

DOCUMENT RESUME

02563 - [A1652641]

[Delay in the Effective Date of Position Classification].
B-186760. June 3, 1977. 2 pp.

Decision by Robert P. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel
Management (805).

Organization Concerned: Department of the Air Force: Hill APB,
UT.

Authority: B-167762 (1970).

Helvin L. Jacobson, an employee representative, requested reconsideration of a decision which found no arbitrary delay in implementing subject position classification actions nor any basis to permit retroactive personnel actions. Irreconcilable conflict existed between the employee's and the agency's version of the facts. GAO's practice is to resolve such irreconcilable differences in the Government's favor; the prior decision was affirmed. (Author/SC)

Donald Gloss
Civ. Pers.

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-186760

DATE: June 3, 1977

MATTER OF: Position Classification - Delay in Effective Date

DIGEST: Employee representative requests reconsideration of decision B-186760, October 8, 1976, which found no arbitrary delay in implementing subject position classification actions nor any basis to permit retroactive personnel actions. Irreconcilable conflict exists between employee and agency version of the facts. GAO decides claims on basis of written record and does not conduct adversary hearings. Where factual dispute cannot be resolved without adversary proceeding, GAO's practice is to resolve such disputes in Government's favor. Prior decision is affirmed.

By letter of October 27, 1976, Melvin L. Jacobsen, employee representative, requested a reconsideration of our decision B-186760, October 8, 1976, concerning an alleged delay in effective date of certain position classification actions at Hill Air Force Base (AFB), Utah.

The digest of that decision reads as follows:

"Employees claim Air Force improperly delayed implementing classification actions moving them from quality control wage board position to one in General Schedule. New multiple GS-8 position was classified March 17, 1975. More than 200 employees had to be trained for approximately 90 days in new duties beginning in June 1975. Then classification audits of each employee had to be performed. Audits were completed December 1, 1975, and agency processed personnel actions for all employees effective December 20, 1975. GAO finds no arbitrary delay nor any basis to permit retroactive personnel actions."

Mr. Jacobsen states that the employees were never required to participate in any type of training in the subject position changes; that he was advised by Mr. Ray Close, Director of Maintenance,

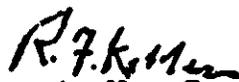
B-186760

that the employees were performing work as described in the positions allocated on March 17, 1975, which necessitated the allocation action; and that there were no individual classification audits as indicated in the October 8, 1975, decision. Mr. Jacobsen states that the only classification audits were conducted in groups of 25 to 40 employees on a 15-to-30-minute basis and that the classification activity at Hill AFB requested the audits as a delaying tactic.

By letter of December 21, 1976, Mr. Doug Webster, Hill AFB classification official, states that the term "training" in his original comments--quoted at length in the October 8, 1975, decision--inferred on-the-job training which did occur. Mr. Close agrees that this was the intended meaning of training and he states that Mr. Jacobsen misquotes him in stating the reasons for the development of the position description. Mr. Close affirms the material stated in the October 8, 1975, decision. With respect to the conduct of classification audits Mr. Webster submits a statement signed by the four quality branch chiefs of the area involved, namely, Aircraft, Missile and Airmunitions, Electronic and Accessories, and Ind. Products and Landing Gear, that to provide sufficient guidance as to the appropriate classification treatment an individual in-depth job audit review was conducted by the position classification specialist and that each individual inspector certified that his position was individually desk audited.

Clearly, there is an irreconcilable difference between the facts as presented by the agency and those presented by the employees. In deciding claims this Office does not conduct adversary hearings. Rather, we operate on the basis of the written record presented to us by the parties. Where the record before this Office contains a dispute of fact which cannot be resolved without an adversary proceeding, it is our long-standing practice to resolve such disputes in favor of the Government. B-167782, January 21, 1970.

On the record before us, we find no basis to modify the decision of October 8, 1976, and it is affirmed.


Deputy Comptroller General
of the United States