

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

Chicago Field Services Group
230 S. Dearborn Street, DPN-30-6
Chicago, IL 60604-1687

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

Appellant: [appellant]

Agency classification: Administrative Officer
GS-341-12

Organization: Office of Strategic Environmental
Analysis
Region #
U.S. Environmental Protection Agency
[city and state]

OPM decision: Administrative Officer
GS-341-12

OPM decision number: C-0341-12-06

/s/

Marta Brito Pérez
Associate Director
Human Capital Leadership
and Merit System Accountability

July 2, 2004

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, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant]
[address]
[city and state]

Human Resources Officer
Region #
U.S. Environmental Protection Agency
[address]
[city and state]

Director
Office of Human Resources and
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U.S. Environmental Protection Agency
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Introduction

On August 11, 2003, the Chicago Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. Her position is currently classified as Administrative Officer, GS-341-12. She believes it should be classified as Management Analyst, GS-343-13. We received the complete agency administrative report concerning the appeal on January 14, 2004. The appellant works in the Office of Strategic Environmental Analysis (OSEA), Region #, U.S. Environmental Protection Agency (EPA), {city and state}. We have accepted and decided the appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide the appeal, we conducted a telephone audit of the appellant's position and a telephone interview of the second-line supervisor, [supervisor], Director of OSEA, who has first-hand knowledge of the duties and responsibilities of the appellant's position. The appellant's immediate supervisor retired several months ago and the position of Deputy Director is vacant. In reaching our decision, we reviewed the audit findings and all information of record furnished by the appellant and her agency, including her official position description (PD) (position number [#####] which we find contains the major duties and responsibilities assigned to and performed by the appellant and we incorporate it by reference into our decision.

General issues

The appellant believes her official PD is inaccurate. In her appeal letter, the appellant states that she has attempted to get her PD updated since November 2, 2002, when her former supervisor submitted a draft PD for a position review. OPM accepted her classification appeal on August 11, 2003, based on evidence that she had made a reasonable attempt to obtain an accurate PD and we will decide the appeal on the basis of actual duties assigned by management and performed by the employee (5 CFR 511.607(a)(1)).

A PD is the official record of the major duties and responsibilities assigned to a position by a responsible management official; i.e., a person with authority to assign work to a position. A position is the duties and responsibilities that make up the work performed by an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the duties assigned by management and performed by the employee. We classify a real operating position, and not simply the PD.

The appellant makes comments about her agency and its evaluation of her position. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding her agency's classification review process are not germane to this decision. In adjudicating this appeal, our only concern is to make our own independent decision based on the proper classification of her position. Therefore, we have considered the appellant's statements concerning the agency's evaluation only insofar as they are relevant to our decision.

The appellant refers to similar positions in other agency offices that are like hers, but classified at a higher grade. By law, we must classify positions solely by comparing current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since the

comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding her appeal.

Implicit in the appellant's rationale is a concern that her position is classified inconsistently with other positions. Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. Section 511.612 of 5, Code of Federal Regulations (CFR), requires that agencies review their own classification decisions for identical, similar, or related positions to insure consistency with OPM certificates. Thus, the agency has the primary responsibility for insuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers her position so similar to warrant the same classification, she may pursue the matter by writing to her agency headquarters human resources office. In doing so, she should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as hers, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to her the differences between her position and the others.

The appellant believes that the position classification standards (PCS's) used to classify the position by her agency are outdated. However, the accuracy of grade-level criteria contained in an OPM classification guide or standard is an issue neither appealable nor reviewable under 5 CFR 511.607. The appellant also makes reference to her former supervisor's request for a position review for promotion on her behalf and a proposed PD associated with the request. However, the classification of a position to which an employee is not officially assigned is neither appealable nor reviewable under 5 CFR 511.607.

Position information

OSEA was created in 1995, in part to replace key functions of the former Environmental Sciences Division. It administers a broad set of multi-media and cross program functions across three major categories: (1) Program implementation of the Region's National Environmental Policy Act (NEPA) requirements, which requires extensive cross-program coordination; (2) leading the Region's innovation and community-based environmental protection initiatives, including leading the Region's innovation initiative, managing the Great Cities Partnership grants program, and the urban initiatives program; and (3) leading the Region's science, research planning and cross-program, multi-media environmental trends and analysis functions. This work includes providing direct support for the agency's national Science Policy Council and leadership of the Regional Science Council as well as coordinating the Region's risk assessment policy and implementation activities for human health and ecosystem risk characterization.

The primary mission of OSEA is to provide EPA management with information and analysis relating to the status of the environment and a wide range of strategic planning support, including integrated analysis, risk assessment, developing environmental goals and indicators, and serving as an incubator for new initiatives and emerging issues. The OSEA also provides policy and analytic support to ensure regionwide priorities, especially those of a multi-media nature.

The appellant provides administrative support for the OSEA and reports to the Deputy Director, whose position is classified as Program Manager, GS-340-15. This includes interpreting

administrative policies, developing or implementing local policies, defining administrative requirements, and providing advice to top management on related issues. Other functions include applying administrative policies, maintaining various systems, handling travel, formulating plans, and providing advice on resolving problems. She serves as the liaison between her organization and the human resources (HR) office on HR related matters. The appellant provides advice and assistance to managers and staff concerning Federal and agency HR processes and procedures based on her knowledge of internal operations, agency HR policies, budgetary constraints, and other priorities. She assists managers and staff in projecting staffing needs, writing PD's, developing job analyses, preparing performance plans and appraisals, processing training requests, and drafting disciplinary and adverse actions. She also provides orientation for new staff and provides managers the status of on-going personnel actions. While she does not directly supervise any employees, she does provide input and recommendations on performance evaluations and awards.

The appellant and her supervisor agree that the following list depicts the division of time spent on her major duties as follows:

Generating Reports	10%
Estimating and Tracking Budget/Resources	25%
HR Liaison	20%
Space/Property Administration	15%
Strategic planning, position management planning, multi-media program coordination and reviews	30%

Series, title, and standard determinations

The agency has placed the appellant's position in the Administrative Officer Series, GS-341, and titled it Administrative Officer. The appellant disagrees and states that the position should be classified in the Management and Program Analysis Series, GS-343. The GS-343 series covers positions which primarily serve as analysts and advisors to management on the evaluation of the effectiveness of government programs and operations or the productivity and efficiency of the management of Federal agencies. The work of this occupation is typically performed in a staff capacity in that the results of the work support the accomplishment of the principal mission or line program(s) of the agency or organizational component in which the positions are located.

The appellant's management analysis work is but one part of her overall administrative and management support responsibilities. Because this work does not constitute the primary and paramount purpose of the position, it cannot control the positions title and series. This work occupies only 15 percent or less of her time. Only duties that constitute a significant and substantial part of the overall position and occupy at least 25 percent of an employee's time can affect the grade of a position (*Introduction to the Position Classification Standards, section III. J.*). Therefore, it cannot control the grade of the appellant's position and, as discussed below, it is not appropriate to evaluate the appellant's management analysis duties separately from her other administrative and management support functions.

The appellant's primary and paramount duties and responsibilities, and the corresponding knowledge and skills required to perform them, match those described in the GS-341 series. The

GS-341 series includes positions in which employees are responsible for providing or obtaining a variety of management services essential to the direction and operation of an organization. The paramount qualifications required are extensive knowledge and understanding of management principles, practices, methods and techniques, and skill in integrating management services with the general management of an organization and solving the practical problems of management.

The primary and paramount purpose of the appellant's work is to provide, obtain, or negotiate for a variety of management services that support the direction and operation of the OSEA. Typical of GS-341 work, the appellant is expected to have an in-depth knowledge of the organization's mission and functions, goals and objectives, operating programs and projects, position structure for carrying out those programs and projects, the kinds of positions and people needed, equipment and materials used, and financial resources needed. An administrative officer is a generalist and general management skills are the paramount requirement. Although aspects such as management analysis, budget administration, and HR management assume major importance in many positions, and other aspects such as procurement and property management are also important in many jobs, no single functional, resource, or service area forms a basis for the paramount skills. The position is properly allocated as Administrative Officer, GS-341 series, based on the titling instructions in the GS-341 position classification standard (PCS).

The 341 PCS does not contain grading criteria. It instructs that positions in this series may be evaluated using various standards for other series, depending on the position's content and work environment and such other standards for other kinds of work related to major duties or functions. Such standards together with sound classification principles are to be used in making a total assessment of administrative officer positions.

To evaluate the principal functions of the appellant's position we have applied the Administrative Analysis Grade-Evaluation Guide (AAGEG) to evaluate the grade level worth of her administrative analysis and advisory work. The AAGEG is intended primarily for use in evaluating two-grade interval positions in the General Administrative, Clerical, and Office Services Group, GS-0300, where the positions involved require knowledge and skill in the application of analytical and evaluative concepts, methods, and techniques. Although some of appellant's duties (e.g., budget, human resources, management analysis, and property management) could be assessed through application of distinct subject-matter occupational standards, individually they occupy less than 25 percent of her time and are more properly considered as part of the broader aspects of her overall administrative analysis work. Therefore, her position will be evaluated using the AAGEG.

Grade determination

Evaluation using the AAGEG

The appellant disagrees with her agency's crediting of Levels 1-7, 3-3, 4-4, 5-4, and 7-c. We find that the appellant's position is properly evaluated at Levels 6-3, 8-1, and 9-1. Neither the agency nor the appellant disagrees. Based on careful review of the record, we will focus our analysis on Factors 1, 2, 3, 4, 5, and 7.

The AAGEG is a threshold PCS and uses the Factor Evaluation System (FES), which employs nine factors. Each factor level description describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Each factor level has a corresponding point value. The total points assigned are converted to a grade by use of the grade conversion table in the standard. Our evaluation with respect to the nine FES factors follows.

Factor 1, Knowledge required by the position

This factor covers the kind and nature of knowledge required and the skills needed and how they are used in doing the work.

Level 1-7 describes knowledge appropriate for applying analytical and evaluative methods and techniques to issues or studies concerning the efficiency and effectiveness of program operations carried out by administrative or professional personnel, or substantive administrative support functions (i.e., internal activities or functions such as supply, budget, procurement, or human resources which serve to facilitate line or program operations). This level includes knowledge of pertinent laws, regulations, policies and precedents which affects the use of programs and related support resources (people, money, or equipment) in the area studied. This closely describes the knowledge required by the appellant in providing the full range of management and administrative support for the OSEA, including interpreting administrative policies, developing or implementing local policies, defining administrative requirements, and providing advice to top management on related issues. Other functions include applying administrative policies, maintaining various systems, handling travel, formulating plans, and providing advice on resolving problems. She serves as the liaison between her organization and the human resources office on HR related matters. The appellant provides advice and assistance to managers and staff concerning federal and agency HR processes and procedures based on her knowledge of internal operations, agency HR policies, budgetary constraints, and other priorities.

Level 1-8 describes the expert analyst who has mastered the application of a wide range of qualitative and/or quantitative methods for the assessment and improvement of program effectiveness or the improvement of complex management processes and systems. At this level, knowledge is also applied in preparing recommendations for legislation or in evaluating the content of new or modified legislation for projected impact on agency programs and resources. In addition to knowledge of the next lower level, this level requires comprehensive knowledge of the range of administrative laws, policies, regulations, and precedents applicable to the administration of one or more important public programs.

Level 1-8 is not met. This level addresses positions with much broader program responsibilities than the appellant's. At this level, programs and decisions significantly change, interpret, or develop important public policies or deal with extremely complex problems requiring the application of theoretical concepts. They also require the management of a complete and comprehensive agency program. Since the appellant's program responsibilities are confined to Region # and associated activities, they do not have the far reaching impact or complexity envisioned at this level. Therefore, Level 1-7 is credited for this factor for 1250 points.

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility for carrying out assignments, and how completed work is reviewed. The agency evaluation statement represents the official agency classification of the position. The agency credited this factor at Level 2-5, and the appellant agrees. However, we disagree.

At Level 2-4, the supervisor sets the overall objectives and resources available. The employee and supervisor develop a mutually acceptable project plan which typically includes identification of the work to be done, the scope of the project, and deadlines for completion. Projects and studies typically require knowledge of the major issues, program goals and objectives, work processes, and administrative operations of the organization. Within the parameters of the project, the employee is responsible for planning and organizing the project steps, estimating costs, coordinating with staff and line management personnel, and conducting all phases of the project. This frequently involves the definitive interpretation of regulations and study procedures. The employee informs the supervisor of potentially controversial findings, issues or problems of widespread impact. Completed projects are reviewed by the supervisor for compatibility with organizational goals, guidelines, and effectiveness in achieving intended objectives. Completed work is also reviewed critically by staff and line management officials whose programs and employees would be affected by implementation of the employee's recommendations. Level 2-4 involves a high degree of independence, expertise, and program responsibility, and thus, fully recognizes the level of responsibility vested in the appellant's position.

In contrast, at Level 2-5 the supervisor provides administrative supervision only with assignments in terms of broadly defined missions or functions with full technical authority delegated to the employee. At this level, the employee is typically delegated complete responsibility and authority to plan, schedule, and carry out major projects concerned with the analysis and evaluation of programs or organizational effectiveness. The employee typically exercises discretion and judgment in determining whether to broaden or narrow the scope of projects or studies. Such responsibility, however, cannot be viewed in isolation, but must be considered within the context of the significance of the program or function and how much control is really left to the employee's discretion. While the appellant has significant responsibility for numerous programs and functions, the Director and Deputy Director are responsible for the administration of OSEA services and they ultimately handle issues the appellant is unable to resolve. In addition, the appellant conducts her work within the objectives, policies, regulations, and procedures established by EPA's central office. Although she represents the Director and Deputy Director of OSEA at various meetings, she is providing information and recommendations for final decisions which are then made by someone else. While the independence exhibited by the appellant exceeds that described by Level 2-4, she does not have full authority to match. That ultimate authority resides with her supervisor(s). Because the appellant's position fails to fully meet Level 2-5, Level 2-4 is credited for this factor for 450 points.

Factor 3, Guidelines

This factor covers the nature and extent of guidelines for performing the work and the judgment needed to apply the guidelines or develop new guidelines.

At Level 3-3, guidelines consist of standard reference material, texts, and manuals covering the application of analytical methods and techniques (statistical, descriptive or evaluative) and instructions and manuals covering the subjects involved (e.g., organizations, equipment, procedures, policies, and regulations). The employee uses judgment in choosing, interpreting, or adapting available guidelines to specific issues or subjects studied. The employee analyzes the subject and current guidelines which cover it and makes recommendations for changes.

Unlike Level 3-3, at 3-4 guidelines consist of general administrative policies and management and organizational theories which require considerable adaptation or interpretation for application to issues and problems studied. Guidelines do not go into detail as to methods used to accomplish projects. At this level, administrative guidelines usually cover program goals and objectives of the employing organization, such as agency controls on size of the workforce, productivity targets, and similar objectives. Within the context of broad regulatory guidelines, the employee at this level may refine or develop specific guidelines such as implementing regulations or methods for the measurement and improvement of effectiveness and productivity in the administration of operating programs.

As at Level 3-4, the appellant applies an in-depth knowledge of administrative laws, policies, regulations and precedents that are applicable to OSEA's wide range of programs and functions and provides expert guidance when needed to respond to unique or challenging circumstances. She must frequently interpret and adapt application of agency rules and guidelines to specific circumstances to solve problems and other issues. The appellant has developed and maintains up-to-date standard operating procedures (SOP's) for OSEA's administrative, planning, and budgeting responsibilities and regularly evaluates performance under these procedures.

At Level 3-5, guidelines consist of basic administrative policy statements concerning the issue or problem being studied, and may include reference to pertinent legislative history, related court decisions, state and local laws, or policy initiatives of agency management. Level 3-5 is not met because the appellant is limited to Region 5 activities and is not involved in developing agency policies and their implementing procedures; such work is normally performed by employees at higher agency echelons. Therefore, Level 3-4 is credited for this factor for 450 points.

Factor 4, Complexity

This factor covers nature of the assignment, difficulty in identifying what needs to be done, and difficulty and originality involved in performing the work.

At Level 4-4, the work involves gathering information, identifying and analyzing issues, and developing recommendations to resolve substantive problems of effectiveness and efficiency of work operations in a program or program support setting. This is in addition to analyzing and improving conditions solely of a procedural nature (rather than the substance of administrative

operations), which is creditable at Level 4-3. In contrast to Level 4-3, work at this level requires application of evaluative methods and techniques to a wider range of variables. For example, assignments may involve compiling, reconciling and correlating voluminous workload data from a variety of sources with different reporting requirements and formats.

In contrast, work at Level 4-5 consists of projects and studies which require analysis of interrelated issues of effectiveness, efficiency, and productivity of substantive mission-oriented programs. Typical assignments require developing detailed plans, goals, and objectives for the long-range implementation and administration of the program, and/or developing criteria for evaluating the effectiveness of the program. They require a complex application of analytical abilities and techniques which requires a thorough understanding of the continually changing nature of scientific, program planning, innovation and technical work in order to assess program weaknesses, strengths, gaps, redundancies, and needs.

Illustrative of Level 4-4, the appellant provides advice to management on the distribution of work among positions and organizations, and the efficient utilization of positions and employees in programs and program support areas staffed by employees in professional and technical occupations. The nature of the work is such that the employee must continually gather, interpret, analyze, and correlate large amounts of narrative and statistical information about organizational functions, workload, and productivity. in support of OSEA's operations. For example, as a member of OSEA's management team, she drafts major portions of the 5-year plans for organizational improvement, and is responsible for tracking and in some cases managing performance against these established accountability targets. The appellant's work does not fully meet the work described at Level 4-5. While the appellant assists managers develop performance standards and accountability targets for their mission-oriented programs, she does so only insofar as advising them about agency processes and procedures, not the substantive scientific and professional work performed by OSEA that provides policy and analytic support to EPA managers to help ensure regionwide priorities. Therefore, Level 4-4 is credited for this factor for 225 points.

Factor 5, Scope and effect

This factor covers the relationship between the purpose, breadth, and depth of the assignment and considers the impact of the work products or services both within and outside the organization.

At Level 5-4, the purpose of the work is to assess the productivity, effectiveness, and efficiency of program operations or to analyze and resolve problems in the staffing, effectiveness and efficiency of administrative support and staff activities. Work involves establishing criteria to measure and/or predict the attainment of program or organizational goals and objectives. Work at this level may also include developing related administrative regulations, such as those governing the allocation and distribution of personnel, supplies, equipment and other resources, or promulgating program guidance for application across organizational lines or in varied geographic locations. Work contributes to the improvement of productivity, effectiveness, and efficiency in program operations and/or administrative support activities at different echelons and/or geographical locations within the organization. Work affects the plans, goals, and

effectiveness of missions and programs at these various echelons or locations. Illustrative of work at Level 5-4, employees advise on changes to organizational structures, organizational charts, and mission and function statements to implement reorganizations or changes in program administration in order to reduce or eliminate functional overlap among the agency's substantive programs. Work contributes to the optimum organization and distribution of functions, organizational structure and staffing of activities.

Typical of Level 5-4, the appellant's work involves assessing skill mix gaps and needs, working with the supervisors and team leaders to prepare position descriptions needed to fill critical job requirements, and ensuring that hiring and personnel actions are in accordance with all applicable requirements. Based on her thorough knowledge of the specific functions and positions within OSEA, she is generally responsible for maintaining expertise in administering the requirements of the Federal Activities Inventory Reform (FAIR) Act and conducting the regional FAIR inventory of commercial vs. inherently governmental positions. She also finds solutions to management problems (e.g., she developed workload distribution models for areas with deficiencies, proposed realignment of staff work within a new Government Performance and Results Act (GPRA) structure to improve performance and increase efficiency, and developed goal planning initiatives for position management distribution of FTE slots). She conducts an annual position management review in consultation with the Deputy Director and independently provides structural recommendations for staff functions. In addition, only about half of the FTE staff positions for OSEA are provided to the Region by national program appropriations, mainly from the Office of Research and Development, the Office of Policy, Economics and Innovation, and the Office of Federal Activities in EPA's Office of Enforcement and Compliance Assurance Accountability (OECA). The remaining staff positions are funded by Regional "tap" positions, and require extensive annual justification and recommitment by the Region's Resources Management Committee. This justification and the position management analysis it is based upon is a continuous major responsibility for the appellant, who analyzes program needs to provide supporting documentation for the Director and Deputy Director of OSEA each year.

At Level 5-5, program evaluations often serve as the basis for substantive changes in the organization and administration of programs affecting substantial numbers of people. Study reports typically contain findings and recommendations of major significance to top management of the agency, and often serve as the basis for new administrative systems, legislation, regulations, or programs.

Level 5-5 is not met. This level addresses positions with much broader program responsibilities than the appellant's. At this level, typical work products are complete decision packages, staff studies, and recommendations which upon implementation would significantly change major administrative aspects of missions and programs. Since the appellant does not advise top EPA managers and her program responsibilities are limited to OSEA Region # and related activities, they do not have the far reaching purpose or impact envisioned at this level. Therefore, Level 5-4 is credited for this factor for 225 points.

Factor 6, Personal contacts / Factor 7, Purpose of contacts

These factors cover the type and level of contacts made in carrying out the work and the reasons for those contacts. Under the AAGEG, these factors are evaluated separately, but a combined point credit is established by determining where the respective levels intersect in the table in the AAGEG. The appellant's regular daily contacts are primarily with the Office Director, Deputy Director, and regional staff. However, she also has frequent contacts outside the office in moderately unstructured settings. Typical of contacts at this level are those with attorneys; contractors; or representatives of professional organizations, the news media, or public action groups. The appellant does not routinely deal with such high ranking officials as other agency heads, congressional staff officials, mayors of major cities, or comparable contacts found at Level 6-4. Therefore, Level 6-3 is credited for this factor.

In evaluating the purpose of these contacts under Factor 7, Level b applies solely to obtaining or exchanging information. Level c covers situations beyond obtaining or exchanging information where the employee has to influence managers to accept and implement findings and recommendations. At Level d, the purpose is to justify or settle matters involving significant or controversial issues (e.g., recommendations affecting major programs, dealing with substantial expenditure, or significantly changing the nature and scope of organizations). The authority for resolving issues at Level d is not vested in the appellant's position; that authority is reserved to higher level management officials in the agency. Therefore, Factor 7 is evaluated at Level 7-c.

These combined factors are evaluated at 3-c, and 180 points are credited.

Summary

Based on our evaluation using the AAGEG, we have credited the position as follows:

<i>Factors</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-4	225
5. Scope and effect	5-4	225
6. Personal contacts and 7. Purpose of contacts	3-c	180
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
	Total Points	2790

A total of 2790 points falls within the GS-12 grade level point range of 2755-3150 points listed in the grade conversion table in the AAGEG.

Decision

The position is properly classified as Administrative Officer, GS-341-12.