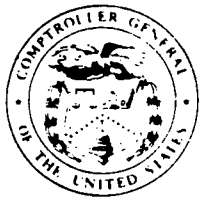


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DECISION



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

70264

FILE: B-183120

DATE: FEB 21 1975

MATTER OF: Ms. Gwenn Herring - Position classification appeal

DIGEST: Certain employees of the Internal Revenue Service appealed their position classification to the Civil Service Commission. Since Commission determinations on classification appeals are binding on this Office under 5 U.S.C. §5112(a) (1970), GAO has no authority to modify such action.

The National Treasury Employees Union, Chapter 67, Ogden, Utah, requests that we investigate and report to it on an appeal by certain of its members as to the classification of their positions.

It appears that the subject members are employed as Tax Examiners, GS-592-6, Internal Revenue Service, Ogden, Utah. They appealed the classification of their positions to the Civil Service Commission (CSC). The Denver Region Office of the Commission on December 11, 1974, in a letter of decision denied the appeal.

Under the provisions of 5 U.S.C. §5105, the CSC has the authority and responsibility for the preparation and publication of standards for classification of positions subject to the General Schedule. Each agency is required by 5 U.S.C. §5107 to place its positions unless otherwise provided in their appropriate class and grade to conform with the standards published by the CSC. 5 U.S.C. §5107 provides that subject to section 5337 of title 5, United States Code, actions of an agency under the authority of section 5107 are the basis for pay and personnel transactions until changed by certificate of the CSC. Under the provisions of 5 U.S.C. §5110, the CSC is required to review agency classification actions and correct such actions which are not in accord with published standards. The CSC correction certifications are binding on all administrative, certifying, payroll, disbursing, and accounting officials.

Additionally, 5 U.S.C. §5112 provides:

"§5112. General authority of the Civil Service Commission.

"(a) Notwithstanding section 5107 of this title, the Civil Service Commission may—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of a position;

"(2) place in an appropriate class and grade a newly created position of a position coming initially under this chapter;

"(3) decide whether a position is in its appropriate class and grade; and

"(4) change a position from one class or grade to another class or grade when the facts warrant.

The Commission shall certify to the agency concerned its action under paragraph (2) or (4) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(b) An employee affected or an agency may request at any time that the Commission exercise the authority granted to it by subsection (a) of this section and the Commission shall act on the request."

Since the employees exercised their rights under section 5112(b) cited above and the determinations by the Civil Service Commission on classification appeals are binding on this Office under section 5112(a), we would have no authority to modify such action.

R.F.KELLER

/ Deputy Comptroller General
of the United States