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**DIGEST OF SIGNIFICANT
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AND OPINIONS**

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Merit System Accountability and Compliance

Preface

This is the thirty-second issue of the *Digest of Significant Classification Decisions and Opinions (Digest)*. In it, we present summaries of decisions and opinions that may have Governmentwide applicability. It is designed to aid classifiers and others with delegated classification authority in exercising their judgment. For this reason, we have included some articles that address basic principles of position classification and, when possible, provided links to actual decisions.

Digest articles summarize significant interpretations that clarify the underlying intent of the classification or job grading standards. However, these articles must be read in context with the standard as a whole rather than in isolation. Because a *Digest* synopsis may not reflect all relevant information bearing on a decision, good judgment in its application is necessary. Some *Digest* synopses draw from several cases and/or related issues. In those instances, the facts in cases linked to the article may not coincide completely. For these reasons, *Digest* items do not supersede or supplement classification standards and do not constitute “case law.”

Suggestions for improving future issues of the *Digest* may be sent to fedclass_appeals@opm.gov or the Classification and FLSA Claims Program Manager, Agency Compliance and Evaluation, Merit System Accountability and Compliance, U.S. Office of Personnel Management, Room 6484, 1900 E Street, NW, Washington, DC 20415-0001.

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Article No. 32-01

Standards: General Schedule Supervisory Guide (GSSG) (June 1998)

Factor: Factor 1, Program Scope and Effect
Factor 5, Difficulty of Typical Work Directed

Issue: Distinguishing between Level 1-2 and 1-3 technical and administrative work
Converting FWS positions to GS equivalent grades
Alternative method for evaluating second- (and higher-) level supervisors

Identification of the Classification Issue

The appellant, a Supply Management Officer, GS-2003-13, was the director of a large supply activity of the Department of the Army which provided supply and distribution services to U.S. Army units in the European Theater. He supervised a staff of 482 authorized positions composed of General Schedule, Federal Wage System, and Local National (LN) employees, the majority of whom were engaged in one-grade interval work (largely in the GS-2005 series) and various blue-collar occupations involved in the physical handling, packing, and maintenance of materials. He believed his position should be classified at the GS-14 level.

Resolution

The types of work represented at Levels 1-2 and 1-3 would appear to overlap in that both cover technical and administrative work. However, technical and administrative work extends across a range of grades, and the nature of such work described at Level 1-3 represents the higher end of the range. The association of “administrative or technical” work with “professional” and “investigative” work at this level requires a corresponding grade association. Since GS-9 is considered the first full-performance level for two-grade interval professional and investigative work, then the administrative and technical work represented at Level 1-3 would be expected to be of the same level of complexity, i.e., two-grade interval work at GS-9 or higher. In contrast, the administrative and technical work represented at Level 1-2 is associated with “complex clerical” work. Clerical work is one-grade interval in nature, and “complex” clerical work (otherwise known as “technician” work) does not exceed the GS-8 level. Thus, the applicable Level 1-2 illustration for administrative work describes supply “services” which can be construed as one-grade interval work, whereas the corresponding Level 1-3 illustration describes supply “management” representing two-grade interval work. Level 1-2 was assigned.

We approached the conversion of the wage-earning positions, both FWS and LN, to their GS equivalent grades by separating the positions into broad categories and comparing them to GS occupational standards covering similar types of functions:

- Positions involved in the operation of a type of equipment or some other purely manual activity were compared to criteria contained in the standard for the GS-350 Equipment Operating Series, which covers similar work in operating specified types of equipment

and performing normal operator maintenance. The highest grade normally allowable under this series is GS-4.

- Positions involved in identifying, examining, classifying, accepting, and disposing of materials and equipment were compared to criteria contained in the standard for the GS-2005 Supply Clerical and Technician Series, which covers similar work in receiving, examining, storing, and issuing property items. Clerical work of this nature does not exceed GS-4 in this series.
- Positions involved in repair or construction work requiring judgment and the interpretation of technical guides or blueprints were compared to criteria contained in the Job Family Standard for Technical Work in the Engineering and Architecture Group, GS-800, which covers related installation, maintenance, operation, and testing work. Since one-grade interval work does not normally exceed the GS-7 level and, at the GS-9 level and above in this series, work begins to resemble beginning professional work, GS-7 is the highest potential GS equivalent grade.

The GSSG provides an alternative method for evaluating second (and higher) level supervisors under Factor 5 in those cases where a heavy supervisory or managerial workload related to work above the base level is present, by determining the highest grade of nonsupervisory work directed which requires at least 50 percent of the duty time of the supervisory position under evaluation. Out of the total staff of 482 positions, only about 13 percent exceeded the base level and only four of these positions reported directly to the appellant. The presence of intervening supervisors rendered it unlikely that he would devote 50 percent or more of his time to overseeing this work, especially considering that he exercised limited technical supervision over the Federal Wage System (FWS) work and that the salaried work, which was no higher than GS-9 grade equivalency, did not occupy much of his personal attention. Therefore, the alternative method was not applicable to the appellant's position.

OPM decided the appeal as Supply Management Officer, GS-2003-12.

[Decision Number C-2003-12-01]

Article No. 32-02

Standard: General Schedule Supervisory Guide (GSSG) (June 1998)

Factors: Factor 1, Program Scope and Effect
Factor 2, Organizational Setting

Issues: Scope and impact of the work directed
Credit for reporting to a deputy or full assistant chief position

Identification of the Classification Issue

The appellants' standard supervisory position directed the wage and hour investigative and enforcement program functions of various district offices in the agency's regions. They believed their position warranted assignment of Level 1-4, asserting they were closely involved in developing major and key aspects of the agency's investigative and regulatory compliance program and policies. They also believed their position should be credited at Level 2-3 because in their view, they reported to "deputy" or full assistant chief positions and should thus be credited as if reporting directly to their respective Regional Administrators, which were SES-level positions.

Resolution

Under Factor 1, Scope, the position met Level 1-3 in that the appellants each directed a segment of the agency's wage and hour investigative and regulatory compliance program covering major cities, counties, or entire States within their respective districts. However, unlike Level 1-4 they were not involved in developing major aspects of the agency's investigative and regulatory compliance policies and programs. On the contrary, the agency's overall annual investigative and regulatory compliance plan covering major enforcement strategies, approaches, and policies was developed solely at the headquarters level. This annual operating plan established comprehensive planning objectives including focusing on broader systemic approaches to enforcement. Within this context, the appellants were tasked by their regional offices to identify particular industries within their districts' geographic areas which supported the goals, objectives, and policies addressed in the national operating plan. Although they developed local plans (subject to regional office review) targeting certain industries in their districts, these supported the key annual enforcement initiatives and addressed only local investigative strategies and necessary resources needed to achieve prescribed national objectives.

Under Factor 1, Effect, the position met Level 1-3 in that the appellants' enforcement, compliance, and information activities significantly impacted and supported the broader agency-wide wage and hour enforcement initiatives, strategic goals, and objectives described in the agency's annual operating plan. Additionally, the investigative activities of some of the districts impacted those areas covered by other Federal agencies including the Occupational Safety and Health Administration (OSHA). Further, the enforcement functions impacted the wage and hour status of members of the general public employed in lower paid industries. However, unlike

Level 1-4, the appellants' work did not impact the operations of the agency's headquarters, several bureau-wide programs, or most of the entire wage and hour investigative program's field establishment. Although each district had a role in dealing with corporate headquarters located in their geographic areas of jurisdiction, they only occasionally assumed an investigation from another district or took a very active role in directing another district's enforcement efforts. In addition, while their work supported accomplishment of national enforcement goals, they did not impact bureau-wide programs. In contrast to Level 1-4 where large segments of the Nation's population are affected, their impact was primarily district-wide affecting those occupations and employment areas where predominantly low paid, vulnerable workers exist.

Under Factor 2, the appellants' position did not exceed Level 2-2. They were each accountable to and supervised by a GS-15 Deputy Regional Administrator (DRA), which was one reporting level below the first SES position, i.e., the Regional Administrator (RA). The GSSG notes an assistant chief position which does not share fully in the authorities and responsibilities of the chief constitutes a separate intervening reporting level. Thus, a supervisory position reporting to such a position is treated as reporting to a position one level below the chief. Our fact-finding disclosed this to be the case. The duties of the DRA and RA were clearly delineated, and the DRA did not fully share with the RA in directing all phases of the region's organization and work. The RA held final authority for work planning and areas such as budget, staffing, and enforcement actions related to wage and hour investigations. Any additional funds needed by the regional office or districts for equipment and travel, or for outreach and educational activities, had to be approved by the RA. The RA held final decision-making authority on the back-filling of positions, specifying the number of supervisory investigator positions, and the interpretation of enforcement policies including what cases were appropriate for litigation. The RA established overall regional enforcement work priorities. While the DRA could recommend actions to the RA and assist in running the day-to-day operations of the region, the latter held final authority region-wide for the preceding matters. Therefore, the appellants' supervisors did not share in exercising total authority and responsibility for directing all phases of their regions' enforcement programs, nor was total authority and responsibility equally divided between the DRA and the RA positions. Consequently, the "deputy" position which supervised the appellants constituted a separate, intervening reporting level under Factor 2.

[Decision Numbers C-1849-14-01/02/03/04/05]

Article No. 32-03

Standards: Grants Management Series, GS-1109 (November 2010)
Financial Clerical and Technician Series, GS-503 (December 1997)

Factor: N/A

Issue: Distinguishing between one-grade and two-grade interval work

Identification of the Classification Issue

The appellants were the staff of a small grants administration office which carried out the daily processing of agency grant transactions. When the office was established in 1997, the positions were classified as one GS-301-12, one GS-501-11, and three positions at GS-301-7/9. Since that time, the positions were redescribed and classified through use of an automated PD system which allowed for PDs to be constructed by selecting various duty statements and standardized factor-level language. By 2013 the positions had been upgraded to, respectively, one Supervisory Grants Management Specialist, GS-1109-14, one Grants Management Specialist, GS-1109-13, and three Grants Resources Specialists, GS-301-11, although the mission and functions of the office had remained unchanged. The appellants each requested that their positions be upgraded by one grade.

Resolution

The mission of the office was to serve as intermediary between the agency program offices which developed and submitted the grant applications and the contracted service provider which awarded and administered the grants. Its role was to review grant proposals and other requested grant actions submitted by the program offices and requiring movement of funds for completeness of documentation prior to their submission to the service provider, thus ensuring that the grants could be advertised and awarded without undue delay. The office also provided coordination of grants funding between agency components, ensured that any proposed funding had been transferred from the grant resource tracking system to the core financial system, identified unobligated funds and the source of funding discrepancies, and provided continuous status information to the program offices on the expenditure and availability of funds.

The service provider performed all pre-award and post-award actions for both competitive and noncompetitive grants, awarded funding, processed principal investigator transfers, processed cancellations, approved foreign travel, equipment purchases, and rebudgeting requests, and monitored zero costing and suspicious drawdowns by grantees.

We found the appellants were performing one-grade interval work. Their duties involved certain limited phases of the agency's grants administration function and were transactional in nature. They were not based on a body of broad functional knowledge associated with an administrative field, such as the grants management functions covered by the GS-1109 series, but rather focused on the review and processing of documents so that the substantive functions associated with the awarding and administration of grants could be carried out by others. The appellants' work was

based on a practical knowledge of agency grant documentation requirements for a complete grant package that could be processed by the service provider and some limited knowledge of regulatory requirements pertaining to the awarding of grants sufficient to flag readily identifiable disallowed conditions. Responsibility for the grants management functions covered by the GS-1109 series resided with the service provider.

We found the positions properly classified as GS-503-09 (Supervisory), GS-503-08, and GS-503-06.

This article illustrates that the duties of a position flow from the mission and functions of the organization in which it is located. Although automated PD systems can be useful tools in constructing PDs, the classification of a position must ultimately rest on the actual duties being performed. A first step in the classification process is ensuring that the duties described in the PD are within the mission parameters of the organization.

[Decision Numbers C-0503-09-01, C-0503-08-01, and C-0503-06-01]

Article No. 32-04

Standard: General Schedule Supervisory Guide (GSSG) (June 1998)

Factor: Factor 3, Supervisory and Managerial Authority Exercised

Issues: Crediting contractor work
Distinguishing between administrative and technical supervision
Minimum criteria for coverage of the GSSG

Identification of the Classification Issue

The appellant, a Supervisory Shipbuilding Specialist, GS-1101-12, performed oversight of the quality and production requirements of shipbuilding contracts. He supervised, coordinated, and/or monitored a total of 12 Federal employees, which included four employees in Production Controller, GS-1152-12, positions, and six contract workers. He believed his position should be classified at the GS-13 level. The issue was whether he met the minimum criteria under the lowest level of Factor 3 for coverage by the GSSG.

Resolution

The appellant's supervisory authorities over the contract workers were limited. He assigned work to the contract workers or relayed work assignments to them through their contract supervisor, who scheduled their time and leave. He accepted or rejected contractor work products, which served as a basis for contractor payment. He coordinated work and discussed performance issues with the contract supervisor, but did not control the work of the contract supervisor. He coordinated and integrated contractor work schedules with those of his subordinates.

A supervisor must exercise all or nearly all of the five authorities in Level 3-2b over work contracted out in order for that work to be credited for purposes of Factor 3. Responsibilities 1 and 2 were not met since the appellant's command level retained authority to determine the need for contractor assistance, develop the work statement, and fund and control the contract. Although the appellant coordinated and integrated contractor work schedules and processes with the work of his subordinates, Responsibility 3 was not fully met since he did not establish contractor work schedules or standards for acceptable work. Responsibilities 4 and 5 were met since he tracked the progress and quality of work, arranged for subordinates to conduct inspections, and decided on the acceptability, rejection, or correction of work products. However, because the appellant did not perform all or nearly all of the responsibilities for crediting contracted work under Level 3-2b, this work was not credited for purposes of Factor 3.

The appellant's supervision over the four GS-1152-12 positions was administrative but not technical. He assigned some work to them, signed their performance appraisals, approved leave, and ensured they performed their work in a timely manner. However, an executive officer representing the shipbuilding program manager directed approximately 95 percent of their work

and provided technical review and input for their performance appraisals. The work of the GS-1152 positions was therefore not credited for purposes of GSSG coverage since he did not exercise full administrative and technical authority over them.

OPM decided the appeal as nonsupervisory GS-1101-12.

This article illustrates that in applying the GSSG to a position, the nature of supervision provided to subordinate positions must first be determined in order to determine GSSG coverage and to credit its factor level criteria properly. When considering assignment of a particular factor level in the GSSG, it is imperative to consider the actual demands placed on the supervisor by the work supervised.

[Decision Number C-1101-12-03]

Article No. 32-05

Standard: General Schedule Supervisory Guide (GSSG) (June 1998)

Factor: Factor 3, Supervisory and Managerial Authority Exercised

Issues: Crediting volunteer and contractor work
Distinguishing between administrative and technical supervision

Identification of the Classification Issue

The appellant, a Supervisory Forester, GS-460-11, coordinated, organized, and directed field projects and work activities for a forest district. He supervised ten permanent, full-time positions as well as enrollees in government-funded special employment programs. He also coordinated the activities of volunteers and performed oversight of contractor personnel engaged in district work. He believed his position should be classified at the GS-12 level.

Based on workload data, the appellant's organization had 19 staff years of special employment program non-permanent work. Volunteers working for four months at a time provided two staff years of campground host work. Another 238 volunteers worked on weekends participating in trail, sign, and road maintenance in the district. The volunteer group leaders normally informed the appellant of the number of people who participated and the number of hours worked. The contractor personnel worked on a project basis performing facility-related work (e.g., wastewater plant operation, road repair, and roofing).

Resolution

To determine the extent of the appellant's authorities and responsibilities for special employment program personnel, campground host volunteers, and weekend volunteers, we applied Level 3-2c criteria to each group of workers:

- The appellant had significant responsibilities for the special employment program personnel, carrying out the first four and a total of seven of the ten identified responsibilities. Therefore, this work was credited.
- The appellant's responsibilities for the volunteers were limited and none of their work was considered part of the supervisory workload in applying the GSSG. The appellant interviewed prospective campground host volunteers but did not perform the significant work planning and assignment functions characterized in the first four responsibilities of Factor 3-2c. The other 238 volunteers were not included as part of the appellant's supervisory workload because the appellant did not exercise both technical and administrative direction over them, a requirement for GSSG coverage. He, or his subordinates, determined that projects were completed adequately and that volunteers were trained or certified to use specific equipment. However, the appellant was not responsible for establishing performance standards, evaluating individual technical

proficiency, or performing other functions indicative of full administrative and technical responsibility.

The contractor work consisted of both facility-related and timber-related projects. The facility-related projects received technical supervision at a higher organizational level by professional and/or certified staff serving as Contracting Officer's Technical Representatives. Therefore, the work of contractors on these projects was not appropriate for consideration under the GSSG. The appellant had technical responsibility for the timber-related projects, but he did not exercise *all or nearly all* of the five authorities over the contractor work as outlined in Factor 3-2b. He exercised Responsibilities 2, 4, and 5; however, he did not perform the benefit and cost analysis anticipated by Responsibility 1 and did not have significant responsibility for planning work or establishing work schedules and standards required by Responsibility 3. As a result, OPM determined the appellant did not exercise the minimum authorities and responsibilities necessary for the contractor work to be considered under the GSSG.

OPM decided the case as Supervisory Forester, GS-460-11.

This article illustrates that when evaluating a supervisory position, the extent of actual authorities and responsibilities exercised over positions assigned to the organization or work managed must be determined. To be credited for the work performed by each position, the supervisory position must exercise the full extent of delegated authorities and responsibilities described at least at the lowest level of Factor 3. If the supervisor does not exercise these authorities and responsibilities, then the position or positions are not credited for purposes of applying the GSSG.

[Decision Number C-0460-11-06]

Article No. 32-06

Standards: Miscellaneous Clerk and Assistant Series, GS-303 (January 1979)
Paralegal Series, GS-950 (August 1986)

Factor: N/A

Issue: Distinguishing one-grade versus two-grade interval work

Identification of the Classification Issue

The appellant's position was classified as Paralegal Specialist, GS-950-12, and was assigned to an agency's Office of the General Counsel as the liaison between the agency and GAO during the conduct of GAO engagement reviews. She believed her position should be classified at the GS-13 level based on her assertions that the work had been previously performed by an attorney and that counterpart positions in other Federal agencies are higher graded.

Resolution

OPM found the appellant was performing one-grade interval work. Although she was involved in all stages of the engagement review process, her work was essentially process-oriented. She scheduled and moderated internal agency pre-meetings and served as liaison if clarification was required from GAO on the scope of their review, arranged and moderated subsequent external meetings between agency and GAO staff, coordinated any follow-up action required, and served as the conduit between agency and GAO staff on additional information requests or follow-up questions. She forwarded the draft GAO report to the relevant agency offices, scheduled an exit meeting for staff review of the report, and alerted the relevant offices of formal GAO recommendations of action. She ensured that agency staff coordinated with GAO on a timely basis regarding their anticipated submission of comments, followed up with staff to ensure the comments had been submitted, and maintained a detailed tracking system of the status of each GAO review.

As is typical of one-grade interval work, the appellant's duties required practical understanding of the purpose and sequence of the work and coordinative and organizational skills to schedule meetings, serve as the go-between for the transmittal of information, follow up on action items, and keep detailed track of the status of activities. Unlike two-grade interval administrative work, it did not require analytical ability, knowledge of management principles and practices, evaluating information, or conducting research. The degree of judgment required by the work was limited as it involved carrying out established steps in a prescribed manner; the work involved the conveyance of information rather than the analysis and evaluation of that information; and the writing was limited to simple transmittal letters and requests for status updates or meeting times. The appellant had no input to the substantive issues involved in the GAO reports.

OPM decided the case as GS-303-08.

Although certain functions are common to many Federal agencies, how those functions are organized and administered can vary widely. A title such as “GAO liaison” can span a wide range of duties from the coordinative functions performed by the appellant to much higher-graded work, such as formulating agency policy to respond to GAO concerns and testifying before Congress. The actual work being performed must be closely examined and evaluated rather than relying on assumed grade equivalence based on unofficial titles and position-to-position comparisons which are prohibited in the classification process.

[Decision Number C-0303-08-01]

Article No. 32-07

Standards: Paralegal Series, GS-950 (August 1986)
Legal Assistance Series, GS-986 (August 2001)

Factor: N/A

Issue: Series determination

Identification of the Classification Issue

The appellant, a Legal Assistant (OA), GS-986-7, was assigned to the Staff Judge Advocate (SJA) Office at a military installation. She disputed the series and grade of her position, believing the work should be classified in the GS-950 series at a higher grade level.

Resolution

The SJA Office provided legal assistance to active duty and retired military members and their families on such matters as wills, powers of attorney, property deeds, *pro se* divorce petitions, and custody issues. The appellant, under the direction of an attorney, provided legal assistance to clients approximately 40 percent of her time and coordinated the Victim and Witness Assistance Program (VWAP) 30 percent of her time. She advised victims of their rights under department and agency program guidelines and ensured delivery of entitlements, e.g., medical treatment, counseling services, and available civilian agency services. She also performed limited legal research for staff attorneys and coordinated hearing dates and documents approximately 20 percent of her time. For the remaining 10 percent of her time, she supervised part-time support staff.

The appellant's work required knowledge of legal procedures to provide proper advice and assistance but did not entail the level of substantive legal analysis typical of the GS-950 series. While the work had some similarities to the Contact Representative Series, GS-962, the duties went beyond providing the advice and assistance typical of that work, as she prepared, examined, and processed documents and supported the civil law function of the office. The VWAP duties had superficial similarities to work performed in the Social Service Aid and Assistant Series, GS-186, and the Social Services Series, GS-187, but unlike work in those series, the VWAP work was an outgrowth of the legal functions of the SJA rather than part of an employment assistance or social welfare program, with the appellant referring victims to program offices providing those services. The primary purpose of the appellant's position was to provide a wide range of legal assistance and support for a variety of situations. Her VWAP work was an outgrowth of that work. The paramount qualification for this work was specialized knowledge of the processes, procedures, and practices required to perform legal support duties. The work was properly included in the GS-986 series.

As illustrated in this article, the primary purpose and paramount qualifications of the position along with the mission or function of the organization are critical aspects in determining the series of a position performing a variety of work found in two or more series.

[Decision Number C-0986-07-01]

Article No. 32-08

Standard: General Schedule Supervisory Guide (GSSG) (June 1998)

Factor: Factor 5, Difficulty of Typical Work Directed

Issue: Misclassification of subordinate positions

Identification of the Classification Issue

The appellant's position was classified as GS-1101-13 with the "Supervisory" prefix and title at agency discretion. He spent approximately 70 percent of his time performing nonsupervisory work related to contracting and 30 percent supervising the unit's staff. He directly supervised five employees including one Facility Support Contracts Program Manager, GS-1101-13; one Regional Contracting Officer's Representative, GS-1101-13, and another with the same title classified as GS-1101-12; one Integrated Solid Waste Program Specialist, GS-1101-13; and one Management and Program Analyst, GS-343-12. The agency determined that contract oversight constituted the grade-controlling work of two of the GS-13 positions and graded it at the GS-13 level. The appellant believed that because he directly supervised three GS-13 positions constituting 60 percent of his unit's workload, his position should be graded at the GS-14 level.

Resolution

We found the contract oversight work performed by the GS-13 Facility Support Contracts Program Manager and the GS-13 Regional Contracting Officer's Representative was similar to the nonsupervisory work performed by the appellant, which we evaluated at the GS-12 level by application of grading criteria for the Contracting Series, GS-1102. Therefore, because the contracting work of these two subordinates was equivalent to the appellant's personally performed work, we found their grade-controlling duties would likewise not exceed the GS-12 level. When combined with the workload of the other subordinates, the base level of the appellant's position under Factor 5 was determined to be GS-12. The remaining GS-13 position fell short of the 25 percent workload threshold required under Factor 5. The classification of the position was sustained.

As demonstrated in this article, in evaluating all positions, the proper application of position classification standards to work performed is critical.

[Decision Number C-1101-13-03]

Article No. 32-09

Standard: Librarian Series, GS-1410 (August 1994)

Factor: N/A

Issue: Treatment of work also performed by higher-graded employees in other occupational series

Identification of the Classification Issue

The appellants' position was classified as Librarian, GS-1410-13. They served as "area specialists" with responsibility for collection development, reference and research services, professional liaison, and publications related to a large geographic collection. Their position required foreign language proficiency associated with their assigned geographic area of specialization. They believed that their position should be classified at the GS-14 level.

The primary basis for their appeal was that they were assigned congressional information requests that would otherwise have been answered by higher-graded Foreign Affairs Analysts and Foreign Law Specialists, except that the requests required foreign language skills to research and translate primary source materials.

Resolution

The intent of the higher-graded positions cited by the appellants was to perform work of a markedly different nature than the work performed by the appellants in their capacity as librarians. Responding to congressional information requests was a primary mission responsibility of the organization and was expected of all its professional-level employees as needed. These requests spanned a wide range of difficulty, from simple reference or factual requests to requests for complex analyses. Both the appellants and the incumbents of the cited positions responded to congressional requests related to the assigned geographic areas, depending on the nature of the subject matter involved and the type of analysis required. However, the appellants did not perform the full scope of the work of these other positions. They did not analyze information for policy implications, develop policy options, or interpret legal issues. Rather, they responded to congressional requests that required foreign language proficiency but that could be fulfilled using the reference and research skills common to librarianship. Therefore, this work was evaluated within the context of the librarian occupation rather than of other fields of work such as policy analysis and law that were not representative of the basic nature of the position.

OPM applied the GS-1410 standard and sustained the GS-13 grade level.

[Decision Number C-1410-13-01]

Article No. 32-10

Standard: Passport and Visa Examining Series, GS-967 (September 1993)
Contact Representative Series, GS-962 (August 2001)

Factor: N/A

Issues: Series determination
Parenthetical title “Office Automation”

Identification of the Classification Issue

The appellant’s position was classified as Passport and Visa Technician (OA), GS-303-6. She checked passport applications for completeness before forwarding them to the Department of State for adjudication. She believed her position should be classified in the Passport and Visa Examining Series, GS-967, at a higher grade level.

Resolution

The appellant ensured that applicants provided required documentation based on well-established criteria, requested missing documentation, recorded passport information, and provided information about application requirements for passports and visas. This work is specifically excluded from coverage by the GS-967 series, which instructs that positions be classified in the GS-900, Assistance Work in the Legal and Kindred Group, when they primarily involve reviewing applications for proper completion and presentation of documentary evidence of birth in the United States or naturalization and recording the evidence submitted for proof of identity, but when they do not include adjudication functions.

OPM concluded the appellant’s work corresponded to the GS-962 series, which covers such work as dispersing information to the public on rights, benefits, or privileges under a body of law; explaining pertinent legal provisions; and assisting individuals in developing needed evidence and preparing required documents, or in resolving errors, delays, or other problems in obtaining benefits.

The parenthetical title “Office Automation” (OA) may be added to a title only when the position requires a “fully qualified typist” (per the Office Automation Grade Evaluation Guide) or “competitive level proficiency in typing” (per the Introduction to the Position Classification Standards) to perform word processing duties. The appellant updated training slides as needed and input data into existing databases and letters, but did not perform duties requiring competitive level typing skills. Therefore, the parenthetical (OA) was not applicable to her position.

OPM decided the appeal as Contact Representative, GS-962-04.

[Decision Number C-0962-04-01]

Article No. 32-11

Standards: Job Grading Standard for Maintenance Mechanic, 4749 (May 1974)
Job Grading Standard for Laboring, 3502 (December 1996)
Job Grading Standard for Custodial Working, 3566 (September 1968)
Recreation Aid and Assistance Series, GS-189 (May 1980)

Factor: N/A

Issue: Pay system determination

Identification of the Classification Issue

The appellant's job was classified in the non-appropriated fund (NAF) pay system as Maintenance Worker, NA-4749-5, but he believed his job should be upgraded to NA-7. He performed a variety of duties at a Navy installation's recreation and fitness center including setting up gymnasium equipment, scheduling recreational events, keeping workout rooms orderly and clean, ensuring fitness equipment was maintained in working order, assembling/installing various types of new or used fitness equipment using basic tools, and reporting any major equipment repairs needed to maintenance personnel. In order to be covered under the Federal Wage System (FWS), the paramount requirement to perform the primary duties of the job must be trades, crafts, or laboring knowledge, skills, and abilities.

Resolution

OPM found that knowledge and skills in trades and crafts was not needed to perform the primary duties of the appellant's job. He did not perform work typical of that done by Maintenance Mechanics, 4749, which requires the use of a variety of trade practices including carpentry, plumbing, masonry, and painting. In addition, he did not perform duties typical of that performed in the Laboring, 3502, or Custodial Working, 3566, occupational series. Therefore, OPM determined the appellant's job was not covered under the FWS, and indicated that *if* the position were subject to the General Schedule (GS), the type of recreational support work performed by the appellant would be classified in the Recreation Aid and Assistant Series, GS-189.

This article illustrates that a position is subject to the General Schedule, even if it requires physical work, if its primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature not related to trade, craft, or manual-labor work.

[Decision Number C-4749-05-01]

Article No. 32-12

Standards: General Schedule Supervisory Guide (GSSG) (April 1998)

Factor: Factor 1, Program Scope and Effect

Issue: Program effect

Identification of the Classification Issue

The appellant managed, directed, and administered the overall activities of the Marine and family support department at a Marine Corps air station. As a second level supervisor, the appellant spent all of her time performing supervisory and related managerial functions including oversight and program coordination between various subordinate units within her organization. Although the agency assigned Level 1-3, OPM found the position did not fully meet that level.

Resolution

OPM found the scope of the appellant's position met Level 1-3 in that she directed a program segment that performed technical and professional work directly affecting a large and complex multi-mission military installation as defined in the GSSG. Her program was performed at a large military installation whose mission primarily supported a Marine Aircraft Wing and aircraft technician service school. The total potentially serviced population of the air station consisted of approximately 9,400 active duty military personnel and 6,000 military dependents who regularly received services from the five family program units within the appellant's organization.

However, OPM determined the appellant's position failed to meet Level 1-3 for effect in that her program functions did not directly and significantly impact a wide range of Marine Corps activities, the work of other agencies, or the operations of outside interests. Although her program was carried out at a large, multi-mission military installation, and provided mental and psychological program services to returning Marines and civilian staff from combat areas, unlike Level 1-3 her work did not directly involve or substantially impact the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions performed at the air station. On the contrary, her program activities were primarily limited to furnishing individual personal services to Marines and dependents including family care, behavioral health, professional readiness, and physical fitness/recreation. Unlike the Level 1-3 work illustration in the GSSG, the appellant did not direct administrative services (personnel, supply management, budget, facilities management, or similar) which supported and directly affected the operations of the air station.

Since "scope" was assigned Level 1-3 but "effect" Level 1-2, overall the appellant's position was evaluated at Level 1-2.

When evaluating positions, the criteria for each level must be fully met. In this instance, although one sub-element, program scope was evaluated at a higher level, the second sub-element, effect, was not fully met. As a result, the lower was assigned.

[Decision Number C-0301-13-03]

Article No. 32-13

Standards: General Schedule Leader Grade Evaluation Guide (GSLGEG) (June 1998)

Factor: N/A

Issue: Non-permanently assigned employees

Identification of the Classification Issue

The issue of coverage under the GSLGEG arose in the adjudication of two similar classification appeals. The first was a group appeal from four employees whose position was classified as Border Patrol Agent, GS-1896-11. They believed it should be graded at the GS-12 level by application of the GSLGEG because each appellant oversaw the work of informally detailed groups (each consisting of five employees) of GS-11 senior border patrol agents who rotated through the appellants' unit on various work shifts for training purposes for up to a year. The second appeal concerned a position classified as Lead Detention Enforcement Officer, GS-1802-08. The grade of the appellant's position was based on "leading" two GS-07 Detention Enforcement Officers permanently assigned to his detention facility, up to three non-permanently assigned agency employees classified as Deputy U.S. Marshal, GS-082-5/7/9, and occasionally a trainee Criminal Investigator, GS-1811-5/7. The non-permanent employees rotated through the facility for training purposes for periods of six to eight weeks. The second believed his position should be classified as Deputy U.S. Marshal, GS-082-09.

Resolution

In both appeals, OPM found that the positions did not meet all of the coverage requirements for either Parts I or II of the GSLGEG. In the group appeal of the GS-1896-11 agents, OPM noted that although they spent more than 25 percent of their time overseeing and monitoring the work of the agents who rotated through their unit, those employees were not officially detailed and remained on positions in their permanent units, rather than being officially assigned on a time-limited basis to the appellants' unit. Although permanent employees of the agency, they were not permanently assigned to the appellants' unit, and therefore were not team members within the meaning of the GSLGEG. In addition, the appellants did not exercise all of the minimum authorities and responsibilities required for coverage under Part II. OPM sustained the current classification of the position.

In the appeal of the GS-1802-08 officer, OPM noted that the appellant led only two permanently assigned GS-1802-07 positions, while the others were non-permanently assigned (no official personnel action issued), and therefore the employees also were not team members within the context of the GSLGEG. Moreover, Part II was not applicable to the position because, although employees in two-grade interval occupations were rotated through the detention facility, they were performing one-grade interval work when at the facility. OPM's decision removed the position from coverage of the GSLGEG, concurred with the series allocation, and sustained the grade by cross-series comparison to another standard.

This article emphasizes that in determining the applicability of the GSLGEG, it is important to ensure that the position fully meets the basic coverage requirements. In analyzing a potential “leader” job, position management issues should be examined to confirm that coverage is met, including the type of work led and the presence of a sufficient number of permanently assigned subordinates who function as team members.

[Decision Numbers C-1896-11-02 and C-1802-08-01]

Article No. 32-14

Standard: General Schedule Leader Grade Evaluation Guide (June 1998)

Factor: N/A

Issue: Seasonal employees

Identification of the Classification Issue

The appellant occupied a Forestry Technician, GS-462-07, position. She asserted her supervisory duties occupied 35 percent of her time and that, by application of the GSSG, her position should be classified as Supervisory Forestry Technician, GS-462-09. Although we found her position did not meet the 25 percent threshold and the full intent of Level 3-2(c) for coverage of the GSSG, we also compared her duties to Part I of the GSLGEG to determine whether the position met the criteria for leader.

Resolution

The appellant provided technical and administrative oversight to a staff of seasonal employees during fire season (an approximate six-month period from April to October) but had no subordinate staff during the remaining months of the year. The seasonal employees worked no more than 1,039 hours during the fire season. For example, during the 2013 fire season, the appellant had a staff of about 12 seasonal employees including two “permanent” seasonal employees and 10 “temporary 1039” seasonal employees. Permanent seasonal employees worked no more than 1,039 hours in a service year. Temporary seasonal employees may work anywhere from 30 days to six months, not to exceed 1,039 hours. For the 2014 fire season, the appellant’s work force consisted of eight seasonal employees, two “permanent” (one GS-462-06 and one GS-462-05) and six “temporary” (GS-462-05).

Part I of the GSLGEG is used to evaluate leaders who, as a regular and recurring part of their assignment, lead three or more employees of one-grade interval work below grade GS-9. The appellant had only a seasonal workforce of six months or less during a service year (that is, during the 12-month cycle of work) and no staff for the remainder of the year. Even though Part I does not specifically state that seasonal employees are not to be credited, the intent is that a work leader must spend 25 percent or more of his or her work time leading three or more *full-time* employees on a regular and recurring basis. This is because GSLGEG criteria are intended to evaluate the difficulty and responsibility of executing a broad range of leader duties performed over a continuing group of employees. While leading less-than-full-time employees may be taken into account in evaluating leader work, that work may not be considered in determining basic GSLGEG coverage because it does not constitute a regular and recurring activity.

[Decision Number C-0462-07-08]

Article No. 32-15

Standard: FWS Job Grading Standard for Leader WL/NL, Part I (January 1980)

Factor: N/A

Issue: Credit for nonsupervisory work led

Identification of the Classification Issue

The appellant's position was classified as Marine Machinery Mechanic Leader, WL-5334-10. The appellant led a team in the repair, overhaul, and manufacture of marine machinery, equipment, and systems aboard U.S. Coast Guard vessels. He was responsible for accomplishing the work with his team members and assuring final products were completed on time and met established standards of quality and quantity. The appellant performed work in two separate occupations requiring skill at the WG-9 and WG-10 grade levels. He believed his job was not properly credited with the highest level of work led because he supervised one WG-11 Machinist.

Resolution

Part I of the JGS for Leader WL/NL is used to evaluate working leaders who lead three or more workers in performing trades and labor work assignments. Work leader jobs are graded on the basis of the highest level of non-supervisory work led. However, the JGS cautions that care should be taken to assure this grade actually reflects the level of nonsupervisory work led. One caveat cited is where the highest-level employee may do work in an occupation in which the working leader is not fully qualified. The level of such work should be used to grade the working leader job only where the leader, although not fully qualified, has enough knowledge of the occupation to lead the work involved; e.g., pass on instructions from the supervisor, assign immediate tasks to be performed, demonstrate work methods, check work, and report to the supervisor on work status or cause of work delays. OPM determined that the appellant could not demonstrate work methods or check the work of the highest-level grade he led. Five of the seven employees led by the appellant performed grade 10 work. In using the Working Leader Grading Table, grade 10 appropriately represented the highest grade led by the appellant, which resulted in the crediting of WL-10 for the appellant's leader work.

[Decision Number C-5334-10-01]

Article No. 32-16

Standard: General Schedule Supervisory Guide (June 1998)

Factor: Factor 1, Program Scope and Effect
Factor 6, Other Conditions
Special Situations

Issues: Distinguishing between Levels 1-1 and 1-2
Full and final technical responsibility
Physical dispersion

Identification of the Classification Issue

The appellant, a Field Supervisor, GS-303-07, was a first-level supervisor who oversaw the collection of data on a monthly basis for Bureau of the Census surveys in three southern New Jersey counties. He supervised a staff of approximately 10 permanent and part-time positions engaged in one-grade interval work in the GS-303 series. He believed his position should be classified at the GS-10 level.

Resolution

Under Factor 1, Scope, the work performed by the appellant's organization met the "limited geographic coverage" of Level 1-2. However, the work performed was limited to asking samples of the population in the assigned counties routine questions rather than providing actual services. The work constituted a process preliminary to the primary work of the agency, i.e., the compilation and analysis of the data in Census reports. Further, the work directed by the appellant was not complex clerical in nature, thus failing to meet the degree of complexity required under Level 1-2. Scope was evaluated at Level 1-1.

Under Factor 1, Effect, the subordinates' work was limited to routine fact-finding and did not directly and significantly affect the citizens contacted. Thus, while the survey information gathered was used to make determinations affecting U.S. citizens at the local and national level, the subordinates' work did not have the direct and significant effect expected at Level 1-2. Effect was evaluated at Level 1-1.

Under Factor 6, Level 6-2a, the appellant did not have full and final technical authority over his GS-4 base level of work. Such credit was precluded given the availability of higher-level personnel to respond to technical questions. Census-level personnel made the final technical decisions on the quality of the data and, if it was found to be unacceptable, would notify the regional office to re-gather the data.

Under Factor 6, Level 6-2b, the appellant's designation of a subordinate "as a supervisor of a team" for several weeks was not creditable as a subordinate supervisor. The GSSG defines a supervisor as an employee who oversees the work of a recognizable work force through the

combined technical and administrative direction of others. This work must occupy at least 25 percent of the position's time on a regular and recurring basis and meet at least the lowest level of Factor 3 in the GSSG. The GSSG specifically excludes positions that have project management responsibilities, like the aforementioned subordinate who acted as a temporary work coordinator within the appellant's own GSSG-recognized unit. Factor 6 was evaluated at Level 6-1.

Under Special Situations, Physical Dispersion was not credited because the physical dispersion of the subordinates in this case did not make the appellant's day-to-day supervision more difficult to administer. Physical Dispersion is credited when a substantial portion of the workload for which the supervisor is responsible is regularly carried out at one or more locations which are physically removed from the main unit under conditions which make day-to-day supervision difficult to administer. The work performed by the appellant and his staff was inherently independent in nature since they all worked out of their homes. Although the data collection was performed within a multi-county area and the appellant may have traveled miles to meet with a subordinate, he could monitor work progress by accessing computer systems and could readily communicate with subordinates by telephone, text, email, and/or in person.

OPM decided the appeal as GS-303-06 with "Supervisory" prefix or "Supervisor" suffix.

[Decision Number C-0303-06-18]