

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and ELSA Programs



San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [the appellant]

Agency classification: Personnel Management Specialist
GS-201-9

Organization: [the appellant's installation]
Department of Justice

OPM decision: Personnel Management Specialist
GS-201-9

OPM decision number: C-0201-09-01

Carlos A. Torrico
Classification Appeals Officer

March 22, 1999 _____ Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[the appellant's address]

[the appellant's servicing personnel office]

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Introduction

On April 16, 1998, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. The position is currently classified as Personnel Management Specialist, GS-201-9. However, he believes its classification should be Personnel Management Specialist, GS-201-11. The position is located in [the appellant's installation]. We have accepted and decided the appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant makes various statements about his agency, its evaluation of his position, and the classification of other positions in his office. By law, we must classify positions solely by comparing their duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards and guidelines is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal. Therefore, we have considered the appellant's statements only in so far as they are relevant to making that comparison. We note that the appellant was moved to another position covered by the same standard position description after the appeal was filed. As a result, our fact-finding disclosed that some of the duties and amount of time spent performing them have changed. The appellant discusses several duties that he performed prior to the change in assignment. However, 5 U.S.C. 5112 indicates that we can only consider current duties and responsibilities in classifying positions.

This appeal decision is based on a careful review of all information furnished by the appellant and his agency. In addition, to help decide the appeal an Oversight Division representative conducted a phone audit with the appellant, and interviewed both his immediate and second level supervisors by telephone. Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) number FD7033.

Position information

The appellant performs various duties relating to employee relations, position classification, labor relations, some aspects of staffing, preparing requests for personnel background investigations, and miscellaneous detention center assignments. The primary duties listed in his PD include assisting in the administration of various personnel programs (e.g., assists in administering the employee-management relations program), participating in administering the employee benefits program, and classifying positions. Along with all other correctional institution employees, he may be called upon as needed to perform duties related to maintaining the security of the institution. The audit, the appellant's PD, and other material of record furnish much more information about his duties and responsibilities and how they are performed.

The personnel office is composed of the Personnel Officer, GS-201-13; a Supervisory Employee Relations and Classification Specialist, GS-201-12; two Personnel Management Specialists, GS-201-9; and two personnel assistants, GS-203-7. The GS-12 supervises the appellant. The personnel

officer supervises the other GS-9 (identical additional position on the appellant's PD) and the two assistants.

The appellant is one of two employees assigned to a standard Bureau of Prisons PD at the detention center. The standard PD includes duties in all personnel functions. The other incumbent primarily performs staffing duties. The appellant and other incumbent are rotated periodically. During the most recent rotation, the appellant and other incumbent exchanged position assignments so that the appellant is now primarily performing work in the other personnel functions, with only limited participation in staffing matters. Due to the small size of the personnel office, both are called upon to perform duties in all personnel functions as workloads fluctuate.

The detention center is composed of approximately 260 positions. The center has three associate wardens who manage custody, programs, and operations. The programs function includes correctional program unit managers, clinical psychology, correctional treatment specialists, chaplain, teachers, and legal staff. The operations function includes financial management, food service administration, facility management, health systems administration, and safety and occupational health. Approximately 60 percent of the positions at the detention center are correctional officers.

Series, title, and standard determination

The appellant performs duties covered by three classification series: Employee Relations Series, GS-230; Labor Relations Series, GS-233; and Personnel Management Series, GS-201.

The GS-230 series includes positions which involve performance of technical work to establish and maintain employer-employee relationships requiring a knowledge of the theories, principles, practices, and techniques of employee relations. The appellant drafts proposals and prepares case files, and assists in the administration of the employee benefits program. He currently spends up to 60% of his work time performing employee relations tasks.

The GS-233 series includes positions which involve performance of technical work concerned with labor relations requiring a knowledge of Executive Orders, regulations, principles, practices, and techniques of labor relations. The appellant advises management on issues covered by the labor agreement and assists in resolving grievances. The appellant's labor relations duties make up approximately 10 percent of the work.

The GS-201 series includes positions which involve performance of technical work in two or more specialized personnel functions. These positions require knowledge and skill of two or more distinctly different personnel specializations. The appellant performs position classification duties and administers classification surveys. These duties are performed approximately 25 percent of the time. The appellant assists in staffing and coordinates recruiting trips. These duties are performed up to 10 percent of the time.

The appellant's position requires knowledge and skill pertaining to employee relations, labor relations, position classification (GS-221), and personnel staffing (GS-212). While the employee relations series predominates based on percentage of the work performed, the appellant has continuing responsibility in classification and labor relations. Our review disclosed that due to the periodic rotational nature of the assignments, it is management's intent that the appellant be capable of working in all personnel functions as the need arises, and these have traditionally dictated the background knowledges required when filling the position, as well as the sources of recruitment and lines of progression. Therefore, the position is best covered by the Personnel Management Series, GS-201.

Based on performance of nonsupervisory work in three or more specialized personnel series, the position is titled Personnel Management Specialist.

This position is graded by application of the grading criteria in the classification standard for the Employee Relations Series, GS-230 (dated June 1976), and Part II of the classification standard for the Personnel Management Series, GS-201 (dated June 1976). As discussed above, the appellant spends only up to ten percent of his work time performing labor relations tasks, and no more than ten percent performing limited staffing duties. However, only duties that occupy at least twenty-five percent of an employee's time can affect the grade of a position (Introduction to the Position Classification Standards, section III. J). Therefore, we will not evaluate those duties in this decision.

Grade determination

Evaluation using GS-230 standard

The GS-230 standard uses two classification factors: Nature of assignment and Level of responsibility. The evaluation of the appellant's employee relations duties with respect to these factors follows.

Nature of assignment

The appellant's employee relations assignments are best evaluated at the GS-9 level as described on pages 16-18 of the standard. Similar to that level, the appellant performs assignments that require a fundamental knowledge of employee relations principles, concepts, techniques, and guidelines. The appellant's assignments are typically concerned with moderately complex individual conduct or performance problems and with employee benefit programs and advice that requires consideration of various options or alternatives. He advises employees on grievance, appeal and complaint processes, explaining the advantages and disadvantages of each option for the employee. His case analysis involves conduct or work performance issues where there may be substantial consequences (e.g., reprimands, suspensions), and problems are generated from the entire range of operations and units at the detention center. He prepares proposals for reprimands, suspensions of less than 14 days as well as over 14 days, and removals for conduct problems ranging from failure to follow instructions or carry out direct orders on duty, off-duty misconduct such as driving under the

influence, or other off-duty behavior leading to an arrest. He advises supervisors on application of the master labor agreement, e.g., preparation of sick leave abuse letters. He also counsels employees on specific benefits or services and conditions of employment, e.g., standards of conduct and responsibility, retirement, thrift savings plan. There is normal diversity in the occupational groups serviced (e.g., trades, clerical, administrative, professional and technical) which present average demands for flexibility in understanding employee attitudes and job satisfaction factors. The detention center's mission is stable, its organizations are of moderate size and complexity, and they do not present particularly difficult problems in understanding and communications.

The appellant's assignments fall short of the GS-11 (pages 18-20) because they do not require the application of the full range of employee relations theories, principles, methods and techniques. The assignments typically do not require the originality and judgment described in the standard because the appellant adapts sample proposal letters furnished by the Federal Bureau of Prisons, and his guidelines and precedents are directly applicable.

Level of responsibility

The appellant's responsibilities are most similar to GS-9 (page 16) responsibilities described in the standard. For instance, as discussed at that level, the appellant's supervisor makes specific assignments outlining the objectives and priorities, and reviews work for technical soundness and adequacy of recommendations and conclusions. The appellant selects and interprets guidelines, making minor modifications or adaptations. The appellant's contacts are primarily with his supervisor to discuss cases, as well as other supervisors and employees to provide advice on handling employee relations issues and problems.

The appellant's responsibilities fall short of the GS-11 criteria (pages 20-21). Unlike that level he receives assignments from his supervisor with more specific instructions than just overall purpose and scope of work. In addition, his completed assignments are reviewed more closely than is typical of GS-11 positions. In contrast to the GS-11 level, the guidelines and precedents he uses do not require substantial modification or adaptation. Unlike the GS-11 level, the appellant's contacts do not require him to "sell" himself to all levels of supervisors and managers in order to gain confidence and acceptance of advice. The proposals prepared by the appellant are reviewed by the supervisor and then forwarded for approval by the Federal Bureau of Prisons' [the appellant's regional office] and, depending upon the severity of the proposal, to the Labor Management Relations West office.

Evaluation using GS-201 standard, Part II

Part II of the GS-201 standard uses five classification factors: Complexity and difficulty of technical personnel problems, Management advisory service functions, Nature of supervision received, Authority, and Personal work contacts. Evaluation of the appellant's position classification duties with respect to these factors in the standard is discussed below.

Complexity and difficulty of technical personnel problems

The appellant's assignments are best evaluated at the GS-9 (pages 56-61). The classification actions and problems that the appellant typically deals with are of average difficulty as defined at the GS-9 level in the standard. Similar to the second GS-9 work illustration on page 57 of the standard, his assignments include personnel and positions which involve work processes of a mental, judgmental, or public contact nature (some of which could be in short supply) as described at the GS-11 level, but the assignments equate to the GS-9 because the appellant's organization is reasonably stable. Like the GS-9, the jobs and career patterns at the detention center are sufficiently standardized and clear cut in operation; they are covered by specific guidelines and the job qualification requirements are relatively easy to understand. Like the first example of assignments on pages 57-58 of the standard at the GS-9 level, the appellant classifies a variety of positions covering both Classification Act and wage board pay systems. The jobs serviced include professional medical, administrative and clerical support, electronics technicians, accounting technicians, computer specialists, correctional officers, warehouse workers, maintenance mechanics and plumbers, and cooks. Most classification actions involve adding nonstandard paragraphs to standardized positions descriptions, and most positions have available classification standards which require some interpretation on his part. When no standards are available, the jobs fall logically into typical patterns. The appellant works closely with supervisors to keep current on changes in organizational structures and the effects on job content, and advises supervisory staff on the impact of duty changes on classifications.

The appellant's assignments fall short of the GS-11 (pages 61-65) in the two major aspects described in the standard. Unlike that level, the appellant's assignments do not encompass problems of more than average difficulty combined with management advisory services characteristic of the GS-9 level. In addition, even though his assignments are of an average level of difficulty, the work does not meet the GS-11 level in that his management advisory services do not require a high level of technical skill, broad personnel management knowledge, persuasiveness, and imagination. In contrast to the GS-11 level, directly applicable OPM classification standards and guides cover all but a few of the positions, almost all position descriptions are standardized, and the organization is noncomplex and stable. Personnel problems are not of more than average difficulty because, as described on page 61, they do not arise from the nature of jobs *and* organization characteristics *and* degree to which guides must be interpreted.

Management advisory service functions

The appellant's management advisory services are best evaluated at the GS-9 level (pages 59-60). The appellant has contact with employees, supervisors and managers in the detention center. He deals with problems and requests for information pertaining to specific issues of limited scope, for which solutions are readily apparent. While most issues are specific to position classification, he must recognize the impact of the matter on other specialized personnel fields.

The appellant's management advisory services fall short of the GS-11 level (pages 65-66). The appellant's opportunity to apply broad personnel management knowledge, persuasiveness, imagination, and insight is significantly limited due to the presence of the supervisory GS-201-12 position. Our fact-finding revealed that the GS-12 position performs the full scope of management

advisory services characteristic of the GS-11 level. Thus the appellant is not confronted with problems requiring a broad personnel management approach and an intense search for sound solutions, as described at the GS-11 level.

Nature of supervision received

The supervision that the appellant receives is best evaluated at the GS-9 (page 60). Like that level, supervision received is general in nature. The appellant receives assignments in terms of priorities and objectives on tasks of average difficulty, and work is reviewed for accomplishment of specified goals. Our review disclosed that the supervisor provides assistance and reviews work in more detail on tasks with broader implications, e.g., those that may create local precedents or impact other functions of the personnel office.

The supervision that the appellant receives falls short of the GS-11 level (page 66). Unlike that level, the appellant's supervisor provides more guidance when making assignments and reviews completed work in more detail (rather than just a cursory technical review), particularly when assignments are sensitive or have broad impact.

Authority

The appellant's authority is best evaluated at the GS-9 (page 60). The appellant's recommendations and decisions apply to individual actions, and therefore no single decision has significant impact on the agency or the personnel program.

The appellant's authority falls short of the GS-11 level (page 66). The appellant's duties, responsibilities, and degree of supervisory control and work review, do not provide the opportunity to exercise greater authority to plan his work than that described at the GS-9 level.

Personal work contacts

The appellant's work contacts are similar to the GS-9 level described on pages 60 and 61 of the standard. The record reflects that the appellant's contacts are to present, obtain, and exchange information, conduct inquiries, and resolve problems. Like the GS-9 level, his contacts help to further an understanding of the agency's personnel management policies and programs.

The appellant's work contacts fall short of the GS-11 level (page 67). In contrast to the GS-11 level, the appellant's opportunity to "sell" himself to all levels of supervision and management to gain confidence and acceptance of advice is significantly limited due to the presence of the supervisory GS-201-12 position, whose incumbent makes contacts within the context of the GS-11 level.

We note that in the appeal file the appellant believes that the complexity of his recruitment responsibilities warrants assignment to the GS-11 level. As previously noted, in his present position he spends no more than 10 percent of his time assisting in staffing and recruiting and thus the work

is not grade controlling. In addition, our audit disclosed that the work does not include performing the full scope of staffing duties which typically accompany recruitment activities. Nevertheless, were we to evaluate the recruitment responsibilities by application of the GS-201 standard, their complexity would not exceed the GS-9 level where positions dealt with are of a mental, judgmental, public contact nature, or in short supply, but in an organization that is stable (like the appellant's installation), and where career patterns are standardized and covered by specifically applicable guides, and qualification requirements relatively easy to understand.

Summary

We have found that both the appellant's employee relations and position classification duties are evaluated at the GS-9 level.

As discussed on pages 50 through 52 of the GS-201 standard, where the work is of the same grade level in each of two or more specialized fields, the variety of knowledge requirements may strengthen the position in total grade value. However, the following three criteria are considered in making that judgment: (1) the degree of diversity in knowledge and skill requirements represented by the different specialized fields in the job, (2) the borderline nature of work level in each specialization, and (3) the effects of control over the work. Although the appellant's position could meet the first requirement for knowledge and skill in two distinctly diverse specializations, and it operates at the full performance level as discussed under criterion number 3 in the standard, we judge that it does not meet criterion number 2. This is because our fact-finding revealed that the appellant works in the lower to middle levels of his grade in his assigned specializations, rather than operating in the upper limit of his grade in the two specializations, i.e., very "strong" in the grade but not classifiable at the next higher grade. As a result, the position cannot be strengthened by crediting variety and the final grade is GS-9.

Decision

The appellant's position is properly classified as Personnel Management Specialist, GS-201-9.