

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

### 1023.1: Position Classification Under the General Schedule

**Issue Date:** October 1, 2009  
**Effective Date:** October 1, 2009  
**Superseded:** This Directive is the originating and establishing document regarding ICE's position classification under the general schedule.

**Federal Enterprise Architecture Number:** 253-01

1. **Purpose/Background.** The purpose of this Directive is to establish policy and procedures for promotion and internal placement within the U.S. Immigration and Customs Enforcement (ICE). The ICE Office of Human Capital (OHC) has delegated management, oversight, and operational responsibilities for the Position Classification Program.
  - 1.1. To ensure effectiveness and regulatory compliance, an on-going review based on a cycle determined by a risk assessment will be executed by OHC. The method of the review will consist of an overall ICE-wide evaluation of procedural, program, and regulatory compliance with ICE and Department of Homeland Security (DHS) Directives and Federal regulations. Reports will be sent to the Director, OHC, or his or her designee, upon request.
2. **Policy.**
  - 2.1. This ICE Directive defines ICE position classification policy, authority, and procedures. ICE's policy for the Position Classification Program is as follows:
    - 1) It is the policy of ICE that the Position Classification Program will be operated in a positive management-oriented manner, consistent with governing law, implementing regulations, and Departmental policies and guidance.
    - 2) ICE employees paid rates of pay comparable to those on the General Schedule (GS), but excluded from its statutory coverage, will be treated the same as GS covered employees with regard to rights, benefits, and general administration.
    - 3) All position classification determinations and decisions shall be made objectively and without discrimination for any non-merit reason such as race, color, religion, national origin, politics, marital status, sex, handicap, age, or personal favoritism.
  - 2.2. All positions in the GS and Performance Management and Recognition System (PMRS) are covered by this Directive. The following types of positions in ICE are exempt from coverage by this Directive:

- 1) Wage System Positions - Title 5, United States Code (U.S.C.), Section 5102(c)(7) excludes from coverage of the General Schedule and its related classification system Wage Grade (WG) employees in recognized trades or crafts, or other skilled manual labor occupations, and other employees including foremen and supervisors in positions having trade, crafts, or laboring experience and knowledge as the paramount requirements.
  - 2) A Foreign Service National (FSN) position is an ICE position held by a non-United States citizen in a foreign country. The State Department's classification system for Foreign Service is applied by the State Department to FSN positions.
  - 3) Administrative Pay Plan Positions – ICE positions in Puerto Rico and the Virgin Islands which are paid out of non-appropriated funds are exempt from coverage of both Title 5, U.S.C., and the Federal Wage System. However, it has been administratively decided that the GS system of position classification and the Federal Wage System will be followed. The Office of Personnel Management (OPM) has no inspection or other authority over classification of these positions except appeals under Part 752 of Title 5 of the Code of Federal Regulations. Changes in the compensation schedule of these positions require prior approval by OHC. The symbol "GG" is used before the series and grade to identify positions to which the GS is applied, "GH" for those positions which are parallel to the PMRS System, and "WG," "WL," "WS," "WN," or "WI" for positions to which the Federal Wage System is applied.
  - 4) Senior Executive Service Positions.
3. **Definitions.** Definitions issued in the OPM position classification standards, guides, and handbooks apply throughout this Directive.
  4. **Responsibilities.**
    - 1) Title 5, U.S.C., requires OPM to prepare and publish standards for placing positions in their proper classes and grades and to ensure consistency in agency position classification by periodic reviews and other appropriate action.
    - 2) The Departmental Chief Human Capital Officer will provide general policy and guidance regarding the position classification program and related functions.
    - 3) U.S. Immigration and Customs Enforcement.
      - a) The Assistant Secretary has overall responsibility for the Position Classification Program in ICE.
      - b) The Director, Office of Human Capital, through the Deputy Assistant Secretary for Management, is responsible for providing the full range of position

classification services throughout ICE and for evaluating the quality of the Position Classification Program.

- c) Managers and supervisors who have the authority to establish, abolish, or assign duties to positions are responsible for: maintaining current and accurate descriptions of assignments (position descriptions) and adhering to basic classification principles, recognizing changes in position content and initiating redescrptions of duties, and maintaining an effective position structure consistent with approved mission and Full-Time-Equivalent/position controls. They should be familiar with the classification and qualification standards for those occupations in their organization and should review positions to determine possible improvements and realignments.
- d) Employees are responsible for identifying and discussing inaccuracies in their position description with their supervisor and familiarizing themselves with the position classification system.

#### 4) Delegations of Authority Within ICE.

- a) Classification authority for positions in ICE has been delegated from the Assistant Secretary, through the Deputy Assistant Secretary for Management, to the Director, OHC for:
  - i) Positions GS-1 through GS-15;
  - ii) PMRS positions;
  - iii) Administrative Pay Plan positions in equivalent grades; and
  - iv) Federal Wage System positions.
- b) This authority has been redelegated to the Human Resources Program Managers at OHC Headquarters and Human Resources Officers at the Human Resource Service Centers (HRSCs). The Human Resources Officers may re-delegate this authority through the chain-of-command for human resources administration. Classification authority may be delegated in writing to individual staff members.

#### 5) In order to achieve management objectives through the Position Classification Program, OHC performs the following functions:

- a) Human Resources Program Managers (at OHC-Headquarters):
  - i) Develop agency-wide classification policies and procedures;
  - ii) Evaluate agency-wide position classification and position management quality;

- iii) Coordinate OPM/Department of Homeland Security and ICE human resources management evaluations in the HRSCs;
  - iv) Review and coordinate the use of agency-wide Standard Position Descriptions; and
  - v) Serve as the final classification appeal level within ICE.
- b) Human Resources Service Centers:
  - i) Process requests for classification action and maintain position classification records;
  - ii) Meet agency requirements for position classification reviews;
  - iii) Provide advice and assistance on position classification and position management to managers and supervisors; and
  - iv) Serve as the first classification appeal level within ICE.
- c) Position Classification Plans and Reviews:
  - i) With the view that position classification accuracy is a legal requirement and a component of sound personnel management, the Human Resources Program Managers will develop and monitor various criteria to indicate when classification reviews of groups of positions should be performed. Such criteria will include significant functional changes (reorganizations), average grade changes, technological changes, and other factors to be determined from ongoing review or OPM directives.
    - A) Based on input from the HRSC and on the criteria noted above, the Human Resources Program Manager will issue an annual classification plan. The classification plan will include anticipated reorganizations, occupational surveys, scheduled on-site surveys and reviews, implementation of new standards, etc.
    - B) To ensure that on-site position management reviews and position classification surveys cover the entire ICE organization on a recurring basis (generally 3-5 years), the Human Resources Program Manager will monitor the occurrence of on-site reviews and propose additional reviews as needed in the annual classification plan.
  - ii) The Service Centers will participate in the development of the annual classification plan and will implement reorganizations, surveys, reviews, occupational studies, and new standards in their area of responsibility. The

Service Centers will also ensure that each major geographic location receives some form of on-site classification review within a 3-5 year cycle.

- A) Service Centers will keep records of those positions reviewed and the results in accordance with internal operating procedures. It is important to certify or recertify item 23 of Optional Form 8 (OF-8)-Position Description, which can be located at the OPM website, to reflect the date each position was reviewed.
- B) All classification errors must be corrected within four pay periods except in unusual situations.

## 5. Procedures.

### 1) Position Classification Standards.

- a) All new position classification standards and/or classification guides to covered positions must be applied within 12 months of the date of issuance. From the date of receipt of the new standard, no new classification action may take place unless the position has been redescribed in the required format and classified according to the new standard.
  - b) The Human Resources Program Manager will coordinate the review of draft classification standards and encourage management participation in this process.
- 2) A copy of all correspondence pertaining to position classification matters with OPM will be sent to the Director, OHC, or his or her designee.
- 3) Given the significant impact of certain classification actions, the Human Resources Program Manager will coordinate consultation with the Departmental Chief Human Capital Officer on actions which affect large blocks of positions.
- 4) Circumstances Requiring Position Classification Action.

- a) Managers and supervisors have a continuing responsibility for ensuring that position descriptions are current and accurate in terms of assigned duties/responsibilities and that necessary position classification action is initiated when:
  - i) A new position is established; or
  - ii) The principal duties and responsibilities of a position have changed materially.
- b) Other Conditions Requiring Classification Action:

- i) OPM regulations, and DHS and ICE Directives requiring position description format changes;
- ii) Details, promotions, reassignments, interim positions, vice actions, redescrptions of duties, statements of differences, identical additional actions, collateral duties, and establishment of career ladders;
- iii) Employee or supervisory request for review or reconsideration of classification;
- iv) Implementation of new classification standards/guides; and
- v) Classification certifications (e.g., as a result of an appeal decision or survey finding) to determine if there is impact on similar, related, or identical positions.

#### 5) Position Descriptions.

- a) A position description is adequate if it states the principal duties and responsibilities and the supervisory relationships of a position with sufficient clarity and detail for proper classification of the position.
- b) Preparation.
  - i) A position description should be written by the person who knows the job best (usually the supervisor or employee) with the aid of the human resources specialist, who will provide information to line managers on the format and structure of the position description and provide specific and constructive feedback on the adequacy of draft descriptions.
  - ii) All non-supervisory position descriptions covered by classification standards written in Factor Evaluation System (FES) must be written in FES format. All other nonsupervisory position descriptions may be written in FES format but must, at a minimum, provide major duties and responsibilities and supervisory controls.
  - iii) All supervisory position descriptions will list supervisory responsibilities by reference to the Office of Personnel Management's General Schedule Supervisory Grade and other applicable classification guides.
- c) Types of Position Descriptions and Related Documentation.
  - i) Standard Position Descriptions (SPDs) are used to cover large numbers of positions which are sufficiently alike to warrant the same classification treatment. Agency-wide SPDs are authorized for use in more than one

HRSC and are classified by the HRSCs after requirements for documentation and coordination have been met.

- ii) Periodically, the human resources specialists will develop guideline or "prototype" position descriptions for new positions (e.g., when a new program is being established by ICE Management). Unlike standard position descriptions, the prototypes may be adjusted and revised to fit the local situation. The position description resulting from the prototype will be classified by the servicing human resources specialist.
- iii) Career ladder position descriptions are structured to provide increasing levels of difficulty and responsibility. An employee in a career ladder position is given grade-building assignments, and there is promotion potential from one level to the next.
- iv) This is a statement describing the grade controlling distinctions between a position and the next highest, fully-described position in the same series and to which promotion potential exists.
- v) Collateral duties are unrelated to the primary purpose of the position. Collateral duties generally take only a small percent of the employee's time (never more than 50%) and cannot (by definition) affect the classification of the position. Collateral duties must be described including time percentage spent on the duties. The duty statement should be typed on bond paper and dated. A typical collateral duty assignment would be an Employee Assistance Program Coordinator.
- vi) It is acceptable to develop and classify position descriptions based on management's best estimate of what the duties and responsibilities of a position will be following a reorganization or the establishment of a new program. Position descriptions will be appropriately annotated to reflect their projected basis and are subject to review 6 months after incumbency to ensure accuracy.
- vii) Amendment is convenient and practical when the change is not great enough to require a new position description. No changes in OPM prescribed titles, series, or grades may result from amendments. If duties have changed enough to affect the approved title, series, or grade, the position must be redescribed. No more than two amendments may be made to any position description. The amendment should be typed on bond paper and must be dated and submitted with a newly certified OF-8.
- viii) Pen and ink changes are similar to amendments but less significant. The main difference is that an amendment requires a new OF-8 for classification purposes because it will add or delete significant criteria from the position description. Pen and ink changes do not require a new OF-8 because they

merely change percentages of time, update organization titles, correct editorial errors, etc. and do not affect the basic position description. Pen and ink changes cannot change any major duties or responsibilities or the classification of the position.

d) Position Classification Records.

- i) Cancelled position descriptions for positions covered by special law enforcement retirement provisions will be retained on a long-term basis to ensure adequate documentation when employees formerly holding those positions retire.

- ii) The HRSCs will determine the routing and distribution of position descriptions. As a minimum, however, the following will apply:

Original - Kept by the HRSC, or OHC-Headquarters, as appropriate.

Copy 1 - To the employee.

Copy 2 - To the supervisor.

Copy 3 - To the employee's Official Personnel Folder.

- iii) Position description numbers are assigned by the HRSCs and/or OHC-Headquarters, as appropriate, in accordance with internal operating procedures.

- e) There are many factors which may cause the human resources specialists to audit a position, and the audit itself may take the form of an on-site desk audit, telephone interview(s), questionnaire, or other written correspondence. However, at a minimum, an audit is required in the following situations:

- i) A promotion is requested based on accretion of duties;

- ii) An audit is requested by a supervisor or by an employee through the supervisor;

- iii) An employee or description based on projected duties for at least 6 months; and

- iv) OPM, DHS, or the Human Resources Program Manager requests an audit.

- f) When new position descriptions are classified, an evaluation statement will be prepared which explains in sufficient detail the basis of the position classification. Evaluation statements will be attached to official HRSC and

Human Resources Program Manager copies of the position description and will be given to the line manager and employee upon request.

- g) Supervisors and employees should review position descriptions, at least annually, to ensure that they are accurate. If a position description is no longer current and accurate, the supervisor should contact the appropriate HRSC and inform the servicing specialist. The servicing specialist will determine the amount of change that has occurred in the assigned duties and responsibilities and advise the supervisor on the appropriate format and procedure for updating the position description. For example, pen and ink change, amendment, redescription, etc. See the section 5(5)(c).
- 6) The following material applies only to appeals on positions covered by Title 5, of the U.S.C. and appeals regarding whether or not a position is subject to or exempt from coverage of Title 5 U.S.C. (Fair Labor Standards Act). For employees covered by the National Agreement with the union, there may be additional provisions or entitlements stated in the Agreement.
  - a) A position classification appeal is an action taken by an employee when the employee feels that the currently assigned duties and responsibilities of his or her position are not properly classified as to pay plan, title, series, and/or grade.
  - b) Employees of ICE have the right to appeal the classification of the position that they officially occupy at any time. A group of employees may appeal jointly if they occupy identical additional positions and agree on the basis of the appeal.

NOTE: All employees may appeal directly or may designate, in writing, a representative to handle appeals for them. For an employee covered by the National Agreement, and if it so stipulates, the employee may be entitled to union representation.

- c) Employees should be made aware of their appeal rights and the importance of an equitable appeal procedure in the position classification process. Supervisors and HR specialists are responsible for explaining the appeal procedures and, at a minimum, must make available the position classification standards and other evaluation criteria used in the classification of the positions.
- d) The first level in the appeal process is the HRSC. However, it is the employee's prerogative to appeal further either through successively higher levels in a series of appeals, or directly, to any of the following:
  - i) Human Resources Program Manager, OHC-Headquarters;
  - ii) Department of Homeland Security, Chief Human Capital Officer; or
  - iii) United States Office of Personnel Management (OPM).

NOTE: Appealing directly to a higher organizational level (for example, OPM) precludes a later appeal to a lower organizational level.

e) Information Requirements.

- i) Appeals under the internal ICE procedure must be made in writing and forwarded through normal supervisory channels to the HRSC (or the Human Resources Program Manager, if the employee so decides). All appeals must include:

- A) Organizational location of the position;
- B) Requested title, series, and grade;
- C) Reasons why the position is believed to be incorrectly classified;
- D) A statement of any relevant circumstances, information, or position classification standards which may have a bearing on the appeal; and
- E) Name, address, and telephone number where the appellant or his or her representative can be reached.

- ii) Appeals made to DHS or OPM should include information as specified in the related issuances and guidance. DHS and OPM require certain additional position-related documentation (position description, organization chart, etc.) which will be provided by the appropriate HRSC.

- iii) An appeal decision which reverses a classification action that resulted in a down grading or loss of compensation may be made retroactive only when:

- A) The appeal decision reverses in whole or in part the original classification decision which changed the position to a lower grade or resulted in loss of pay; and
- B) The employee files an appeal in a timely manner. In order for the employee's appeal to be considered timely, the employee must:
  - 1) File an appeal with ICE, DHS, or OPM no later than 15 calendar days after the effective date of the agency personnel action; and
  - 2) File any appeal subsequent to the initial one within 15 days of receiving the initial appeal decision.
- 3) Appeals will be cancelled under these conditions:

- a) Whenever the request to cancel is made by the appellant in writing;
- b) Whenever the appellant vacates the position being appealed, unless there is a possibility of retroactive benefit;
- c) Whenever the appellant reconsiders his or her initial appeal within ICE and instead files directly to a higher level (DHS or OPM); or
- d) On failure to prosecute, when the appellant does not furnish requested information and duly proceed with the advancement of the appeal.

iv) Certifications.

- A) A certificate is a decision issued by higher classification authority (OPM, DHS), which is final and binding to OHC. The certificate specifies and corrects title (where a specific title is authorized), series, grade, or the proper pay system.
- B) A certificate issued under Sections 5103, 5110, or 5112 of Title 5, U.S.C., is effective no earlier than the date of the certificate and not later than the beginning of the second full pay period following receipt of the certificate, unless a later date is specifically stated in the certificate. Decisions on appeals within ICE will also be effective no later than the beginning of the second full pay period following the decision.
- C) When OPM has certified a position classification action or provided an advisory opinion in the past, the OPM-specified classification may not be changed unless there are significant changes in duties and responsibilities which warrant a different classification or unless the position classification standards themselves are revised. The same holds true for certificates issued by DHS and for classification decisions issued by ICE Human Resources Program Managers. However, decisions from the Department or ICE Human Resources Program Managers may also be overturned by a higher level, either on an appeal or during a survey.

7) Position Management.

- a) Position management is the structuring of positions, functions, and organizations in a manner that optimizes efficiency, productivity, and organizational effectiveness.

- b) Managers have the primary responsibility to design their organizations using position management principles. Following such principles reduces operating costs, utilizes scarce resources more effectively, and improves classification accuracy. There are various support personnel available to assist managers in designing effective position structures, career ladders, and organizations.
- c) Position classification is integral to good position management. Human Resources Specialists are most effective when they work with line managers to achieve agency position management goals. Classifiers can advise management on:
  - i) Using trainee and entry-level positions;
  - ii) Using special personnel programs and appointment authorities in order to design positions to meet short-term, intermittent, or temporary management needs;
  - iii) Reviewing functions to clearly identify clerical, technician, and professional duties in order to design the appropriate kinds of positions for an organization;
  - iv) Not dividing grade controlling duties among more positions than necessary;
  - v) Creating a balance among supervisory, specialist, technician, and clerical positions;
  - vi) Avoiding overlap in functions, unnecessary organizational levels, and fragmentation;
  - vii) Aligning the organization consistent with current mission and staff resources;
  - viii) Identifying positions which are no longer essential for mission accomplishment;
  - ix) Establishing supervisory positions based on an effective span-of-control; and
  - x) Establishing Deputies, Special Assistants, and Assistant positions only when clearly needed and consistent with current policies in this area.
- 8) Reorganization.
  - a) Field and Headquarters managers should consult with their servicing Human Resources Specialist and Management Analyst (and other applicable personnel) at the early stages of reorganization planning. It is important to contact the OHC prior to submission of a final proposal in order to identify any position

classification issues involved: that is, position management considerations and preparation/classification of new position descriptions.

- b) Processing requirements are covered by internal operating procedures. The effective date chosen should allow sufficient time for the requestor to submit all required position classification/personnel actions and for the HRSC to process those actions.

6. **Attachment.** None.

7. **Authorities.**

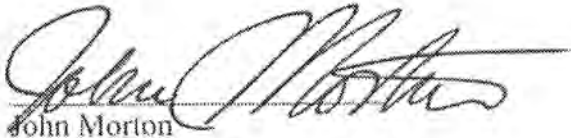
7.1. Title 5, United States Code, Chapter 51.

7.2. Title 5, Code of Federal Regulations, Part 511, "Classification Under the General Schedule," current edition.

7.3. Office of Personnel Management Handbook Publication TS-107, "Introduction to the Position Classification Standards," August 2009.

7.4. Civil Service Reform Act of 1978.

7.5. Other laws and regulations pertinent to the position classification system.



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