

**U.S. Office of Personnel Management
Division for Human Capital Leadership and Merit System Accountability
Classification Appeals and FLSA Programs**

Center for Merit System Compliance
1900 E Street, NW., Room 6484
Washington, DC 20415-6000

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

Appellant: [Names]

Agency classification: Librarian
GS-1410-13

Organization: [Division]
[Organizational subdivision]
[Organizational subdivision]
Library of Congress
Washington, DC

OPM decision: Librarian
GS-1410-13

OPM decision number: C-1410-13-01

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Marta Brito Pérez
Associate Director
Division for Human Capital Leadership
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May 27, 2004

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification 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 the conditions and time limits specified in title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[Appellant]

[Appellant]

Ms. Teresa A. Smith
Director, Human Resources Services
Library of Congress
Washington, DC 20540

Introduction

On July 17, 2003, the Center for Merit System Compliance of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellants], who occupy identical additional positions (hereinafter referred to as position) classified as Librarian, GS-1410-13, in the [division], [organizational subdivisions], at the Library of Congress in Washington, D.C. The appellants requested that their position be classified at the GS-14 level. We accepted and decided this appeal under the provisions of section 5112 of title 5, United States Code.

We conducted an on-site position audit with the appellants on August 4 and 5, and subsequent interviews with the current and former Chiefs of the [division], [names], and the Assistant Librarian for [organizational subdivision], [name]. This appeal was decided by considering the audit findings and all information of record furnished by the appellants and their agency, including their official position description [number], and other material received in the agency administrative report on January 30, 2003. (The original appeal was submitted on October 8, 2002, but was withdrawn and later reactivated by the appellants.)

General issues

As support for upgrading their position, the appellants cited other positions within the Library of Congress that are classified at higher grade levels. We did not consider this in adjudicating their appeal because, by law, we must classify positions solely by comparing their duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellants' position to others as a basis for deciding their appeal. Other positions which appear superficially similar to a given position may involve work that is more complex or broader in scope, may include additional duties that form the basis for the grade, or may be classified incorrectly.

The appellants compared their position to the positions of Foreign Affairs Analyst, GS-130-15, in the Congressional Research Service, and Foreign Law Specialist, GS-095-15, in the Law Library at the Library of Congress. They claimed that because there is limited [specified] language expertise in these organizations, congressional requests requiring reference to primary source materials are referred to the appellants, with the implication that these requests are of equivalent grade value to the work otherwise performed by these GS-15 employees. We reviewed the position descriptions for these positions, which the appellants included in their appeal submission. It is clear that the intent of the positions is to perform work of a markedly different nature than the work performed by the appellants in their capacity as librarians. The purpose of the Foreign Affairs Analyst position is to analyze public policy issues of international significance, to organize and present policy options, and to analyze their consequences. The purpose of the Foreign Law Specialist position is to perform legal research, analysis, and interpretation related to the legal systems of foreign countries. Responding to congressional information requests is a primary mission responsibility of the Library and is expected of all of its professional level employees as needed. These requests span a wide range of difficulty, from relatively simple reference or factual requests to requests for complex analyses. Within this

context, both the appellants and the incumbents of the cited positions may respond to congressional requests related to [country], depending on the nature of the subject matter involved and the type of analysis required. However, the appellants do not perform the *full scope* of the work of these other positions. They perform work involving translation, reference, and information research using primary source materials. They may provide cultural insights drawing upon their own knowledge of [country] history, politics, and social norms, but they do not analyze the information for policy implications, develop policy options, or interpret legal issues. Information research is a common library service, particularly for librarians at the higher grade levels, and it is not unusual for librarian positions in large or specialized libraries to require subject-matter knowledge or foreign language proficiency. As such, the appellants' work falls within the realm of librarianship and must be evaluated within the context of that occupation, rather than of other fields of work such as policy analysis and law that are not representative of the basic nature of their position. They respond to congressional requests that require [specified] language proficiency but more importantly, that can be fulfilled using the reference and research skills common to librarianship rather than, for example, foreign affairs or legal expertise.

Position information

The appellants are designated as “area specialists” with responsibility for collection development, reference and research services, and publication related to the Library’s [country] Collection. This is the largest and most comprehensive collection of [specified] language materials in the Western Hemisphere and the only such research library in the United States Government. It includes over 900,000 volumes of [language specific] rare books, monographic and serial materials from [country references], [language specific] books published in other countries, and unique collections of [country] national minorities, such as [ethnic references]. The collection encompasses primary source materials related to the political and social sciences, history and economics, humanities, [language specific] classics, and dissident materials required to support the information and research needs of Congress, the Federal Government, the scholarly community, and the public.

The appellants are responsible for the quality of the collection in their designated geographic areas. They continually survey the collection in relation to current and projected user needs and social/political developments. They identify needed retrospective materials and gaps in current materials and recommend acquisitions that would represent significant institutional holdings and assure the maintenance of a comprehensive, authoritative [language specific] material resource which supports the needs of its national and international clientele.

The appellants provide authoritative reference service to Library patrons related to their areas of specialization. This includes providing reference and research service to Members of Congress using primary [language specific] source materials. These congressional requests often relate to controversial political issues and rapidly changing current events and may require acquiring, translating, or researching obscure and hard-to-obtain materials. The appellants advise on the cultural context of the material provided, the proper usage of [specified] language, and provide interpretation services for Members of Congress as requested.

The appellants prepare monographs, guides, and articles for publication by the Library or other professional publications based on the specialized collections in their areas of expertise. These are designed to inform the scholarly community or the general public of the scope and content of the Library's collections. The appellants also serve as liaison with the scholarly community worldwide in their areas of specialization and maintain personal contacts with foreign publishers and reference sources.

The appellants work with other Library components in planning and developing library-wide exhibits and symposia.

Series determination

The appellant's position is properly assigned to the Librarian Series, GS-1410, which covers positions that require full professional knowledge of librarianship to select, organize, preserve, access, and disseminate information. Neither the appellant nor the agency disagrees.

Title determination

The authorized title for nonsupervisory positions in this series is Librarian. Neither the appellant nor the agency disagrees.

Grade determination

We evaluated the position by comparing it to the grade level criteria in the position classification standard for the Librarian Series, GS-1410. This standard directly addresses the major functions of the position, including reference, research, and other user services, collection management, acquisitions, and selection and evaluation of information resources.

The GS-1410 standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

The knowledge required by the appellants' position matches Level 1-8 (the highest level described in the standard under this factor). At that level, work requires mastery of one or more library functions to solve highly complex problems within the function; make significant

recommendations to change, interpret, or develop important or innovative information policies, programs, approaches, or analysis methods; or develop new approaches for other experienced librarians to use in solving a variety of problems or in expanding services. Knowledge of new developments in selecting, acquiring, preserving, accessing, organizing, and disseminating information is required. The level of knowledge involved is that of an authority in the specialization, i.e., either a broad functional area or a very complex subject area. Assignments may involve developing policies, programs, services, and/or products for a library system. The methods and techniques developed serve as models for other libraries outside the agency. Bibliographies, reports, and other publications prepared are cited as authoritative by other libraries. The factor illustrations for Level 1-8 librarian work provided in the standard describes the following work situation as typical of this level:

- The librarian serves as an expert in reference and information research. The librarian works with researchers in advanced fields of knowledge, using a wide variety of data bases including full-text data bases, research and technical reports, legislative histories, specialized journal articles and/or historical materials to interpret and evaluate information pertinent to the research project at hand. Drawing upon this information, the librarian regularly advises catalogers on supplementing the classification system and cataloging terms to reflect new fields of knowledge.
- The librarian serves as an interagency or Federal expert in the development of cataloging criteria for classifying new and changing fields of knowledge, and advises and guides other experienced catalogers.

Correspondingly, the appellants' position requires mastery of the librarian profession to serve as experts for the acquisition, description, cataloging, digitization, and other treatment of contemporary, historical, and rare [specified] language materials, and to solve complex reference and information research questions requiring intensive searches to verify information relating to sensitive political or social issues. The appellants must be knowledgeable of new developments within their field in order to select and access the most relevant information and materials available, and they have been instrumental in recommending and subsequently overseeing the acquisition and treatment of major additions to the [country] Collection. This level fully represents their role as authorities in their field for information research and the work that they perform in the continuing development of the collection.

Level 1-8 is credited (1550 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, and the review of completed work.

The level of responsibility under which the appellants work is comparable to Level 2-4. At that level, the supervisor defines continuing areas of responsibility for long-term assignments, sets the general objectives, and indicates available resources. Overall deadlines flow from the work

situation. The employee, having expertise in the particular specialty or function, is responsible for planning and carrying out the work, resolving most conflicts that arise, integrating and coordinating the work with other functional areas, and interpreting policy, regulations, and directives on his or her own initiative. The employee keeps the supervisor informed of progress, potential controversies, and issues with far-reaching implications. The supervisor reviews completed work from an overall standpoint in terms of feasibility, compatibility with other library requirements, or effectiveness in achieving results.

Level 2-4 represents the level of the fully experienced journey-level worker who serves in effect as a technical authority within the assigned areas of responsibility, and who is responsible for independently carrying out the major aspects of the assignment without technical supervision. This accurately characterizes the manner in which the appellants operate.

The position does not meet Level 2-5. At that level, the supervisor provides broad administrative and policy direction through discussion of program goals, availability of financial and staff resources, and national, agency, and other general policies affecting the overall direction of the library program. The employee works under broad delegated authority for independently planning, scheduling, coordinating, carrying out, and monitoring the effectiveness of the operations of a library or library system. The analytical and technical decisions made form the basis for major library policy and operational decisions by top management. The employee makes extensive unreviewed technical judgments in the specialization, functional area, or in program management. The work is considered as technically authoritative, and recommendations are normally accepted without significant change. The work is reviewed primarily for fulfillment of program objectives, effect of advice and influence on the library program, mission-support effectiveness, or the contribution to the advancement of the profession. The supervisor usually evaluates recommendations for new projects or policies in terms of impact on the overall mission, broad library and information program goals, and/or national library and information priorities.

There are three basic components addressed under Factor 2 - supervisory controls, employee responsibility, and supervisory review. These components are interrelated, i.e., the supervisory controls and review exercised over the work are a function of the degree of responsibility that the employee is delegated. Under Level 2-5, the type of supervision described is predicated on the employee having some degree of delegated program management authority (i.e., "broad delegated authority"), either for a library or library system or for a major specialized or staff program. The employee would typically be responsible for such functions as planning, scheduling, and directing work and committing resources, and would be held accountable for the effective accomplishment of the program goals. Work of this nature would lend itself to the type of controls described at Level 2-5 ("broad administrative and policy direction"), and to the type of supervisory review described ("fulfillment of program objectives," "effect of advice and influence on the library program," "national library and information priorities.") Thus, independence of action and the absence of technical supervision are not in themselves sufficient for crediting of Level 2-5.

The appellants work with considerable technical independence, particularly on congressional information requests. However, the appellants do not have a degree of responsibility

commensurate with Level 2-5 in that they do not individually have “broad delegated authority” for the operations of a library or library system, or for the [country] Collection. This authority resides at the level of the Chief of the [geographic reference] Division. At Level 2-5, higher-level approval is confined to significant *management* rather than technical recommendations relating to policy and program matters. The appellants are considered experts within their subject-matter field but do not serve in a management capacity that would be susceptible to this type of “administrative and policy review.”

Level 2-4 is credited (450 points).

Factor 3, Guidelines

This factor covers the nature of the guidelines used and the judgment needed to apply them.

The guidelines used by the appellants match Level 3-4. At that level, guidelines are often inadequate in dealing with the more complex or unusual problems, for example, historical materials that are difficult to identify or locate. Policy and regulatory guidelines require considerable adaptation to local work situations. The employee exercises considerable personal judgment and discretion with broad latitude for interpreting and applying guidelines. This may include resolving important issues where guidelines are scarce or have limited applicability to specific projects, or identifying areas for improvement in established methods of reference searching, collection development, or cataloging.

The appellants must identify, locate, and access [specified] language materials which are often difficult to obtain, given that [country] is a closed society and certain materials are not freely published or disseminated. The appellants must rely upon their own knowledge of [language specific] sources and exercise considerable judgment in evaluating credibility in reference and research work and in recommending materials for acquisition.

The position does not meet Level 3-5. At that level, many of the controlling guidelines are broadly stated and nonspecific, such as agency-level policy issuances and regulations, Federal regulations and legislation, and major guiding principles of national and international library professional groups. These guidelines are very general and require extensive interpretation and augmentation. When more specific guidelines do exist, they contain little direct application to the fundamental decisions the librarian must make. The employee uses considerable independent judgment and discretion in determining the intent of broad guidance, and in interpreting and revising existing policy and program guidance for use by others. The employee is recognized as an authority in one or more major library functions or program management and as such, is instrumental in developing and interpreting guidelines for widespread use.

This level involves not only operating within an environment of very limited guidelines, but also serving in a policy-making or program management capacity in developing guidance for use by others. The appellants’ work is more closely associated with ongoing operational issues related to the [country] Collection. They are not responsible for formulating library policy or developing guidance in a major functional category.

Level 3-4 is credited (450 points).

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of the tasks or processes in the work performed, the difficulty in identifying what needs to be done, and the difficulty and originality involved in performing the work.

The complexity of the appellant's work is comparable to Level 4-5 (the highest level described in the standard under this factor). At that level, assignments consist of a broad range of library activities or require substantial depth of analysis, and typically require solving problems in information access and dissemination in particularly difficult and responsible circumstances. Decisions regarding what needs to be done are complicated by the novel or obscure nature of the problems (e.g., finding information required by scientists to solve problems with an astronomical research satellite). Decisions must be made in an environment of continual change, where information and information sources are rapidly expanding or much of the subject matter is in flux. One example of work at this level is providing research services for users which involve not only directing the user to information sources, but also locating and evaluating the information itself.

The appellants perform a wide range of activities associated with the [country] Collection, including collection development, reference and research, publication, and outreach. Information access is particularly difficult within the context of [country] government restrictions; information dissemination is particularly responsible given that the appellants provide direct responses to congressional requests, involving both locating sources of the requested information and evaluating whether the material adequately addresses the needs of the requestor.

Level 4-5 is credited (325 points).

Factor 5, Scope and effect

This factor covers the relationship between the nature of the work, and the effect of the work products or services both within and outside the organization.

The scope and effect of the appellants' work meet Level 5-5 (the highest level described in the standard under this factor). At that level, the purpose of the work is to analyze major issues in information access and dissemination; or to develop authoritative new approaches, methods, or standards to resolve critical or highly unusual information problems. The work affects the policies, standards, and principles used by librarians, the development of major aspects of library programs, or the efficiency of library services rendered to scholars, research scientists, military strategists, or other clientele within or outside the agency or major component.

The appellants must devise approaches to obtain [specified] language materials, sometimes through informal channels, relating to controversial political and social issues that have attracted interest at the highest levels of the Government. The work affects the reliability of information

provided to Members of Congress and may serve as input to the deliberations of congressional committees.

Level 5-5 is credited (325 points).

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

These factors include face-to-face and telephone contacts with persons not in the supervisory chain. The relationship between Factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

Personal contacts

The appellants' personal contacts match Level 3 (the highest level described in the standard under this factor). At that level, contacts are with individuals or groups from outside the employing agency in a moderately unstructured setting, such as nonroutine contacts with contractors, library personnel in other agencies, and representatives of professional associations. They may also include contacts with the head of the employing agency or with program officials several managerial levels higher when such contacts occur on a nonroutine basis.

This basically represents the appellants' regular and recurring contacts. They also have occasional contacts with congressional Members and staffers, but these contacts occur within highly structured contexts (e.g., providing interpretation services at meetings).

Purpose of contacts

The purpose of the appellants' contacts is consistent with Level c. At that level, the purpose of contacts is to motivate or influence clientele to fully utilize programs and services; to resolve problems concerning such issues as library policies; to achieve objectives where there are conflicting views; to persuade higher management to support and provide resources for new programs; or other contacts requiring persuasion or negotiation skills.

The appellants participate in public outreach activities to generate interest and/or donations, and advocate internally for additional acquisitions and other resources to augment the [country] Collection.

Level 3c is credited (180 points).

Factor 8, Physical demands

This factor covers the requirements and physical demands placed on the employee by the work situation.

The position matches Level 8-1, which covers work that is mostly sedentary.

Level 8-1 is credited (5 points).

Factor 9, Work environment

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

The position matches Level 9-1, which describes a typical office environment.

Level 9-1 is credited (5 points).

Summary

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-8	1550
Supervisory Controls	2-4	450
Guidelines	3-4	450
Complexity	4-5	325
Scope and Effect	5-5	325
Personal Contacts/ Purpose of Contacts	3c	180
Physical Demands	8-1	5
Work Environment	9-1	<u>5</u>
Total		3290

The total of 3290 points falls within the GS-13 range (3155-3600) on the grade conversion table provided in the standard.

Decision

The appealed position is properly classified as Librarian, GS-1410-13.