



United States
**Office of
Personnel Management**

Washington, DC 20415

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

Appellant: [appellant]

Agency classification: Loan Servicing Assistant
GS-1101-7

Organization: [installation name]
Office of Financial Assistance
Office of Capital Access
U.S. Small Business Administration
[city and state]

OPM decision: GS-1101-6
Title to be determined by agency

OPM decision number: C-1101-06-04

/s/ Kevin E. Mahoney

Kevin E. Mahoney
Deputy Associate Director
Center for Merit System Accountability
Human Capital Leadership
and Merit System Accountability

July 11, 2006

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).

Since this decision lowers the grade of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The applicable provisions of parts 351, 432, 536, and 752 of title 5, Code of Federal Regulations, must be followed in implementing the decision. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented. The servicing human resources office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant's name and address]

Chief, Personnel Services Division
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Introduction

The Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant] on January 13, 2006. The appellant's position is currently classified as Loan Servicing Assistant, GS-1101-7, but he believes it should be classified as Loan Specialist, GS-1165-12. The appellant is on a [appointment type], and is assigned to the [installation name], Office of Financial Assistance, Office of Capital Access, U.S. Small Business Administration (SBA), in [city and state]. We received the agency's administrative report on February 6, 2006, and the appellant's comments on that report on February 28, 2006. We have accepted and decided this appeal under 5 U.S.C. 5112.

Background

The appellant requested a classification review of his position from SBA's Personnel Services Division. They determined the position is appropriately classified at GS-1101-7, by application of the Grade Level Guide for Clerical and Assistance Work (Guide) and the Primary Standard. On July 14, 2005, the appellant filed a grievance through his bargaining unit requesting a promotion of his position based on an accretion of duties. The response from the Assistant Administrator for the Office of Financial Program Operations, dated August 26, 2005, said classification issues are not resolved through grievance procedures but concluded the appellant's position was appropriately classified at GS-1101-7, after discussion with the appellant's supervisor and team leader.

General issues

The appellant submitted a vacancy announcement for SBA Loan Specialist, GS-1165, positions at Herndon, Virginia, that were classified at higher grade levels. The appellant believes he is performing work similar to the duties described in the vacancy announcement. We agree there are surface similarities between the appellant's work and those duties and quality ranking factors described in the vacancy announcement. However, by law, we must classify positions solely by comparing their current 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 appellant's position to others, as described in a vacancy announcement, as the basis for deciding his appeal. If the appellant believes his position is classified inconsistently with other positions, then he may pursue this matter by writing to his headquarters human resources office. He should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to him the differences between his position and the others, or grade those positions in accordance with this appeal decision.

The appellant believes his position should be classified at a higher grade, in part, because he has a law degree. While qualifications are considered in classifying a position, these are the qualifications *required* to perform the duties of the position, not qualifications an appellant personally possesses. After carefully reviewing the duties and responsibilities currently performed, we concluded the appellant's position requires skill in reviewing financial documents and practical knowledge of accounting and finance related principles. A law degree is not required to perform this work; instead, experience working at, e.g., a financial institution would equip an individual with the knowledge and skills needed to successfully perform the work.

Therefore, we considered the appellant's personal qualifications only insofar as they are required to perform current duties and responsibilities.

Position information

The appellant is assigned to the [installation name], whose mission is to provide assistance to SBA lenders and borrowers located in the [number] states assigned to the [installation name]. The appellant's is one of four Loan Servicing Assistant positions assigned to support the *SBAExpress* program. The appellant's position is directly supervised by the Supervisory Loan Specialist, GS-1165-14.

The *SBAExpress* program began operating as a pilot program to streamline processes and leverage private sector resources by transferring additional authority to selected SBA lenders. The program provides access to financing for small businesses, handling loan requests up to \$350,000 and a maximum SBA guaranty of 50 percent. Lenders must first qualify to participate in the program, but, in return, approved lenders may use their own loan analyses, procedures, and documents when approving loans. The lender can approve and authorize *SBAExpress* loans directly, but they are obligated to notify SBA of any significant status changes to the loan.

The appellant's position typically gets involved when a borrower stops making payments and the loan goes into default. Once a lender notifies SBA that a borrower has defaulted on a *SBAExpress* loan, the appellant will downgrade the loan to liquidation status in the Delinquent Loan Collection Status system. The lender can then request SBA to purchase the loan after they have completed all liquidation or collection activities.

The appellant will forward, at the lender's request, a "purchase demand kit" detailing the documents needed for a request for a loan purchase. These include, but are not limited to, a formal written demand, wrap up report, detail of expenses and recovery, certified account transcript, loan authorization, and, if applicable, bankruptcy documents. Purchase requests are assigned to the loan servicing assistants for review. The appellant ensures that proper documentation is provided; reviews documents for discrepancies; and contacts lenders to clarify or request additional information. He estimates he contacts lenders in approximately 30 percent of assigned cases. He also checks documents to ensure collateral proceeds are applied appropriately to liquidation expenses, interest, and to the principal loan balance; determine if the lender has exhausted all liquidation activities and ascertain, if not, why not; identify possible grounds for an SBA purchase adjustment ("repair") or denial of liability; and decide if referral of borrowers and guarantors to the U.S. Department of the Treasury for liquidation is appropriate.

The appellant recommends either approving or denying the purchase request by completing SBA Form 327, "Modification or Administration Action" (327 action). The appellant recommends purchasing the loan guarantee if the documents submitted by the lender indicate compliance with the *SBAExpress* loan guarantee agreement, program guides, standard operating procedures, and other rules and regulations. 327 actions are forwarded to the legal department and/or the appellant's supervisor for concurrence.

The appellant estimates 90 percent of the purchase assignments fall under the *SBAExpress* program while the remaining 10 percent are for the *CommunityExpress* program. The latter is a similar program designed to increase lending to pre-designated groups including low and moderate income areas, women, minorities, and/or veterans. The *CommunityExpress* program, which carries a SBA guarantee of 85 percent, is similar to *SBAExpress* and follows similar policies and procedures. For *CommunityExpress* purchases, the appellant ensures additional documentation requirements, including those verifying market eligibility criteria and an initial management assessment, are met. Otherwise the steps for each program are similar.

The supervisor has certified to the accuracy of the appellant's position description (PD), [number]. The appellant said in his February 27 letter to OPM, that his PD fails to describe his work in updating a loan's status in various automated systems, answering customer inquiries, recommending actions for purchase requests, providing Spanish translations and interpretations, and having previously reviewed the work of a contractor. However, a duty in the PD specifically covers several of these responsibilities. It states:

Incumbent processes incoming requests for purchases from various *SBAExpress* lenders which include recoding the files to liquidation status, maintaining contact with the lenders to follow up on incoming purchase requests, and addressing basic issues surrounding outstanding purchase packages.

The PD also includes in the knowledge required for the position:

Skill in communicating, translating and writing correspondence from Spanish to English and from English to Spanish is required. Must be able to communicate loan requirements, understand borrower inquiries and answer questions in both Spanish and English and willing to provide those services for the office.

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. Major duties are normally those occupying a significant portion of the employee's time. They should be only those duties currently assigned, observable, identified with the position's purpose and organization, and expected to continue or recur on a regular basis over a period of time. Although the appellant's PD generally describes the major duties and responsibilities assigned, our review also found the PD includes minor duties not currently being performed. For example, an inaccurate duty describes preparing, composing, typing, and editing various reports for office activities involving research, information collection, and data compilation. The appellant said his PD also fails to describe his certification to purchase 7(a) loans, which is SBA's primary business loan program, and his having purchased a 7(a) loan guarantee in the past. According to the appellant's supervisor, 7(a) loan purchase requests are typically transferred to SBA's [installation name] in [city and state]; so he does not anticipate the appellant purchasing these types of loan guarantees in the future. Consequently, the 7(a) loan purchase work, in addition to the contractor review work, cannot be considered major duties warranting inclusion in the PD. As stated in 5 U.S.C. 5112, this work cannot be considered in the classification of the appellant's position as only current duties and responsibilities can be considered.

To help decide this appeal, we conducted telephone audits with the appellant on April 21, and May 15, 2006, an on-site audit with him on May 19, 2006, and a telephone interview with the immediate supervisor on April 25, 2006. A Loan Specialist, GS-1165-13, position is designated as team leader for the *SBAExpress* program's loan servicing assistants. The leader has recently returned to the [installation name] from a detail and is completing various projects, so he currently provides limited technical direction to the appellant's position. We conducted a telephone interview with the team leader on April 26, 2006, to discuss the *SBAExpress* program work and the type of direction he provides. In addition, on May 26, 2006, we conducted telephone interviews with three individuals with first-hand knowledge of aspects of the appellant's work. In deciding this appeal, we carefully considered the interviews and all other information of record furnished by the appellant and his agency, including the official PD.

Series and title determination

The appellant disagrees with his agency's assignment of his position to the GS-1101 series, which covers all classes of positions administering, supervising, or performing (1) any combination of work characteristic of two or more series in the GS-1100 Business and Industry Group where no one type of work is series controlling and where the combination is not specifically included in another series, or (2) other work properly classified in this group for which no other series has been provided. GS-1101 positions may perform either one- or two-grade interval work.

The GS-1100 Business and Industry Group includes all classes of positions that involve advising on, administering, supervising, or performing work requiring a knowledge of business and trade practices; characteristics and use of equipment, products, or property; or industrial production methods and processes. Work may include the conduct of investigations and studies; collection, analysis, and information dissemination; establishment and maintenance of contracts with industry and commerce; provision of advisory services; examination and appraisal of merchandise or property; and the administration of regulatory provisions and controls.

The appellant believes his work warrants classification to the GS-1165, Loan Specialist Series, which covers two-grade interval administrative positions requiring knowledge of (1) credit risk factors and lending principles involved in loans of specialized types granted, insured, or guaranteed by the Federal Government; (2) financial structures and practices of business organizations concerned with such loans; and (3) pertinent statutory, regulatory, and administrative provisions. The appellant performs duties similar to Loan Specialists in that he examines and recommends approving or disapproving requests for loan guarantee purchases. However, unlike Loan Specialists, the appellant does not develop and establish loan policies, regulations, and procedures; determine the propriety of carrying out various actions in the acquisition, liquidation, and sale of loans; and advise borrowers, lenders, and others concerned on financial and credit matters. The appellant's education and our discussions with individuals familiar with his work suggest the appellant possesses the qualifications necessary to perform specialist work, but the appealed position does not require applying the full scope of knowledge and skills typical of GS-1165 positions.

The appellant's work matches one-grade interval support work instead. Since some tasks are common to both administrative and support occupations, it is not always easy to distinguish

between assistants classified in one-grade interval administrative support occupations and specialists classified in two-grade interval administrative occupations. Guidance in distinguishing between administrative and support work is included in *The Classifier's Handbook*. Like the appellant's work, one-grade interval support work requires following established methods, procedures, and guidelines, and may require a high degree of technical skill, care, and precision. The appellant's work is primarily involved with one functional specialty in the lending situation; i.e., loan purchasing, and that too is limited to those involving the streamlined *SBAExpress* and *CommunityExpress* programs. This work can be performed based on a practical rather than theoretical knowledge of the purpose, operation, procedures, techniques, and guidelines of those specific program areas. The appellant's work is covered by program guides and operating procedures prescribing the steps to be taken on purchase requests, and he communicates these procedures to SBA participants and applies them when making recommendations. Most of the appellant's decisions can be resolved primarily by determining whether an action (e.g., are collateral proceeds appropriately applied) is in accordance with established guidelines. Similar to one-grade interval support work, the appellant's work is of a continuing, repetitive nature, and is performed on the basis of his acquiring a familiarity after several years of experience with the loan purchasing process.

Two-grade interval administrative positions are involved in work primarily requiring a high order of analytical ability. In contrast, the appellant's work does not involve making the sort of judgmental decisions characteristic of two-grade interval positions. The appellant exercises some judgment in reviewing purchase requests and in recommending actions, but the record shows he normally deals with recurring types of assignments. This is analogous to assistant work. The record does not indicate the appellant has been assigned the types of varied and progressively more difficult work typical of trainee loan analysts. Each of the loan programs is unique in terms of their eligibility criteria and documentation requirements, but the steps taken by the appellant for the various requests are essentially identical. His tasks and the problems dealt with are recurring and typically have clear precedents, where previous cases serve as a blueprint for subsequent cases.

The appellant's tenure in the position has resulted in his being an authority in this process; he provided guidance to a contractor performing loan servicing assistant work and advice to staff on various program processes. But, unlike two-grade interval positions, his duties do not require him to analyze or use evaluative methods or techniques. The [installation name]'s legal counsel established a 45-day deadline for completing purchase requests and set a goal of 50 loan guarantee purchases a month for each of the loan servicing assistants. The appellant, who averages the most purchases at approximately 64 a month, said it takes him about 15 minutes to review a purchase request and make a recommendation, barring any missing documents or conflicting information. This process- and production-oriented environment suggests the appellant's position was established to augment the work of the loan specialists and does not require the depth and breadth of two-grade interval analysis. Those specialists, being free from the important but time-consuming processing work, can devote more time to those duties requiring the application of broad knowledge, concepts, and principles to, e.g., conduct an in-depth review of financial statements, provide extensive financial counseling to SBA participants, and analyze the financial conditions of borrowers or guarantors.

The appellant performs loan purchasing support duties, which is the kind of work typically classified at the GS-1101. This series does not have published titles, so the agency may assign a title following the guidance in the *Introduction to the Position Classification Standards*.

Standard and grade determination

The GS-1101 series does not contain grade-level criteria. The *Introduction to the Position Classification Standards* directs if there are no specific grade-level criteria for the work, an appropriate general classification guide or criteria in a standard or standards for related work should be used. Standards used for cross comparison should cover work as similar as possible to the work being performed with regard to the kind of work processes, functions, or subject matter; qualifications required to do the work; the level of difficulty and responsibility; and the combination of classification factors that have the greatest influence on the grade level. We selected the Guide which provides general criteria for grading clerical and assistance work. We also considered using standards in the GS-1100 Business and Industry Group. There were no closely related standards for technical work in that Group since procurement and property disposal work processes and qualifications differ significantly from the appellant's work. We determined that the Job Family Position Classification Standard (JFS) for Assistance Work in the Legal and Kindred Group, GS-900, includes support work that involves examining legal instruments and supporting documents to determine whether a requested action complies with certain provisions of various laws and regulations. As these duties are comparable to the appellant's document review and processing functions, the knowledge required for that work is comparable to that required by the appellant's position and is appropriate to verify the grade level.

Evaluation using the Guide

The Guide provides general criteria to use in determining the grade level of nonsupervisory clerical and assistance work being performed in offices, shops, laboratories, hospitals, and other settings in Federal agencies. The Guide describes the general characteristics of each grade level from GS-1 through GS-7, and uses the two following criteria for grading purposes: *Nature of Assignment* (which includes knowledge required and complexity of the work) and *Level of Responsibility* (which includes supervisory controls, guidelines, and contacts).

Nature of Assignment

At the GS-6 level, technical or assistance work typically requires considerable evaluative judgment within well-defined, commonly occurring aspects of an administrative program or function. The work may involve responsibility for a stream of products or continuing processes based on direct application of established policies, practices, and criteria. Assignments involve a relatively narrow range of case situations occurring in a broad administrative program or function. Work typically involves identifying issues, problems, or conditions and seeking alternative solutions based on evaluation of the intent of applicable rules, regulations, and procedures. Assignments requiring evaluative judgment are narrowly focused, address a single product or action, and are relatively clear cut. The employee usually deals with problems or situations that remain stable and resemble past problems or situations. Assignments often involve problems or situations where there is not one absolutely correct solution, only a best or most appropriate one. It requires practical knowledge of guidelines and precedent case actions

relating to a particular program area equal to that acquired through considerable work experience or specialized training. The work also requires skill to recognize the dimensions of a problem and express ideas in writing.

At the GS-7 level, work consists of specialized duties with continuing responsibilities for projects, questions, or problems arising within an area of a program of functional specialty. Assignments consist of a series of related actions or decisions prior to final completion, and the decisions or recommendations are based on the development and evaluation of information from various sources. The work involves identifying and studying factors or conditions and determining their interrelationships as appropriate to the defined area of work. The work requires knowledge and skill to recognize the dimensions of the problems involved, collect the necessary information, establish the facts, and take or recommend action based upon application or interpretation of established guidelines. It requires practical knowledge, learned through on-the-job training and experience, to deal with the operations, regulations, principles, and peculiarities of the assigned program, function, or activity.

The appellant's duties are similar to the GS-6 level. As at this level, the appellant's position is responsible for processing purchase requests based on the direct application of program guides, standard operating procedures, and SBA's rules and regulations. This involves varied but related actions including updating loan statuses on SBA's automated systems, reviewing documents, contacting lenders and borrowers for missing or incomplete information, proposing recommendations, and charging off loans after purchases are completed. The work, entailing more than ensuring the documents are accounted for and completed appropriately, also requires the appellant to make limited connections among the forms provided. For example, the appellant reviews documents and determines when further action is needed; i.e., he refers to standard operating procedures to recommend a "repair" if the borrower's invoices indicate expenditures less than the loan amount distributed and calculates how much SBA's guarantee obligation will be reduced. While circumstances vary by purchase requests, the appellant resolves case-oriented problems or issues that are relatively stable and usually resemble past problems or situations.

Characteristic of GS-6 work, the appellant applies considerable knowledge of loan purchasing policies and processes to review the adequacy of a lender's summary on liquidation and collection activities. If deficiencies are identified, the appellant will contact the lender to determine the reasons why the borrowers and/or guarantors are not being pursued further for repayment. He will note on the 327 action if the individuals should be referred to the U.S. Department of the Treasury's Financial Management Service, which administers the Treasury Offset Program, to collect delinquent debts owed to Federal agencies. In addition, three major lenders in [location] participate in the *SBAExpress* program, so the appellant is occasionally responsible for dealing with guarantee purchase requests written primarily in Spanish and conversing with lenders and borrowers in Spanish. The work complexity and knowledge required to process purchase requests in either Spanish or English are identical. Therefore, these duties are evaluated at the GS-6 level for the previously discussed reasons. As he is the only employee fluent in Spanish, the appellant handles all written and verbal inquiries received by the [installation name] in Spanish. The appellant said the contacts are usually from borrowers notifying SBA of their intent to make a payment, and he will record the information in the appropriate SBA automated system and/or convey information to the appropriate [installation name] staff. The nature of the inquiry duties falls short of that described at the GS-6 level, as the

appellant's role in handling inquiries is more straightforward, and he is not required to identify issues or problems and seek solutions based on established guidelines.

The appellant's position does not meet the GS-7 level where assistants have continuing project responsibilities involving increasingly difficult transactions and broader program aspects. Unlike GS-7 assistants, the appellant's assignments are more repetitive where the same processes and procedures are applied to the problems or situations handled. The agency streamlined its functions so all *SBAExpress* loans are initially input by SBA's [an installation name] and directed to the appellant's organization only if the loan is in default. As his duties involve mainly loan purchasing, the appellant's position is not required to perform the wide range of technical work requiring a comprehensive knowledge of complex subjects as expected at the GS-7 level. The appellant determines whether to process purchase requests under expedited procedures prior to lenders completing collection activities. SBA's operating procedures describe the criteria required to approve expediting purchase requests, where requests can generally be accelerated if liquidation is expected to be protracted or if the remaining loan balance is under \$50,000. This and other decisions common to the appellant's work do not require the appellant to develop or evaluate information from various sources to make decisions. Instead, the appellant regularly confronts problems that are frequently recurring and, therefore, resemble past problems or situations. Different from the GS-7 level, the problems handled by the appellant are not likely to escalate to the point of requiring him to apply a comprehensive knowledge of rules, regulations, and guidelines. The *SBAExpress* program allows lenders to use their own loan documents, so the documents reviewed by the appellant, excluding required SBA-issued forms, may be formatted differently. However, all of the documents originate from a single source; i.e., the lender. While the format of documents may vary among lenders, the same basic information must be included. Unlike GS-7 assistants, the appellant's work is not complicated by having to develop and evaluate information from various sources nor does it require resolving those consistency and adequacy issues oftentimes confronted when information is received from multiple sources.

This factor is evaluated at the GS-6 level.

Level of Responsibility

At the GS-6 level, the supervisor assists with precedent assignments by providing an interpretation of policy or the concepts and theories of the work. Completed work is evaluated for appropriateness and effectiveness in meeting goals. Assistants work under a framework of numerous and varied guidelines, but these are often not completely applicable to the assignment or have gaps in specificity. Employees at this level use judgment in interpreting and adapting guidelines and base their decisions and recommendations on facts and conventional interpretation of guidelines rather than on theory or opinion. Contacts with others are to provide, receive, or develop information in order to identify problems, needs, or issues, and/or to coordinate work efforts or resolve problems.

At the GS-7 level, the supervisor makes assignments by defining objectives, priorities, and deadlines. Employees work independently, using a general understanding of the expected outcomes and the scope of the assignments, and draw upon experience in resolving the more difficult situations that arise. Completed work is evaluated for appropriateness and conformance to policy. Guides, such as regulations, policy statements, and precedent cases, tend to be general

and descriptive of intent, and they do not specifically cover all aspects of the assignments. Guidelines apply less to specific actions and more to the operational characteristics and procedural requirements of the program or function. Even though personal contacts for GS-7 employees are often the same as those for GS-6 employees, the GS-7 employees serve as a central point of contact to provide authoritative explanations of requirements, regulations, and procedures and to resolve operational problems or disagreements affecting assigned areas.

The appellant's position meets the GS-6 level in that he works independently within defined parameters to resolve loan purchasing issues, including contacting lenders to discuss documentation requirements and explain *SBAExpress* processes and procedures. As at the GS-6 level, the appellant works under varied and multiple guidelines such as program guides, standard operating procedures, and SBA's rules and regulations. The appellant refers questions on policy to the supervisor and on legal issues to the legal counsel. Like GS-6 assistants, the appellant exercises considerable judgment and initiative in interpreting guidelines, in determining the steps to be taken, and modifying individual work activities to most efficiently accomplish the work. The appellant said one of the most complicated parts of his job is prioritizing the work since the number of purchase requests received by the [installation name] has increased significantly. The [installation name] processed more than 1,500 purchase requests in fiscal year 2005, of which the appellant was the biggest producer. Similar to GS-6 assistants, the appellant proposes a 327 action based on the evaluation of the case documents' compliance with traditional interpretations of established guidelines. The appellant's proposals are grounded in facts rather than on theory. As at the GS-6 level, the appellant contacts lenders and borrowers to provide, receive, or develop information in order to identify problems, needs, or issues; coordinate work efforts; or resolve problems.

The appellant's position approaches the GS-7 level, as this level describes employees working independently and using a general understanding of the expected outcomes and assignment scope. Like the GS-7 level, the [installation name]'s Financial Analyst distributes work to the appellant with the only direction being the objectives, priorities, and deadlines set by the supervisor or legal counsel. The appellant's work methods are typically not reviewed, but legal counsel tracks the assistants' work through a weekly report on the number of completed purchase requests. The appellant's position may, on the surface, appear to meet the GS-7 criteria. However, OPM guidelines indicate that for a position's level of responsibility to meet GS-7 criteria, the individual's responsibilities should be exercised within the context of GS-7 assignments. As previously discussed, the appellant's assignments are best evaluated at the GS-6 level.

In addition, unlike the GS-7 level, the appellant's work is covered by extensive guidelines including program guides, standard operating procedures, instructions, and regulations which apply to most work situations. The appellant can also refer to precedent cases to handle regular and recurring situations. New and unusual situations are rare as the *SBAExpress* program is static and program guides have remained mostly unchanged since its 2002 implementation date. Unlike GS-7 assistants, the appellant is not a point of contact to provide authoritative explanations of requirements, regulations, and procedures and to resolve operational problems or disagreements affecting assigned areas. The appellant answers the majority of questions asked by lenders, but ultimate responsibility for giving authoritative explanations on requirements and regulations in sensitive areas lie with the supervisor or legal counsel. Lenders disagreeing with SBA's decision to deny their purchase requests are referred directly to the supervisor or attorney.

This factor is evaluated at the GS-6 level.

Summary

By comparison with the Guide, both factors are credited at the GS-6 levels.

Evaluation using the GS-900 JFS

This standard is written in the Factor Evaluation System format using nine factors. Each factor is evaluated separately and is assigned a point value consistent with factor-level definitions described in the standard. The total number of points for all nine factors is converted to a grade by using the standard's grade conversion table. Under this system, each factor-level description describes the minimum characteristics needed to receive credit for the described level. If a position fails to meet the criteria in a factor-level description in any significant aspect, it must be credited at the next lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited the higher level.

Factor 1, Knowledge Required by the Position

This factor measures the nature and extent of information or facts that the employee must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, regulations, and principles) and the nature and extent of the skills needed to apply that knowledge.

As at Level 1-4, the appellant's position requires extensive knowledge of, and skill in applying an extensive body of rules and procedures related to loan purchasing work. The appellant's position also processes purchase requests from the secondary market, which involves lenders selling their guaranteed portion of SBA-guaranteed loans to investors. The appellant recently briefed the loan servicing assistants, team leader, supervisor, and attorney on handling requests from the secondary market. These purchases require the appellant to request a transcript from Colson Services, which is SBA's agent responsible for monitoring and handling the paperwork for all guaranteed portions sold on the secondary market. Other than obtaining the transcript, requests from the secondary market involve the same process and procedures as other requests. Similar to Level 1-4, the appellant uses an extensive knowledge of loan purchasing work, including *SBAExpress*, *CommunityExpress*, and secondary market request procedures, to examine documents where the information and facts are straightforward and readily verifiable; need little development; require limited searches of reference, file, or historical material; and entail comparisons with explicit criteria. To calculate SBA's monetary obligation, which includes the program's maximum guarantee percentage and a portion of the interest accrued at the time of default, the appellant, as expected at Level 1-4, conducts a fairly limited search on HSH Associates' Web site to determine the appropriate prime rate interest.

At Level 1-5 of the JFS, in addition to those identified at the lower levels, positions require the knowledge and skills to apply comprehensive legal regulations, techniques, and procedures that are not readily understood. At this level, knowledge and skills must be sufficient to perform assistance work requiring extensive searches of records, reference, or historical material and comparisons with complex, voluminous, or broadly written criteria; use specialized, complicated techniques to complete assignments, such as comparing options or identifying conflicts; develop,

examine, adjust, reconsider, or authorize settlements; and assist higher graded employees to plan strategies. In contrast, the appellant's position follows specific criteria for the various standard procedures executed in reviewing purchase documents. Unlike Level 1-5, the appellant's work does not require an in-depth or broad knowledge of regulations, practices, procedures, and policies related to purchasing work. Instead, he is required to have a working knowledge to determine whether a purchase request complies with the loan guarantee agreement, program guides, standard operating procedures, and other rules and regulations; but this knowledge is associated with a more limited area than that described at Level 1-5 where subjects differ and require application of multiple or unrelated bodies of rules, regulations, laws, etc.

Level 1-4 is credited for 550 points.

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor. Employee responsibilities, as well as the review of completed work, are included. Employee responsibility depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review.

The appellant's position meets but does not exceed Level 2-3, which is the highest level described in the JFS. At this level, the supervisor makes assignments by outlining or discussing issues and defining objectives, priorities, and deadlines. The supervisor provides advice or additional specific instructions on new or unusual situations that do not have clear precedents. The employee independently plans the work; resolves problems; carries out successive steps of assignments; follows instructions, policies, previous training, or accepted practices; makes adjustments using legal practices and procedures; handles problems that arise in accordance with instructions, policies, and guidelines; and refers controversial issues to the supervisor for direction. The supervisor reviews completed work for technical soundness, appropriateness, and conformity to policy and requirements. Similar to Level 2-3, the appellant's work is assigned to him with standing instructions on objectives, deadlines, and goals with the supervisor or legal counsel providing guidance on legal or policy issues. *SBAExpress* loan purchasing work is controlled by agency-prescribed time constraints, but the appellant can plan and prioritize his work within these parameters. The agency has not designated any authority to the appellant to commit the [installation name] to a course of action; instead, his 327 actions are accepted or rejected by the legal counsel or the supervisor. However, comparable to Level 2-3, the supervisor said the appellant's work methods are seldom reviewed and his recommendations are typically accepted.

Level 2-3 is credited for 275 points.

Factor 3, Guidelines

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

As at Level 3-2, the appellant's position requires interpreting straightforward and well-established *SBAExpress* and *CommunityExpress* program guides, standard operating procedures,

and other SBA instructions. He must decide which guidelines or precedents are most pertinent and use some judgment and initiative in situations not completely covered by guidance for limited problems. Like Level 3-2, the appellant refers situations requiring significant judgment to the supervisor or legal counsel for resolution.

At Level 3-3, employees use guidelines with gaps in specificity and are not applicable to all work situations. Employees may have to rely on experienced judgment, rather than guides, to fill in gaps, identify information sources, and make working assumptions. The appellant's position does not regularly incur problems or situations where he must rely on analysis and judgment rather than specific guides and precedents to identify sources of information or make similar judgments. The appellant does not routinely have to search to find and interpret complex guidelines in order to determine if they are appropriate to a specific case. Unlike Level 3-3, his work is covered by loan purchasing guides and procedures and is supplemented by checklists covering documentation requirements. Therefore, the appellant's work does not routinely require interpreting guidelines, adapting procedures, or deciding on approaches to the extent found at Level 3-3.

Level 3-2 is credited for 125 points.

Factor 4, Complexity

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

The appellant's position meets Level 4-2, where the work consists of related steps, processes and standard explanations of methods or programs in the function. Similarly, the appellant's work involves related steps and processes where the steps to be followed are routine and laid out in SBA program guides and standard operating procedures. As discussed at this level of the JFS, employees process documents received; answer questions about applications; obtain missing or incomplete information as needed; compare information; and evaluate sources of information, legal requirements of documentation, etc. Employees use different procedures for evaluating sources of information and to determine whether furnished documentation and information is adequate, however, choices are limited. Like Level 4-2, the appellant's position requires checking purchase request forms for completeness, accuracy, appropriateness, and consistency of information. He extracts, compiles, and briefly summarizes information into the 327 actions forwarded to the supervisor or legal counsel for concurrence.

At Level 4-3, which is the highest level described in the JFS, work consists of different and unrelated processes, methods, and sequences of tasks. Employees analyze facts and identify issues; define the problem; determine courses of actions from many alternatives; search, isolate, and determine interrelationship among available information; assess a variety of situations that depend on the particulars of the case and/or submitting party; select appropriate sources and apply them to the problem at hand; evaluate records in relation to legal requirement; and develop recommendations for problem resolution. In contrast, the appellant's work does not involve applying different and unrelated processes, methods, and sequences of tasks. The appellant handles purchase requests for the *SBAExpress* and *CommunityExpress* programs, but the programs require following common procedures spelled out in similar program guides and

operating procedures governing most of his work. They do not require or permit him to determine courses of action from many alternatives as expected at Level 4-3. Level 4-2 is credited for 75 points.

Factor 5, Scope and Effect

This factor covers the relationships between the nature of work (i.e., the purpose, breadth, and depth of the assignment) and the effect of work products or services both within and outside the organization. Effect measures such things as whether the work output facilitates the work of others, provides timely services of a personal nature, or impacts the adequacy of research conclusions.

The appellant's position meets but does not exceed Level 5-3, which is the highest level described in the JFS. At this level, the purpose of the work is to advise and assist individuals requesting benefits or services with a variety of problems, questions, or situations in conformance with established criteria. Work affects the accurate and timely attainment of legal documents, rights, or privileges; the accurate and timely resolution of claims; and the economic well-being of individuals requesting benefits, claims, or services. Equivalent to Level 5-3, the appellant applies conventional practices to treat a variety of problems, questions, or situations while working on loan guarantee purchase requests. Examples include dealing with inadequate documents; determining adequacy of liquidation activities; calculating the appropriate amount of SBA's obligation; resolving collateral issues; and determining if obligors should be referred to the U.S. Department of the Treasury for liquidation. Several issues may be involved in one case to increase the assignment's breadth, but, in most instances, the methods and procedures are well-established and conventional. Similar to Level 5-3, the appellant's work has a direct effect on the timely and efficient workflow of the [installation name]'s SBAExpress program responsibilities, the quality and accuracy of services to lenders and borrowers, and the economic well-being of SBA participants. His work also affects the agency's relationship with lenders and the likelihood of their doing business with SBA in the future.

Level 5-3 is credited for 150 points.

Factors 6 and 7, Personal Contacts and Purpose of Contacts

Personal contacts include face-to-face and telephone contacts with persons not in the supervisory chain. Levels described under this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place. These factors are interdependent. The same contacts selected for crediting Factor 6 must be used to evaluate Factor 7. The appropriate level for personal contacts and the corresponding level for purpose of contacts are determined by applying the point assignment chart for Factors 6 and 7.

Personal Contacts

As at Level 2, which is the highest level described in the JFS, the appellant's regular and recurring contacts are with individuals outside the [installation name] organization including lenders and their representatives or borrowers. These contacts occur on a regular basis and take

place in a moderately structured setting where the role and authority of each side does not have to be established each time. The appellant's personal contacts meet but do not exceed Level 2.

Purpose of Contacts

As at Level b, which is the highest level described in the JFS, the purpose of the appellant's regular and recurring contacts ranges from exchanging factual information to resolving problems relating to missing, incomplete, or inconsistent documents. The appellant responds to questions from lenders and borrowers on program processes, procedures, and requirements. Like Level b, the appellant communicates with lenders to discuss information missing in the purchase requests and is required for approval. Similar to Level b, some contacts with lenders require tact when discussing questions on collection activities or the lack thereof, distribution of liquidated collateral, inconsistent information, etc. However, these contacts generally involve individuals with helpful attitudes as both sides are working towards the mutual goal of purchasing loan guarantees. The purpose of the appellant's contacts meets but does not exceed Level b.

Level 2b is credited for 75 points.

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities, as well as the extent of physical exertion involved in the work.

As at Level 8-1, which is the only level described in the JFS, the appellant's work is sedentary and free of special physical demands. The appellant may carry light items such as purchase files and manuals, but the work does not require any unusual physical effort. Level 8-1 is credited for 5 points.

Factor 9, Work Environment

This factor considers the risks and discomforts in the employee's physical surroundings. Additionally, any safety regulations related to the work assigned are considered.

As at Level 9-1, which is the only level described in the JFS, the appellant's work environment consists of an office setting and involves everyday risks or discomforts requiring normal safety precautions typical of an office setting. Level 9-1 is credited for 5 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-4	550
2. Supervisory Controls	2-3	275
3. Guidelines	3-2	125
4. Complexity	4-2	75
5. Scope and Effect	5-3	150
6. & 7. Personal Contacts and Purpose of Contacts	2-b	75
8. Physical Demands	8-1	5
9. Work Environment	9-1	<u>5</u>
<i>Total</i>		1,260

A total of 1,260 points falls within the GS-6 range (1,105 to 1,350) on the grade conversion table in the JFS.

Decision

By comparison with both the Guide and the JFS for the GS-900 Group, the position is properly classified as GS-1101-6. The title is at the agency's discretion.