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Classification Appeal Decision
Under section 5112 of title 5, United States Code

Appellant: [appellant's name]

Agency classification: Personnel Management Specialist
GS-201-11

Organization: Field Operations Branch
Human Resources Management Office
Office of Program Support
Centers for Disease Control and
Prevention
U.S. Public Health Service
U.S. Department of Health and Human
Services
[location]

OPM decision: Personnel Management Specialist
GS-201-11

OPM decision number: C-0201-11-02

Robert D. Hendler
Classification Appeals Officer

/s/ 9/21/00

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

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Introduction

On March 7, 2000, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal [appellant's name]. Her position is currently classified as Personnel Management Specialist, GS-201-11. However, the appellant believes the classification should be Personnel Management Specialist, GS-201-12. She works in the Field Operations Branch, Human Resources Management Office (HRMO), Office of Program Support, Centers for Disease Control and Prevention (CDC), U.S. Public Health Service, U.S. Department of Health and Human Services, [location]. We have accepted and decided her appeal under section 5112 of title 5, United States Code.

General issues

In her April 15, 2000 letter, the appellant states that her first-level supervisor, [name], audited her position and concluded, in a Certification of Noncompetitive Promotion Based on Increase in Duties and Responsibilities, that the position should be upgraded to GS-201-12. Both the appellant and her first-level supervisor maintain that the appellant's current position description (PD) of record (# 136090) is not accurate. The first-level supervisor subsequently drafted a proposed PD (# 137841), dated December 2, 1999, which both she and the appellant certify as accurate.

We conducted telephone audits with the appellant on August 14, 2000, August 30, 2000, and September 6, 2000, and a telephone interview with the appellant's first-level supervisor, [name], August 30, 2000. On September 6, we interviewed [name], the CDC classifier who audited the appellant's position to develop the appeal administrative report. In deciding this appeal, we fully considered the audit findings and all information of record, including examples of the appellant's work, furnished by her at our request, and her current work assignments. The appellant and higher level management have not agreed on the accuracy of the appellant's current PD of record (# 136090) and the appellant continues to maintain that the proposed PD (# 137841) is accurate while the PD of record is not.

When an appellant and management cannot resolve their differences as to the accuracy of the PD of record, our decision must be based on the duties and responsibilities assigned by management and performed by the appellant (5 CFR 511.607(a)(1)). We find that both the PD of record and the proposed PD cover the basic duties and responsibilities of the appellant's position. However, the proposed PD considers those duties and responsibilities as being accomplished within the context of organizations that are complex, new, or dynamic. The limited number of personnel serviced by the appellant; the limited number of classifications, and the limited number of higher graded positions classified by her; the essentially stable mission of the organization; and the limited range of occupations within it do not support the underlying assumptions of the proposed PD. The disruptions from the transfer of function of the organization to the CDC occurred several years ago, and those disruptions have largely dissipated as evidenced by the appellant's work assignments discussed in this decision. We find the PD of record contains the major delegated responsibilities performed by the appellant and we incorporate it by reference into this decision.

Position information

The appellant's position is located in the HRMO in [location], PA, which consists of a Supervisory Personnel Management Specialist, GS-201-13; three Personnel Management Specialists, GS-201, one at grade 12 and two as grade 11; two Personnel Assistants (OA), GS-203, grades 7 and 6/7; and a Secretary (OA), GS-318-6. The Personnel Assistant, GS-203-7, provides technical support to the appellant. The HRMO is responsible for advising on and providing a variety of human resource management services for the National Institute for Occupational Safety and Health (NIOSH) in [location], which consists of approximately 280 employees engaged in basic and applied research, engineering research and development, administration, property management and procurement, printing and distribution, and facility services.

The appellant is the Employee Assistance Program liaison and provides services in staffing and recruitment, position classification, position management, labor and management relations, employee relations and benefits, and employee development, for approximately 152 employees in the [name] Branch, HRMO, [name] Branch, [name] Branch, Office of Equal Employment Opportunity (EEO), Office of the Laboratory Director, Procurement Branch, and Surveillance, Statistics, and Research Support Activity. Other HRMO staff members service the approximately 128 other employees in other branches, offices, and activities of NIOSH in [location], in the Field Operations Branch, although servicing responsibilities sometimes are shared because of workload.

Over the past year and a half the appellant dealt with approximately 20 employee relations issues and over 30 retirement estimates, 3 grievances and an information request. She developed and conducted six brief supervisory training programs. She classified 28 positions from FY 98 to the present. The classifications included four Contract Specialists, GS-1102 grades 11 through 13; three Computer Specialists, GS-334 grades 9 and 12; three Engineering Technicians, GS-802 grades 7, 9, and 10; and a Technical Writer-Editor, GS-1083-12. Although she does not have classification authority over research positions, she classified, subject to approval by the HRMO Principal Classifier, a Research Physical Scientist, GS-1301-12; a Research Physicist, GS-1310-12; and an Operations Research Analyst, GS-1515-12. She also participated on a panel that classified a position as Safety Engineer, GS-803-13. The remaining positions were GS-9 and below. She assisted in staffing those positions by working with supervisors serving as subject matter experts (SME's) to develop PD's, crediting plans, and position announcements. Excluding minor activities, these constitute the current duties and responsibilities assigned by management and performed by the appellant.

Series, title, and standard determination

The agency has placed the appellant's position in the Personnel Management Series, GS-201, for which there is a published PCS, and titled it Personnel Management Specialist, indicating it is a nonsupervisory position performing work typical of three or more specialized personnel activities. The agency considers the appellant's position to be in the area of program operations, involving direct performance of personnel work in an operating personnel office. The appellant

has not disagreed, and we concur with these determinations. The GS-201 PCS will be used to evaluate the 35 percent of the appellant's work spent in the position management, classification, and pay areas and the 20 percent spent on personnel staffing and recruitment.

Forty percent of the appellant's work is in employee and labor relations and is covered by the GS-230 and GS-233 PCS's. Only ten percent is in the GS-233 series, and that ten percent is not in such higher graded work as negotiating or administering labor agreements or administering the Government-wide labor relations program. As required in those PCS's, we must use the GS-230 for grade level analysis because combinations of work typical of both those series are to be classified in whichever of those two series represents the highest grade level of work and the paramount requirements of the position. Her employee relations work is in employee conduct discipline, employee appeals and grievances, performance evaluation and appraisal, management-employee communication, and employee services and benefits.

The remaining five percent of the appellant's work is developing and presenting brief training programs. Because it occupies less than 25 percent of her time, it cannot control the grade of the position. Therefore, we will not address it in further detail.

Grade determination

The Personnel Management Series, GS-201, PCS is in narrative format. Part II covers nonsupervisory specialized personnel work, and is the appropriate standard for the appellant's position. Part II distinguishes between grade levels on the basis of complexity and difficulty of the technical personnel problems dealt with, as reflected by job characteristics, organization characteristics, and nature of guides; management advisory service functions; nature of supervision received; authority; and personal contacts.

At the GS-11 grade level, program operations work consists of either: (1) assignments which regularly encompass problems of more than average difficulty, combined with management advisory service functions characteristic of the GS-9 grade level; or, (2) assignments of average difficulty, as described at the GS-9 grade level, combined with full responsibility for management advisory services requiring a high level of technical skill, broad personnel management knowledge, persuasiveness, and imagination. In contrast, work at the GS-12 grade level is characterized by either: (1) assignments that regularly encompass problems of more than average difficulty, combined with management advisory services functions that are significantly more difficult and responsible than those found at the GS-11 grade level, or (2) service as a troubleshooter with independent responsibility for resolving very difficult problems, such as those that fully experienced GS-11 specialist have difficulty resolving. The staff of which the appellant is a part is too small to consider this role of troubleshooter as being performed by anyone but the supervisor. Although the appellant does some troubleshooting of more routine problems, and participates in group discussions on the more complex problems, complex troubleshooting assignments are the responsibility of the appellant's supervisor. Consequently, only the first of the two GS-12 grade level roles will be examined.

Complexity and difficulty of the technical problems dealt with

As at the GS-11 grade level, the appellant deals with classification of jobs that are professional and scientific, administrative, or in technical fields, as well as some clerical positions. She does not have final authority to classify research positions or positions at or above grade level 7 in series GS-301 or GS-343. In some instances, the work processes may be difficult to understand or deal with because they are new or are undergoing rapid, fundamental technological changes. Sometimes, there is an extremely short supply of available people in the market, making the impact of position evaluation greater, as the necessity for appropriate classification impacts both recruitment and efficient utilization of a limited human resource. Typical of the GS-11 grade level, the appellant works in an organization that has a complex structure because of the nature of its mission, i.e., with many units having numerous closely related responsibilities. To satisfy the GS-11 grade level on the nature of guides factor, the guides available must present difficult problems because they are not directly applicable. In some instances, pertinent guides may not be available at all because of the newness of, or major changes in, the work field and the available guides typically require significant modification or interpretation to fit them to the actual situation. Almost all the position classifications done by the appellant over the past year had directly applicable standards and guides. Their selection and subsequent application demands are typical of the GS-11 grade level. As at that level, the appellant reviews and considers various standards and guides before selecting the appropriate ones. The existence of directly applicable standards to almost all the positions classified by the appellant precludes considering her classification work as requiring extensive modification and interpretation of guides to fit them to the actual situation. The types of jobs the appellant deals with, and the complexity of the organization in which they exist, satisfies the GS-11 grade level requirements.

As at the GS-11 grade level, the appellant's staffing and recruitment work requires her to develop crediting plans in conjunction with the requesting supervisor, who serves as the SME. Also in conjunction with the SME, she drafts the announcement and determines whether to fill the position internally, externally, through special appointment authority, or combination of the preceding. She develops crediting plans consistent with the PD developed in conjunction with the SME and rates and ranks the candidates who meet the OPM qualification standards, which are available for all positions. The main problems arise from filling higher level jobs with specialized requirements that typically get between five and ten qualified applicants.

In contrast, at the GS-12 grade level, the work assignments regularly (1) encompass problems of more than average difficulty, combined with management advisory functions which are significantly more difficult and responsible than those found at the GS-11 grade level, or (2) service as a "specialist" or "trouble shooter" with independent responsibility for resolving very difficult problems in her field. None of the cases we reviewed have such characteristics. In addition, the limited workload of the organization further precludes our crediting this latter aspect to the appellant's position. The resolving of very difficult problems is the responsibility of the supervisor and another, higher graded, employee in the appellant's organization, thus alternative (2) does not apply. The complexity and difficulty of the problems dealt with at the GS-12 grade level is essentially similar to those at the GS-11 grade level; the essential difference

is in the level of difficulty and responsibility of the management advisory service functions performed, and is addressed below.

Management advisory service functions

The appellant's management advisory services in staffing and recruitment, classification and pay, and position management meet the GS-11 grade level. As at the GS-11 grade level, the relationship between the appellant and the supervisors served is typically such that they work together in the review of the operations of the organization in order to identify the personnel issues and the appellant is relied upon for advice as to the solution of the problem or the approach to be taken in solving it. Specifically, the appellant interacts with the relevant supervisors on a continuing basis to establish the required knowledge, skills, and abilities (KSA's) upon which the crediting plan should be developed and the accuracy of the crediting plan to be used in evaluating applicants. Throughout, the supervisors serve as SME's and make suggestions for necessary changes to the KSA's and crediting plans that the appellant uses to rate and rank applicants who have met the relevant OPM qualification standards. They also comment on the wording of position announcements and determine the professional journals in which the announcements should be placed.

In contrast, the management advisory services at the GS-12 grade level require more sophisticated and mature knowledge of occupational characteristics and of personnel management than is typical at GS-11. The advisory services at the GS-12 grade level are done in reference to jobs and organizations that are complex, new, or dynamic in nature. As discussed earlier, the limited size of the organizations serviced by the appellant, the limited number of occupational series she services and her exclusion from classification authority for some of the more complex and critical positions precludes crediting at the GS-12 grade level.

Supervision received and authority

As at the GS-11 grade level, the appellant receives very general supervision. The supervisor establishes program goals and objectives, approves general plans and schedules, establishes general priorities, and reviews and approves classification decisions, reports, correspondence, etc. The appellant's judgment and recommendations are relied upon in final decisions on individual cases. The appellant performs her advisory services under even less supervisory control, because they are frequently conducted on an informal advisory basis.

The supervision received at the GS-12 grade level is similar to that at the GS-11 grade level. The major difference between the GS-11 and GS-12 grade levels is that at the GS-12 grade level the technical competence and soundness of judgment of the specialist is typically accompanied by a delegation of responsibility to make final decisions for the organization in all cases except when the worker requests supervisory review for a particular reason. In contrast, the appellant's supervisor typically reviews the decisions made by the appellant that have significant legal or regulatory requirements or involve sensitive issues that could have major impact.

When GS-12 positions provide advisory services, they are performed with no greater independence than at the GS-11 grade level. However, the importance of the problems dealt with, as well as their difficulty, is typically greater than at the GS-11 grade level. The scope and effect of the advice, therefore, is likewise increased. The problems the appellant deals with are typically localized, i.e., between a supervisor and a few related positions that do not present the problems in identifying issues and crafting solutions found at the GS-12 grade level, and have either numerous precedents or standard operating procedures for their resolution. They do not meet the level of scope and impact of the advice envisioned at the GS-12 grade level. Accordingly, the position is credited properly at the GS-11 grade level.

Personal contacts

The nature and purpose of contacts implicit at each grade is for accomplishing work assignments typical of that grade level. The purpose of the personal contacts for GS-11 advisory service work is to gain management acceptance of the advice provided at the GS-11 grade level. In contrast, GS-12 grade level advisory work entails personal contacts for gaining management acceptance of the more complex and significant decisions recommended at that level. Based on our preceding analysis of the appellant's assignments and advisory services, we find the nature and purpose of her contacts are at the GS-11 grade level.

Based on the preceding analysis, we find the appellant's work covered by the GS-201 PCS is credited properly at the GS-11 grade level.

Employee and labor relations functions

The Employee Relations Series, GS-230 PCS is in narrative format and uses two factors: Nature of assignment and Level of responsibility, to determine grade level.

Nature of assignment

As at the GS-11 grade level, the appellant deals with individual serious problems of a sensitive nature which require special treatment because of the nature of the problem, the degree to which it can be embarrassing to the organization, or its impact on the overall morale of the activity. Specific examples of the appellant's assignments include inappropriate use of e-mail for threatening remarks and slanderous comments; a notice of leave restriction for abuse of leave procedures; suggesting reasonable accommodations for a visually impaired computer programmer; responses to questions about standard compensation for work-related injuries causing loss of body parts; retirement counseling involving complications due to previous employment and erroneous Federal Employees Retirement System coverage; advice in writing performance improvement plans; advice on benefits and leave issues; and advising interviewers of applicants which questions would violate EEO standards.

In contrast, at the GS-12 grade level, the situations are such as to frequently obscure the true nature of the personnel management problems. Stated causes of complaints, apparent requests for assistance, and the like, serve to conceal the basic nature of problems and require extensive

analysis to identify all the personnel issues involved. The employee and labor relations issues dealt with by the appellant are essentially straightforward and do not meet the levels of obscurity envisioned at the GS-12 grade level. Nor are the appellant's cases of such complexity and sensitivity as to require application of conflicting guidelines or resolution in the absence of applicable guidelines or precedents, as required at the GS-12 grade level. The guidelines and precedents she uses are generally clear and unambiguous, and the situations she encounters are sufficiently common for numerous precedents to exist. Accordingly, the nature of assignment is credited properly at the GS-11 grade level.

Level of responsibility

As at the GS-11 grade level, the appellant receives employee relations assignments in terms of overall purpose and scope. She plans and carries out the assignments independently with the supervisor providing assistance on unusually difficult or controversial problems or those of a policy nature. Although applicable guidelines and precedents are available, they may require substantial modification or adaptation because of the complexity and sensitivity of problems encountered.

In contrast, at the GS-12 grade level, guidelines and precedents are often inapplicable or conflicting, requiring considerable judgment and originality in developing innovative approaches to defining and resolving very difficult situations. The examples provided by the appellant as representing her most complex employee relations issues required modification or adaptation, but were based on guidelines and precedents which were not conflicting and were complex primarily because of the emotional nature of the issues. That is typical of the GS-11 grade level of responsibility. Accordingly, the level of responsibility is credited properly at the GS-11 grade level.

Based on the preceding analysis, we find the appellant's work covered by the GS-230 PCS is credited properly at the GS-11 grade level.

Summary

In summary, we find the appellant's work, as illustrated by the assignments she identified and selected as most typical of her more complex assignments, results in allocation of her position to the GS-11 grade level.

Decision

The position is classified properly as Personnel Management Specialist, GS-201-11.