certified by appropriate supervisors. SPMO copies of new or redescribed position descriptions will be certified on the Optional Form 8 at the level of work being performed. The required certification that the position description is an accurate statement and that the position is necessary to carry out Government functions will be made by the immediate supervisor (block 20a) and an appropriate higher-level supervisor or manager (block 20b). No Standard Form 50 (Notification of Personnel Action) will be issued to fill a new or redescribed position without such certification. If the supervisor feels that the description does not accurately reflect major duties and responsibilities of the position, recommended changes will be submitted to the SPMO on a SPMO Form 312-1.

(1) Standardized nationwide position descriptions reflect specific organizational arrangements and functional assignments as determined by NGB functional specialist. Deviation from standardized position descriptions and organizational arrangements are not permitted without consultation between the SPMO, servicing classification activity, and NGB functional specialist. When new standardized position descriptions are issued, supervisors must make every effort to arrange their assignments in conformance with the new position descriptions - existing work arrangements not with-standing. Therefore, supervisors must promptly certify new standardized position descriptions and the SPMO must implement standardized packages within stated time limitations (four pay periods). A supervisor may not refuse to sign an appropriate standardized position description unless it is virtually impossible to use. In such cases, a local position description may be needed.

(2) Local position descriptions are implemented as replacements for standardized position descriptions when circumstances are such that the standardized position descriptions cannot be accurately applied. States may not delay implementation of new standardized position classification packages while considering the development of replacement local position descriptions since standardized position descriptions reflect NGB management intent. There may be rare instances when it becomes obvious that the only way to secure an accurate statement of duties is through the use of a local position description. Such cases will be referred immediately to the NGB servicing classification activity, who may grant a short delay in implementing all or portions of new classification packages. Supervisors must not knowingly certify inaccurate position descriptions. Neither may they refuse to certify a standardized position description simply because they refuse to certify a standardized position description simply because they disagree with NGB management intent or the classification of the job(s).

c. Amendment or new description. An amendment may be prepared for a position description for any one of several reasons; e.g., to differentiate between organizational locations of otherwise identical positions, to place an additional duty in one of two or more identical positions.

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Local amendments to existing position descriptions should result in an accurate statement of assigned duties and responsibilities. Further, the locally amended position description should conform with reasonable standards of neatness and utility. A position description with more than two amendments may become difficult to follow and create administrative problems. Amendments will be developed on SPMO Form 312-1 or by inserting the amendment onto the existing position description. The following procedures apply:

(1) Proposed local amendments will be carefully reviewed by the Support Personnel Management Office.

(2) In order to provide proof that the amendment was proposed and accomplished with supervisory concurrence, supervisors must submit proposed amendments to the SPMO by attaching a newly certified Option Form 8.

(3) No more than two amendments should be added to an existing position description.

(4) Each approved local amendment will reflect an effective date and the signature of the SPMO Position Classification Specialist. Copies of the amendment and pertinent position description will be promptly furnished to the supervisor and incumbent(s).

3-4. DETERMINING APPOINTMENT REQUIREMENTS FOR TECHNICIAN POSITIONS. NGB-HR is responsible for determining appointment requirements for technician positions. This determination is coordinated with the NGB office of primary responsibility (OPR). The following factors are considered when establishing these requirements.

(1) Service determination. Whether the position should be in the excepted or competitive service is determined in accordance with Public Law 90-486 and the accompanying Senate report which states: "About 95 percent of the technicians would hold noncompetitive positions and would be required to be members of the Guard as a part of their civilian employment."

(2) Military grade. For all excepted positions, a further determination must be made concerning military grade requirements with consideration given to the following:

(a) The military grade of the most compatible position in the event of mobilization.

(b) Whether the duties, responsibilities, and supervision received and/or given are typical of an officer, warrant officer, or enlisted, or could be appropriate for two or all three. Guidelines for this element are available by comparing career management field descriptions with the technician position description.

(c) That grade inversions (a technician who supervises other technicians cannot be military junior to those he/she supervises) are not permissible.

CHAPTER 4

APPEALS

4-1. NGB APPEAL PROCEDURES FOR TECHNICIANS EMPLOYED UNDER THE GENERAL SCHEDULE.

a. What may be appealed. Technicians employed under the General Schedule may appeal the grade or series of the position officially occupied or the coverage of the position under the General Schedule. There must be agreement between the technician and the supervisor that the position description is accurate. When disputes concerning the description of duties arise, they must be resolved outside of the appeal channel. Final adjudication cannot take place until an accurate position description is implemented. Such cases should be handled as requests for redescription and/or reclassification rather than as classification appeals.

b. Information required. The technician's appeal letter must include:

(1) The appellant's name, location of official headquarters, and the exact location in the organizational structure of the unit in which employed. An organizational chart must also be furnished showing where and how the position fits into the organizational structure.

(2) The present title, series, grade, and position number of the position to which officially assigned.

(3) The title, series, grade that the appellant considers proper.

(4) Reasons why the present classification is considered incorrect and justification for the classification considered correct by reference to appropriate OPM position classification or job grading standards.

(5) A signed statement that the appellant considers the official position description to be a complete and accurate description of the work.

c. Filing options. Technicians covered under the General Schedule may appeal to the NGB and subsequently to OPM, or they may appeal directly to OPM. Technicians are urged to file their appeal first through NGB channels. However, if they prefer to appeal directly to OPM, they may request the SPMO to furnish information on the procedure to be followed and the address of the appropriate OPM office. General Schedule technicians who appeal directly to OPM lose the right to appeal through NGB channels. Technician are encouraged to consult with the supervisor and the SPMO for advice and assistance on the procedural aspects of preparing an appeal, and may examine those official documents pertinent to thee case.

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d. NGB appeal channel. The technician gives the appeal statement to the immediate supervisor. The immediate supervisor forwards it through channels to the SPMO, who in turn forwards it through the NGB-EC. The appeal should be forwarded to the personnel center as soon as possible after submission by the technician. No time limit is fixed, but within 15 days is a reasonable guideline.

e. Supervisory responsibilities. Supervisors (with assistance from the SPMO) will inform technicians of their right to appeal the classification of their positions, resolve questions as to adequacy and accuracy of duties and responsibilities as stated in the technician's official position description, process the appeal promptly, and inform the SPMO of any significant changes in duties and responsibilities in the position under appeal.

f. SPMO responsibilities. The SPMO determines whether the submission meets the requirements of a classification appeal, and assures there is mutual agreement between the technician and the supervisor regarding the statement of duties and responsibilities recorded in the official position description. The following statement is submitted with the appeal: "The undersigned hereby certify that the foregoing is an accurate and complete description of this position." This statement is signed and dated by both the technician and the supervisor. The SPMO makes comments and/or recommendations, ensures that all actions at and below this level of authority are completed on a timely basis, forwards the appeal to the NGB through the NGB Eastern Classification Activity, and sends the technician written notification of the referral.

g. Personnel Center (NGB-EC) responsibilities. NGB Eastern Personnel Center ensures that the appeal is completed and accurate in accordance with the provisions of this chapter, provides comments and/or recommendations, performs desk audits if needed, and forwards the appeal promptly to NGB-HR; or takes appropriate action if it does not meet requirements and provides advice and assistance to the SPMO.

h. NGB responsibilities. NGB-HR adjudicates the appeal and transmits the appeal decision through channels to the appellant, or notifies the appellant that the appeal has been referred to OPM for final adjudication.

i. Special rules for protection of retroactive benefits. A technician may be entitled to retroactive benefits when a job-grading decision leads to a change to lower grade and a decision on the appeal reverses the adverse classification decision. The classification appeal, however, must be timely in order for the appellant to be eligible for retroactive benefits. To be timely:

(1) An initial appeal must be filed with NGB or OPM not later than 15 calendar days after the effective date of the personnel action taken. In order to preserve a technician's entitlement, the time limit for initial appeal will be stated in the notice of reclassification.

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(2) An appeal of the NGB decision on an initial appeal must be filed with OPM 15 calendar days after the decision is received or 15 calendar days after the effective date of the action taken as a result of the classification decision, whichever is later. Each NGB decision on a classification appeal will state the time limit for a technician's further appeal.

(3) The established time limits may be extended if a technician can show that he/she was not notified of these limits and was not otherwise aware of the time limits or that circumstances beyond the technician's control prevented filing within these limits.

j. Effect on agency actions. Filing an appeal to either NGB or OPM will not stop a classification action taken by the State and/or directed by NGB.

4-2. NGB JOB GRADING APPEALS SYSTEM FOR TECHNICIANS EMPLOYED UNDER THE FEDERAL WAGE SYSTEM (FWS).

a. General. Technicians employed under the FWS may appeal the grade, title or series of the job they officially occupy, or the coverage of their position under FWS. There must be agreement between the technician and the supervisor that the position description is accurate. When disputes concerning the description of duties arise, they must be resolved outside of the appeal channel. Final adjudication cannot take place until an accurate position description is implemented. Such cases should be handled as requests for redescription and/or reclassification rather than as classification appeals.

b. Appeal letter. Technicians covered under the FWS must appeal to NGB first and subsequently to OPM, if desired. The technician's appeal letter must include the same information as outlined in the General Schedule (GS) classification appeals procedures.

c. Filing the appeal. A technician is encouraged to consult with the supervisor and the SPMO for advice and assistance on the procedural aspects of preparing an appeal, and may examine those official documents pertinent to the case.

d. NGB appeal channel is the same as outlined in the General Schedule (GS) classification appeals procedures.

e. Supervisor responsibilities are the same as outlined in the General Schedule (GS) classification appeals procedures.

f. SPMO responsibilities are the same as outlined in the General Schedule (GS) classification appeals procedures.

g. Classification activity (NGB-EC) responsibilities are the same as outlined in the General Schedule (GS) classification appeals procedures.

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h. NGB responsibilities are the same as outlined in the General Schedule (GS) classification appeals procedures.

i. The special rules for protection of retroactive benefits are the same as those outlined in the General Schedule (GS) classification appeals procedures.

(1) An initial appeal must be filed with NGB not later than 15 calendar days after the effective date of the personnel action taken. In order to preserve a technician's entitlement, the time limit for initial appeal will be stated in the notice of reclassification.

(2) An appeal of the NGB decision on an initial appeal must be filed in the same manner as outlined in the General Schedule (GS) classification appeals procedures.

(3) The established time limits may be extended in the same manner as outlined in the General Schedule (GS) classification appeals procedures.

j. Effect on agency actions. Same as the General Schedule (GS) classification appeals procedures.

CHAPTER 5

NOTIFICATION OF CLASSIFICATION DECISIONS

5-1. CHANGE TO LOWER GRADE BASED ON CLASSIFICATION OR JOB-GRADING DETERMINATION.

a. General. The following procedures apply when a technician is changed to a lower grade because of a classification determination to downgrade the technician's position either to correct a classification or job-grading error or because the applicable standard has changed. Also covered are downgrading actions resulting from changes brought about by, for example, weapons systems conversions or the combining or realignment of functions. In these cases, the downward reclassification of certain positions may be required because of the loss or reduction in supervisory duties or the lesser complexity of equipment or systems serviced.

(1) When it is determined that a position warrants reclassification at a lower grade, it does not follow that the technician occupying the position should necessarily be reduced in grade by the State.

(2) Consideration will be given to reassigning the technician to those vacancies, identified and funded for use in placement, for which the technician is qualified. The technician need not be considered for a position that will not last at least 3 months. In determining whether the technician is qualified for assignment to other positions, the principles contained in NGB TPR 300(351) may be applied.

(3) The technician will be considered for vacancies in intervening grades when there are no appropriate vacancies at the same grade, and the downward reclassification is more than one grade.

(4) Technicians entitled to grade retention will be afforded priority placement in accordance with NGB TPR 300(335), part III.

(5) If the technician is ineligible for grade retention, consideration for assignment to another position must continue until the effective date of the change to lower grade. In these cases, the reclassification notice must identify what efforts were made to place the technician and why these efforts failed.

b. Reclassification action. In reclassification actions which result in a position being reclassified to a lower grade, the technician will be given a 30-day notice of Reclassification Action. This notice will:

(1) Inform the technician, specifically and in detail, why the position is being downgraded, and include a copy of the new position description. If the previous classification was in error, the notice must explain how it was erroneous.

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If a new or revised classification standard was the reason for the downgrading, the notice must explain how the application of the standard results in evaluating the position at a lower grade. In some cases, the required information can be given to the technician by attaching a copy of the position classification evaluation statement to the notice. When the position has been downgraded because of an OPM classification decision, the requirement for specificity and detail is met by referring to and providing a copy of the OPM classification decision with the notice. Where the downgrading is caused by organizational or mission changes, the technician must be told how and why the position is affected; e.g., a reduction in supervisory responsibilities or a change in the type of equipment serviced.

(2) If eligible, inform the technician of the grade and/or pay retention benefits, the conditions under which those benefits terminate, and of the technician's coverage under the placement plan for technicians under grade retention.

(3) Contain a statement of the technician's right to file a classification appeal in accordance with the procedures contained in this regulation. It will be pointed out that the adverse classification action may not be appealed through NGB TPR 752 channels and that a technician may appeal only the classification decision. Technicians not covered by grade or pay retention, the notice must state that the appeal must be filed not later than 15 days after the effective date of the change to lower grade in order to preserve any retroactive benefits.

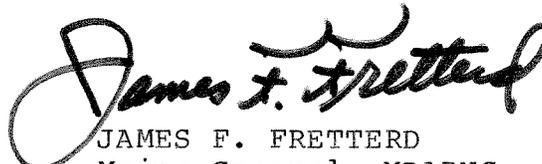
(4) For technicians not entitled to grade retention, it must be shown that efforts were made to reassign the technician and why these efforts failed. If the downward reclassification is more than one grade, the notice must explain what efforts were made to reassign the technician at intervening grades and why these efforts failed. This can be done by identifying in the notice titles and grades of at least three positions for which the technician was considered and not selected or, if applicable, that the technician did not qualify for any available positions. In either case, it must be included in the notice arrangements the State make for the technician if he/she wished to review a complete list of the positions considered for and statements of pertinent qualification requirements for these positions.

c. Issuing authority. The Support Personnel Management Office is the agent for issuing and signing reclassification action notices.

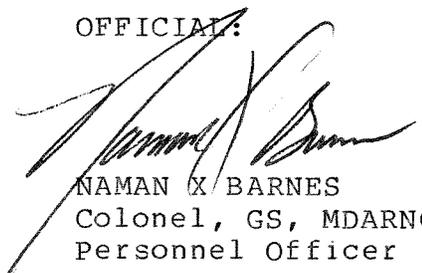
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* Users of this publication are invited to send comments *
* and suggested improvements on DA Form 2028 (Recommended *
* Changes to Publications and Blank Forms) to Support *
* Personnel Management Office, Fifth Regiment Armory, *
* Baltimore, Maryland 21201-2288. *

BY ORDER OF THE GOVERNOR:


JAMES F. FRETTERD
Major General, MDARNG
The Adjutant General

OFFICIAL:


NAMAN X BARNES
Colonel, GS, MDARNG
Personnel Officer

DISTRIBUTION:
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Supervisors (Army & Air)