

**U.S. Office of Personnel Management
Classification Appeal Decision
Under section 5112 of title 5, United States Code**

Appellant: [appellant's name]

Agency classification: Plans, Analysis and Integration Officer
GS-301-13

Organization: [activity]
[office]
[command]
Department of the Army
[installation]

OPM decision: GS-301-12
Title to be determined by agency

OPM decision number: C-0301-12-10

/s/ Judith A. Davis for

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

7/2/2012

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate which 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 (Introduction)*, 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 this 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 revised position description (PD) 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 to the U. S. Office of Personnel Management (OPM) office which accepted this appeal.

Decision sent to:

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Introduction

On February 28, 2012, OPM's Dallas Oversight office accepted a classification appeal from [appellant's name]. The appellant's position is currently classified as Plans, Analysis and Integration Officer, GS-301-13, but he believes it should be classified as Executive Officer, GS-301-14. The position is located in the [activity] (hereafter referred to as "Team"); [office]; [command]; Department of the Army; at [installation]. We received the agency's administrative report (AAR) on March 27, 2012, and the appellant's comments on the report on March 29, 2012. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background and general issues

As a contractor, the appellant performed plans analyst work for [command] prior to accepting a term appointment with the organization as a GS-301-13 Plans Analyst in July 2009. The appellant subsequently accepted his current position with the Team, which was created in September 2010 as a special staff directorate. His immediate supervisor within the newly formed organization, the Chief [activity name] (GS-301-15), drafted a position description (PD) prior to the position being filled. The servicing Civilian Personnel Advisory Center (CPAC) initially reviewed and evaluated the PD at the GS-14 grade level. However, higher-level management requested the rewriting of the PD to support the GS-13 grade level. The PD was rewritten and classified at the GS-13 grade level. The appellant was subsequently selected for and assigned to the position, PD number [number].

In his comments on the AAR, the appellant describes the redrafting of the PD as a "capricious act of downgrading the language of my PD." Our review evaluates a real operating job, not just the PD. OPM decides an appeal based on the actual duties and responsibilities assigned by management and performed by the employee. Therefore, we have evaluated the work actually assigned to and performed by the appellant in determining the appropriate classification of his position.

The appellant states he "found" his PD on the Army's automated classification system which credited Factor 3 (Guidelines) of the position at Level 3-5. His appeal request pointed out that if the agency assigned Level 3-5, the combined total of 3,690 points would fall within the GS-14 range. The CPAC said the PD's identification of Level 3-5, instead of Level 3-4, was an administrative error. In adjudicating this appeal, our responsibility is to make an independent decision on the proper classification of the appellant's position. Since our decision sets aside all previous agency decisions, neither comment is germane to the classification appeal process.

The appellant and supervisor agree his work requires regular and recurring communication with high-level military officers and other top officials, and the position as currently classified does not provide him with the status to deal and coordinate effectively with such individuals. While the perceived organizational status of a position may be viewed as an important consideration in carrying out duties and responsibilities in a military organization, the "rank in the person" concept is not germane to the position classification process. By law, we must classify the appellant's position solely by comparing his current duties and responsibilities to OPM position

classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, in classifying civilian positions under the General Schedule classification system, comparison to military rank is not a valid classification consideration. A pay grade cannot be added solely to raise a position to equate the “status” of other positions.

The appellant also believes he performs work similar to positions of higher status or classified to higher grades of military officers and GS-301-14 Operations and Planning Officer positions with the Federal Emergency Management Agency (FEMA). As discussed previously, since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant’s position to other positions, which may or may not be classified correctly, as a basis for deciding his appeal.

The appellant said he serves as the Chief of the Team in his supervisor’s absence. However, duties performed in another employee’s absence cannot be considered in determining the grade of a position (*The Classifier’s Handbook*, chapter 5).

Position information

The mission of [command] is to conduct homeland defense, civil support operation, and theater security cooperation activities for the United States, Canada, and Mexico. [Command’s] 10 Defense Coordinating Elements (DCE) are typically co-located and work daily with FEMA regional offices to plan and conduct civil support operations. Each DCE is led by a Defense Coordinating Officer (DCO), typically an active duty O-6 colonel, and a Deputy DCO, typically an O-5 lieutenant colonel. The DCE staff coordinates all Department of Defense (DoD) support when requested of Federal agencies responding to various emergency situations. DCEs conduct daily strategic engagements with FEMA and other Federal agencies along with State and local, homeland security, and emergency management officials. During disasters, the DCE is the primary interface for DoD with other Federal agencies and State officials.

The DCO serves as the single point of contact when DoD assistance is requested in disaster areas. The circumstances under which the DCO is authorized to act and deploy DCE staff, in the absence of an order by the Secretary of Defense, is defined in 18 U.S.C. § 1385, 32 CFR 185, and other implementing guidance. DoD Directive 3025.18 provides Federal military commanders, heads of DoD components, and/or responsible civilian DoD officials with immediate response authority only under imminently serious conditions and only if time does not permit approval by a higher authority. DCOs ordinarily act only in response to requests for assistance in support of approved orders of the Secretary of Defense.

On September 13, 2010, the [command] Commanding General established a DCO/DCE support cell (i.e., the appellant’s Team) to perform administrative and logistics functions, as well as manage the training and certification program for the 10 DCO/DCEs. Delegating administrative functions to the Team removed the guidance, support, and coordination responsibilities previously performed by the [command] Chief of Staff. The Team’s overall functions are as follows: (1) synchronize and support DCO activities and issues, excluding operational, readiness, and real world response situations managed by [command] G3; (2) execute and perform duties of the Army Emergency Preparedness Liaison Officer (EPLO) Program Manager;

(3) plan, manage, and execute a training and certification program for DCO/DCE staff; (4) serve as a deployable “reserve” DCE; and (5) plan and conduct [command’s] strategic communications plans for the DCEs. The Team, although sharing similarities in structure and function, are different from DCEs; e.g., in leadership as DCEs are led by active duty military officers whereas the Team is managed by the GS-15 Chief; size as the Team’s approximately 10-person staff is smaller than most DCEs; and focus as the Team’s expertise is related to training, support, and administrative matters whereas the expertise of DCE staff is operational.

The appellant agrees with the major duties and work percentages identified in the PD. However, he said percentages fluctuate due to the irregular and unpredictable nature of the duties (e.g., training-related duties in the past year occupied more time than allotted by the PD). The PD shows he spends 40 percent of his time on work related to planning, programming, and reviewing guides and policies to support the efficient and effective operation of the Team and DCEs. This work entails developing and implementing local administrative policies and actions; monitoring the budget of the Team and DCEs for travel and Government purchase cards; serving as the travel system authorization and approval authority for Deputy DCOs and other staff, when necessary; providing technical assistance on travel vouchers and Government purchase cards to DCE administrative personnel; commenting and distributing guidance on administrative procedures from [command] (e.g., how to access the technical help desk); and representing the Team at various forums, working groups, and internal and external meetings.

The appellant spends 25 percent of his time on observer-controller functions for the Team’s certification and training exercises involving DCO and DCE staff. Each region completes individual, internal team, and collective training. The Team provides [command’s] collective training including certification (CERTEX) and sustainment (EXEVAL) exercises, which are designed to ensure the DCO and DCE staffs are capable of providing defense support to civilian agencies and homeland defense missions. The Team is responsible for providing the initial CERTEX exercise applicable to DCOs only, as well as EXEVALs every 18 to 24 months to assess the collective readiness of a DCO and DCE based on personnel, equipment, and training indicators. Exercises involve a series of briefings and practice drills to ensure the DCO and DCE can accomplish, for example, the following: establish communications and coordinate with [command] Emergency Operations Center, National Guard, FEMA, and other agencies; execute operational control of DoD forces assigned to support the mission; execute action team rotations; conduct briefings; and prepare and submit situation reports. Conditions vary by exercise and may involve a man-made or natural disaster or an emergency situation occurring within the assigned State or territory.

Contractors develop the curriculum and exercises for the training completed by the Team. The appellant’s observer-controller work entails implementing training scenarios developed by contractors in his subject matter area (i.e., planning); observing DCO/DCE personnel during mock scenarios with a focus on the planning process while other Team employees observe and report on other subject matter areas; providing feedback to exercise participants; observing and collecting geographic, logistics, and manpower related data during the training scenario to inform the scenario development process; and participating in or creating battle drills, which are specific conditions intended to prompt specific responses from the training audience. He shares

observations, recommendations, and “lessons learned” feedback with his supervisor, who communicates findings to the DCO who also serves as the region’s senior training official.

The appellant spends 15 percent of his time preparing for and, when necessary, deploying as a reserve DCE. Each DCE identifies another region as primary backup and the Team as secondary backup. The appellant and supervisor agree a Team deployment is rare; since its 2010 establishment, the Team has never been deployed although it readied for but was not actually called for deployment last year. The appellant’s work involves planning for and assembling geographical-, resources-, and logistics-related information for the various regions to be used during deployment and/or training exercises.

The appellant states he spends the remaining 20 percent of his time supervising one GS-9 Administrative Officer position and on related functions. If and when deployed, the appellant may perform supervisory related duties for other employees such as approving time and attendance records, authorizing leave in the absence of the official supervisor, etc.

The appellant’s PD and other material of record furnish much more information about his duties and responsibilities, and how they are performed. The appellant’s immediate supervisor certified to the accuracy of the duties described in the official PD. In his February 15 appeal request to OPM, the appellant states:

Tab A contains the current PD with my signed statement that it does not accurately describe my actual duties and responsibilities. Tab B contains, what I believe is an accurate description of my duties, level of responsibility and title. The specific inaccuracies consist of the title and Factor 3 Guidelines...

In comparing the major duties in the official PD with those identified in the PD considered accurate by the appellant, we find the major duties are essentially identical. Therefore, we conclude the appellant agrees with the accuracy of the major duties described in his official PD. The PD is adequate for classification purposes and we incorporate it by reference into this decision.

To help decide this appeal, we conducted telephone audits with the appellant on April 10, 12, and 18, 2012; and telephone interviews with the immediate supervisor on April 5 and 13, 2012. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and his agency.

Series, title, and standards determination

The agency determined the appellant’s duties and responsibilities are consistent with the GS-301 Miscellaneous Administration and Program Series and the appellant does not disagree. Based on careful review, we agree. The appellant believes the position should be titled Executive Officer. However, OPM has not prescribed titles for positions in this series. The agency may construct a title by following the guidance in the *Introduction*.

The GS-301 series does not contain grade-level criteria. As directed by the *Introduction*, an appropriate general classification guide or criteria in a PCS for related work should be used if there are no specific grade-level criteria. 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.

The agency applied the grading criteria in the Administrative Analysis Grade Evaluation Guide (Guide), which provides criteria for nonsupervisory staff administrative analytical, planning, and evaluative work at grades GS-9 and above. After careful review of the record, we concur with the agency's application of the Guide. We also referred to the grading criteria in the Job Family Position Classification Standard (JFS) for Administrative Work in the Human Resources Group, GS-200, for cross-series confirmation of the level credited for Factor 1. The GS-200 JFS covers human resource (HR) development work involving planning, administering, or evaluating programs designed to develop employees and manage learning in the organization. As these duties are sufficiently similar to the appellant's work related to his CERTEX and EXEVAL tasks, the knowledge required of HR development positions is comparable to that required of the appellant's and is appropriate to substantiate the level assigned to Factor 1.

The appellant said he performs the duties and responsibilities associated with a deputy chief, and the supervisor also considers the appellant's as the deputy position. Although he does not explain how this work supports his assertions, implicit in the appellant's rationale is that his position is properly classified to the GS-14 grade level based on the principle of classifying a deputy position one grade level below the supervisor's position.

The General Schedule Supervisory Guide (GSSG) defines "deputy" as follows:

A position that serves as an alter ego to a manager of high rank or level and either fully shares with the manager the direction of all phases of the organization's program or is assigned continuing responsibility for managing a major part of the manager's program when the total authority for the organization is equally divided between the manager and the deputy. A deputy's opinion or direction is treated as if given by the chief.

The "deputy" concept used in the GSSG is intended to cover a limited number of positions that fit one of two very specific situations. One situation, clearly unlike the appellant's, describes a division in the organizational arrangement where the chief and the deputy have responsibility for managing an equal or nearly equal portion of the total organization. The other situation is the traditional organizational arrangement where a position is designated as a full assistant to the organization head and shares in the management of the entire organization. This "alter ego" arrangement requires the deputy be authorized to make management decisions affecting the organization without prior clearance by the chief.

In addition to the appellant's and supervisor's positions, the Team includes an active duty O-4 major, GS-9 Administrative Officer, GS-13 EPLO Program Manager, GS-13 Operations and Exercise Officer, and 3 GS-13 subject matter experts in the aviation; medical; and chemical,

biological, radiological, nuclear, and explosive areas. The administrative officer position reports directly to the appellant, but all other positions report directly to the Chief. The appellant assumes some of the supervisor's duties in his absence. The record shows the appellant, even during these periods where he could reasonably be expected to exercise the maximum extent of decision-making authority, does not assume the full range of management duties as described in the GSSG. For example, the appellant represents the Chief at various meetings, forums, and working groups. However, the Chief confirms the appellant is not authorized to make decisions but is expected to report to him on issues of significant interest. The appellant is authorized to sign a 90-day interim performance appraisal and initiate time off or spot awards for Team employees, but he is not authorized to sign performance appraisals, initiate disciplinary actions, or approve larger awards. The supervisor reports the appellant has no involvement in the EPLO program, a component of the Team which remains under the control of the Chief. The organizational chart also shows the second-in-command position is occupied by the active duty O-4 officer position. Thus, we conclude the Chief retains full authority for managing the total organization. We understand the Team provides support to the 10 DCOs and DCEs, but those organizations are under the management and control of the DCO. Management decisions are driven by factors such as workforce size, organizational structure, mission, etc. The Team with six civilian employees, no subordinate levels, and a support cell mission precludes the need for establishing a deputy in the office within the meaning of the GSSG to "share" in the management of the organization.

Grade determination

The Guide and the GS-200 JFS are written in the Factor Evaluation System (FES) format under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade conversion table provided in the PCS or JFS. Under the FES, each factor-level description demonstrates 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 a lower level unless an equally important aspect that meets a higher level balances the deficiency. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level.

The appellant only disagrees with the agency's evaluation of Factor 3. We reviewed the agency's determination for Factors 4, 6, 7, 8, and 9; concur, and have credited the position accordingly. Therefore, our evaluation will focus on Factors 1, 2, 3, and 5.

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.

At Level 1-7 in the Guide, the position requires knowledge and skill in 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 by substantive administrative support functions (i.e., the internal activities or functions such as

supply, budget, procurement, or personnel which serve to facilitate line or program operations). Level 1-7 includes knowledge of pertinent laws, regulations, policies, and precedents affecting the use of program and related support resources (people, money, or equipment) in the areas studied. Projects and studies typically require knowledge of the major issues, program goals and objectives, work processes, and administrative operations of the organization. Knowledge is used to plan, schedule, and conduct projects and studies to evaluate and recommend ways to improve the effectiveness and efficiency of work operations in a program or support setting. The assignments require knowledge and skill in adapting analytical techniques and/or organizational productivity. Knowledge is applied in developing new or modified work methods, organizational structures, management processes, procedures for administering program services, guidelines and procedures, etc.

At Level 1-8, the employee operates as an 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. This level also requires comprehensive knowledge of the range of administrative laws, policies, regulations, and precedents applicable to the administration of one or more important public programs. This typically includes knowledge of agency program goals and objectives, the sequence and timing of key program events and milestones, and methods of evaluating the worth of program accomplishments. Work requires knowledge of relationships with other programs and key administrative support functions within the employing agency or in other agencies. Study objectives are to identify and propose solutions to management problems which are characterized by their breadth, importance, and severity, and for which previous studies and established management techniques are frequently inadequate. Also included at this level is skill to plan, organize, and direct team study work and to negotiate effectively with management to accept and implement recommendations, where the proposals involve substantial agency resources, require extensive changes in established procedures, or may be in conflict with the desires of the activity studied.

The appellant's position meets Level 1-7. As at this level, his position requires knowledge and skill in applying analytical and evaluative methods and techniques to training or budget, travel, and other administrative matters affecting the operational efficiency and effectiveness of the Team and DCEs. The appellant performs various tasks including, but not limited to, scheduling, preparing, facilitating, and participating in certification and training exercises; providing technical administrative-related guidance to staff; researching, compiling, and sharing information in the event of the Team's deployment as a reserve DCE (e.g., by identifying the assets available in the various regions; the coordination required with local authorities to acquire bulldozers, tanks, and other resources needed for the mission; and the FEMA officials, first responders, firefighters, and law enforcement to coordinate with when deployed); developing briefing slides and other reference materials; and reporting to the Chief on progress and other significant events. He also gathers information from diverse sources and applies analytical and evaluative methods when providing input to contractors developing the training curriculum; e.g., he identifies possible scenarios for various regions including floods and earthquakes, assets currently available, and assets to be acquired. His work requires making procedural changes to the administrative processes of the Team and DCE to improve the efficiency and effectiveness of the operations. For example, the appellant developed an audio capture method synchronizing

feedback sessions with slide presentations to communicate the Team's feedback. As exercise director, the appellant's supervisor provides a formal feedback session at the end of the exercise with the DCO. The session is recorded. Audio clips from the session are then embedded into a slide presentation forwarded to the DCO for purposes of sharing with the DCE staff. This and other process improvement examples are comparable to Level 1-7 work, requiring knowledge of the work goals and objectives to recommend improvements to work operations. Also consistent with Level 1-7, the appellant's work requires considerable interpersonal skills to facilitate and negotiate disagreements and discussions with the training audience. During training activities, he is responsible for observing the participant in the plans officer role to determine, e.g., if the plans officer is coordinating and/or communicating with the correct officials, gathering adequate and relevant information, communicating calmly, and acting timely.

The GS-200 JFS describes positions at Level 1-7 as requiring knowledge of, and skill in applying a wide range of HR concepts, practices, laws, regulations, policies, and precedents sufficient to provide comprehensive HR management advisory and technical services on substantive organizational functions and work practices; apply analytical and diagnostic techniques and qualitative and quantitative techniques sufficient to identify, evaluate, and recommend to management appropriate HR interventions to resolve complex interrelated HR problems and issues; apply techniques for developing new or modified HR work methods, approaches, or procedures for delivering effective HR services to clients; apply consensus building, negotiating, coalition building, and conflict resolution techniques sufficient to interact appropriately in highly charged emotional situations; and apply written and oral communication techniques sufficient to develop and deliver briefings, project papers, status/staff reports, and correspondence to managers to foster understanding and acceptance of findings and recommendations. The GS-200 JFS also provides an illustration of HR development work at Level 1-7 as requiring knowledge of, and skill in applying, HR development learning theories, principles, and methods; and the relationship between agency strategic plans and goals with HR development programs sufficient to: perform analysis and research for a variety of HR development initiatives; advise management on developing and maintaining the proper balance between organization strategic plans and goals and HR development programs; and utilize a wide variety of learning methods including technology-based methodologies to provide consultative services.

Comparable to this Level 1-7 illustration, the appellant applies techniques to modify approaches for delivering and optimizing training for the DCO and DCE staff. For example, he injects battle drills (mock scenarios) that are designed to stimulate specific training objectives. Though some drills are pre-planned as part of the curriculum, others are inserted as the appellant and Team member see fit. He observes the battle drill and provides observations to individuals or as part of an after-action review, exercise summary, or other feedback mechanism. Training exercises are designed to mirror real-world emergency events, introducing situations intended to place participants into a similarly stressful and demanding environment to observe and determine the operability and viability of the DCE in an operating capacity. And as at Level 1-7, the appellant's work requires conflict resolution techniques and skills to interact with the training audience in the context of these highly-charged situations. His work also requires applying Level -7 written and oral communication skills as his role involves communicating with participants on issues relating to how well the individual was able to command, control, and communicate inside and outside the DCE organization.

The agency credited the appellant's position at Level 1-8, the highest level described in the Guide. As discussed previously, the Guide describes this level as an expert analyst having mastered a wide range of qualitative and quantitative methods for assessing and improving complex processes and systems. The term "mastery" is not intended as a performance or qualification indicator but rather reflects the degree of knowledge and skills required as a direct consequence of the breadth and complexity of the work. The appellant provides recommendations and advice to the Team and DCE staff on budget, travel, and other administrative related matters. Typical of Level 1-7, his recommendations and advice are based on an analysis of existing information against established policies, procedures, or objectives; e.g., he developed a spreadsheet allowing the Team and DCE staff to track expenditures; comments on draft instructions and guidelines to the [command] or other policymaking office; provides input on proposed budgets; and responds to technical questions from Team and DCE staff. Unlike Level 1-8, this and other work does not require the work of an expert analyst to plan, organize, or direct team work and to negotiate effectively with management to accept and implement recommendations where proposals involve substantial agency resources, require extensive changes in established procedures, may be in conflict with the desires of the activity studied, or the equivalent. Like Level 1-7, the appellant conducts research in preparation for the Team being deployed, e.g., identifying and determining the varying role of State and local Government officials, regional authorities, transit authorities, and law enforcement officials at each region. He also makes decisions regarding what, when, where, and how resources are to be used if the Team is deployed as a reserve DCE. Though the work requires gathering information from various sources, this is not equivalent to making proposals involving substantial agency resources, requiring extensive changes in established procedures, or may conflict with the desires of the activity as expected at Level 1-8.

Also unlike Level 1-8, the appellant's assignments do not involve identifying and proposing solutions to problems characterized by their breadth, importance, or severity, and for which previous studies and established management techniques are frequently inadequate. The Team performs an essential training function, with the goal of testing and validating whether activities are adequately staffed and executed. Typical of Level 1-7, the appellant's work entails making arrangements for facilities and equipment with sufficient work space for a control center, message center, and/or participants and observers; clear work spaces; communications equipment; and lighting and adequate ventilation in conformance with established program methods and techniques. As an observer-controller, his work includes reviewing appropriate plans, procedures, and checklists prior to the exercise; reviewing safety, communications, and other logistical plans; facilitating the conduct of the exercise; refraining from prompting the decisions or actions of the participants; and recording, capturing, and assembling the periodic hot washes (the method of evaluation used to determine how well the exercise went) and after action reviews for the training audience. As at Level 1-7, he also participates in the exercise's Commander's Update Briefing to evaluate the ability of the DCE staff to report events and plans for the hours of operations, role playing as DCO to determine whether sufficient and adequate information is received to make critical decisions. The appellant's position is not delegated with responsibility for making the decisions characterized by their breadth, importance, and severity comparable to Level 1-8. Instead, his decision-making ability within the Team's training function is tempered by his supervisor's active and involved role as exercise director, making the

types of decisions (independently or in collaboration with other individuals such as the DCO or the Team's Operations and Exercise Officer) with considerable impact on the training exercise or program and characterized by the breadth, importance, and severity associated with Level 1-8. For instance, the supervisor makes decisions on the scenario type; the commencement, suspension, and termination of the exercise; moderating of the after action reviews; and whether participants are to be certified and/or completed training successfully.

The GS-200 JFS describes positions at Level 1-8 as requiring mastery knowledge of the concepts, principles, practices, laws, and regulations of the HR specialty, the relationships between subordinate and senior levels of HR management within the employing entity and/or between the organization and programs of other Federal department, bureaus, or equivalent organizations; and a wide range of qualitative and/or quantitative methods sufficient to, e.g., identify and propose solutions to HR management problems and issues characterized by their breadth, importance, and severity for which previous studies and established techniques are frequently inadequate; collaborate with and/or lead management in employing change process concepts and techniques by assessing organizational readiness for change, marketing organizational awareness, and leading change initiatives; and develop recommendations for legislation that would modify the way agencies conduct programs, evaluate new or modified legislation for projected impact upon existing agency programs, or translate complex legislation to accept and implement recommendations, where the proposals involve substantial agency resources or require extensive changes in established procedures and methods. The GS-200 JFS also provides an illustration of HR development work at Level 1-8 as requiring mastery of, and skill in applying, HR development learning theories, concepts, laws, regulations, and principles, as well as state-of-the-art theories and practices regarding career development. The work also requires knowledge of Federal management and HR principles, theories, and practices and how they relate to HR development functions; the relationship of HR development to management and HR objectives; and other internal and external policies and programs sufficient to, e.g., formulate and evaluate a major facet(s) of an agency's HR development program involving major departures from precedents and established procedures; identify and propose alternative HR development policies; analyze, explain, propose, and defend the relative merits of available options; and anticipate top management's reactions and explain technically complex matters in understandable terms.

Unlike the appellant's position, Level 1-8 in the GS-200 JFS describes employees performing work comparable to formulating and evaluating major aspects of an agency's HR development program, establishing new types of training programs, and involving major departures from established precedents and procedures. In contrast, the appellant's position operates within the confines of established precedents and techniques. While the appellant is expected to recommend improvements to established methods and techniques, the formulation of major changes found at Level 1-8 is vested in higher level positions managing the appellant's program. Furthermore, the Level 1-8 references to relationships between subordinate and senior-level management implies a multi-layered structure lacking in the appellant's organization. Considering the Team's origins, it is not credible to consider a DCE, an organization with an O-6 colonel in charge and performing work directly and immediately related to the [command] civil support mission, as subordinate to the staff support cell or vice versa. The team and DCEs operate autonomously and are similarly situated under the [command] structure.

Level 1-7 is credited for 1,250 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 degree to which the work is reviewed by the supervisor.

At Level 2-4, employees work within a framework of priorities, funding, and overall project objectives (e.g., cost reduction, improved effectiveness and efficiency, better workload distribution, or implementation of new work methods). The employee and supervisor mutually develop a project plan that includes identifying the work to be done, the scope of the project, and deadlines for completion. Employees at this level are responsible for planning and organizing the study and conducting all phases of the project, including the interpretation of regulations, procedures, and application of new methods. The employee informs the supervisor of potentially controversial findings, issues, or problems with widespread impact. Completed assignments are reviewed by the supervisor for compatibility with organizational goals, guidelines, and effectiveness in achieving intended objectives.

At Level 2-5, the employee, as a recognized authority in the analysis and evaluation of programs and issues, is subject only to administrative and policy direction concerning overall project priorities and objectives. 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. Analyses, evaluations, and recommendations developed by the employee are normally reviewed by management officials only for potential influence on broad agency policy objectives and program goals. Findings and recommendations are normally accepted without significant change.

The appellant's position meets Level 2-4. Like this level, his assignments are couched in broad terms with latitude for him to independently plan and carry out assignments without any need of supervisory assistance. For example, he drafts supplemental guidance to Army instructions on administrative procedures, monitors travel and Government purchase card expenditures for the Team and DCEs, and provides input to [command] on the budget. For example, he independently created a spreadsheet combining travel and purchase card expenditures, allowing DCE administrative personnel to more readily track budget items. Consistent with Level 2-4, the supervisor occasionally provides guidance in defining the scope and/or deadlines of the work. For example, the appellant plans, implements, and participates in the training of DCOs and DCEs within the parameters of the scenarios and objectives developed by the Chief and/or others, pre-approved training schedules, and DoD, Army, and [command] policies and procedures. Pre-exercise, he gathers geographic and resources information related to the training scenario (e.g., hurricane in New Orleans), and researches the planning products established at the local, State, regional, and Federal level. During the exercise, the appellant observes the action and provides feedback in line with training objectives to the supervisor. As at Level 2-4, the appellant advises his supervisor when potentially controversial or problematic issues with

widespread impact occurs (e.g., when the Team or DCE has yet to commit funds at the end of the fiscal year, he notifies and makes recommendations to the supervisor on the allocation of funds). His assignments are also reviewed by the supervisor for compliance with organizational goals and guidelines but primarily for effectiveness in achieving intended objectives, as expected at Level 2-4.

The agency credited the appellant's position at Level 2-5, the highest level described in the Guide. We disagree. Level 2-4 describes work carried out with a high degree of independence and recognized expertise and as such fully represents the manner in which the appellant's position operates. In contrast, Level 2-5 recognizes not only independence of action but is also predicated on a higher degree of responsibility for independently planning, designing, and carrying out a significant program or function with only broad administrative policy direction. The appellant performs certification and training exercise functions, e.g., providing observations, recommendations, and other feedback to the supervisor, who communicates overall findings to the DCO. The supervisor, and not the appellant, is responsible for implementing the [command] training and certification program for DCO and DCE staff, which entails serving as exercise director and making or providing input into decisions on the scenario, geographic area, training objectives, etc. As stated in his PD, the supervisor's position is credited with directing and managing all aspects of support, training, and certification of the DCOs and DCEs. The Chief's PD further states: "Incumbent directs all DCO/E activities (personnel, training, exercises, supply management, budget, and facilities management), and develops regulations and implements policies and other DoD and military guidance..." Regardless of how independently he works in completing assignments, the nature of the appellant's work (considering the position's location in the organization and the supervisor's responsibilities as described by his PD and confirmed by our interviews) is not such that it would permit the exercise of the level of responsibility and authority found at Level 2-5.

Level 2-4 is credited for 450 points.

Factor 3, Guidelines

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

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

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. The employee uses judgment and discretion in determining intent, and in interpreting and revising existing policy and regulatory guidance for use by others within or outside the employing organization (e.g., other analysts, line managers, or contractors). Some employees review proposed legislation or regulations which would significantly change the basic character of agency programs, the way the agency conducts its business with the public or with private industry, or which modify important inter-agency relationships. Other employees develop study formats for use by others on a project team or at subordinate echelons in the organization. At this level, the employees are recognized as experts in the development and/or interpretation of guidance on program planning and evaluation in their area of specialization (e.g., contingency/emergency planning, workforce management, position management, work measurement, or productivity improvement).

The appellant's position meets Level 3-4. Similar to this level, he applies broad guidelines contained in law, regulations, and agency standards and instructions. He identifies specific problems and issues, and then chooses applicable methods and techniques to develop recommendations for modifying the Team or DCE administrative processes and procedures, improving training activities, and allocating and/or reprioritizing of resources. Typical of Level 3-4, the appellant applies and adapts DoD and Army instructions and other general administrative procedures to ensure the budget, travel, and other administrative procedures of the Team and DCEs comply with agency guidelines and instructions, e.g., with Army's guidance on the approval of and use of overtime and compensatory time off, [command's] guidance on recording annual training requirements, and [command's] instructions on requesting help desk assistance. Within the context of broad guidelines, his work involves improving the productivity and effectiveness of the Team and DCE organizations by advising administrative and management personnel on the availability of funds for awards and bonuses; reviewing the current distribution of funds; reviewing past trends and future budget inputs; monitoring expenditure rates; and developing trends analyses and summary reports.

In his appeal request, the appellant supports crediting his position at Level 3-5, stating:

Guidelines consists of broad guidance in the form of directives issued by Executive orders, Public Laws, Homeland Defense, FEMA and DOD, [command], JFCOM, FORSCOM and Army Regulations and publications. These guidelines are not always directly applicable to the duties assigned. The incumbent draws from professional experience, exercising sound judgment, creativity, and discretion to determine the intent of the guidelines, to interpret and/or revise existing guidance, or develop new guidance when no appropriate guidance exists to manage dynamic situations and handle issues that are not specifically covered by existing guidelines.

The appellant's position does not meet Level 3-5 at which the PCS provides an example of employees reviewing proposed legislation or regulations that would significantly change the basic character of agency programs. Another example involves employees who develop study formats for use by others on a project team or at subordinate echelons in the organization.

Contrary to the appellant's rationale, the appellant's guidelines are not limited to basic administrative policy statements (i.e., a general statement of intent rather than an outline of

policies and procedures) concerning the issue and may include reference to pertinent legislative history, related court decisions, State and local laws, or policy initiatives of agency management. The appellant's guidelines are not always applicable to his work but are more specific and detailed (e.g., identifying who is impacted, how they are impacted, and the actions to be taken) than the general statements of intent described at Level 3-5. Level 3-5 also describes the guidelines used and the type of work performed. Like Level 3-4, the appellant applies and interprets guidelines such as DoD, Army, [command], FEMA, OPM, and State and local policies, procedures, and instructions to perform work including : providing procedural guidance to Team and DCE staff and drafting supplemental standard operating procedures when necessary; commenting on the planning and administrative portions of draft [command] and Army instructions; and forwarding draft policies to the 10 DCOs and DCEs, collecting and collating feedback for the [command] or other policymaking office. His position requires staying current on policies, procedures, and plans produced by [command], FEMA, and other organizations to consider the impact on the role, function, and/or training of the DCO and DCE staff. Unlike Level 3-5, this and other work does not involve reviewing proposed legislation or regulations from the standpoint of it significantly changing the basic character of agency programs, how it conducts business with the public or with private industry, or important inter-agency relationships as described at Level 3-5.

Level 3-4 is credited for 450 points.

Factor 5, Scope and Effect

This factor covers the relationship between the nature of the work; i.e., the purpose, breadth, and depth of the assignments, and the effect of work products or services both within and outside the organization.

At Level 5-4, the purpose of 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. At Level 5-4, the work has the effect of contributing to the improvement of productivity, effectiveness, and efficiency in program operations and/or geographic locations within the organizations. Work affects the plans, goals, and effectiveness of missions and programs at these various echelons or locations. Work may also affect the nature of administrative work done in components of other agencies (e.g., in preparation and submission of reports, in gathering and evaluating workload statistics, or in routing and storing official correspondence or files).

At Level 5-5, the purpose of work is to analyze and evaluate major administrative aspects of substantive, mission-oriented programs. This may involve, for example, developing long-range program plans, goals, objectives, and milestones, or evaluating the effectiveness of programs conducted throughout a bureau or service of an independent agency, a regional structure of

equivalent scope, or a large complex multi-mission field activity. Work involves identifying and developing ways to resolve problems or cope with issues directly affecting the accomplishment of principal goals and objectives (e.g., the delivery of program benefits or services). Work products at Level 5-5 typically include complete decision packages, staff studies, and recommendations which upon implementation would significantly change major administrative aspects of missions and programs, or substantially affect the quality and quantity of benefits and services provided to the agency's clients.

The appellant's position meets Level 5-4. Like this level, his work involves assessing the productivity, effectiveness, and efficiency of the Team and DCE administrative operations. He develops and oversees budget, travel, and other administrative operations, policies, and procedures to meet organizational goals. Similar to Level 5-4, this work requires identifying, analyzing, and making recommendations to resolve a wide range of operational problems and issues. The appellant's work involves the usual issues for which corrective measures and solutions can be effected quickly and easily (e.g., by providing technical assistance and administrative support to DCE administrative personnel), as well as serious problems or significant issues involving the identification of severe weaknesses requiring new processes, standards, and/or administrative procedures. For example, he developed an orientation program to quickly familiarize new military officers with the mission and responsibilities of the Team and DCE organizations; monitors the management of travel and Government purchase accounts; oversees the Team's and the DCEs' budget planning for travel and credit card purchases; and prepares contingency plans in the event the Team is deployed as a backup DCE. His work affects the productivity, efficiency, and effectiveness of the Team and DCE organizations. This matches Level 5-4.

The agency credited the appellant's position at Level 5-5. However, this level covers positions with broader program responsibilities and impact than the appellant's. This level anticipates work of major significance, developing recommendations that considerably change major administrative aspects of agency missions and programs (i.e., beyond an organization mission and programs). Instead, the appellant's work is mainly concerned with the issues and conditions directly impacting the Team and DCE program operations, resources, and policies. His work significantly affects how the Team and the DCE operate, e.g., he recommends and the [command] Chief of Staff approves purchases of commercially available technology products and equipment for use by all DCEs. The appellant decides on the Team's Government purchase card transactions; purchases above the card threshold such as major equipment buys are initiated by the Team's O-4 military officer. The appellant also writes standard operating procedures, supplemental guidance regarding implementation of agency policies, and briefings for use within [command]. However, the effect of these and other responsibilities do not reach the scale envisioned at Level 5-5 affecting major administrative aspects of the agency. The appellant's responsibilities do not have the far-reaching purpose or impact comparable to the products serving as the basis of new administrative systems, legislation, regulations, or programs described at Level 5-5.

Level 5-4 is credited for 225 points.

Summary

<i>Factor</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	4-5	325
5. Scope and Effect	5-4	225
6. & 7. Personal Contacts and Purpose of Contacts	3-c	180
8. Physical Demands	8-1	5
9. Work Environment	9-1	<u>5</u>
<i>Total</i>		2,890

A total of 2,890 points falls within the GS-12 range (2,755 to 3,150) on the grade conversion table in the Guide.

Decision

The position is properly classified as GS-301-12. The title is at the agency's discretion.