

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

Dallas Field Services Group
Plaza of the Americas, North Tower
700 North Pearl Street, Suite 525
Dallas, TX 75201

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

Appellant: [appellant]

Agency classification: Human Resources Assistant
GS-203-8

Organization: Employee Relations & Benefits Section
Human Resources Management Service
[name] VA Medical Center
Department of Veterans Affairs
[location]

OPM decision: Human Resources Assistant
(Employee Benefits)
GS-203-8

OPM decision number: C-0203-08-02

/s/ Kevin E. Mahoney

Kevin E. Mahoney
Deputy Associate Director
Center for Merit System Accountability

March 10, 2006

Date

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

Since this decision changes the title of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 CFR 511.702). The servicing human resources office must submit a compliance report containing the corrected position description and Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant's name and address]

Human Resources Officer
[name] VA Medical Center
Department of Veterans Affairs
[address]

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Introduction

The Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal on October 11, 2005, from [appellant]. The appellant's position is currently classified as Human Resources (HR) Assistant, GS-203-8, but she believes her duties should be classified as an HR Specialist, GS-201, at the GS-11 level. The position is assigned to the Employee Relations and Benefits Section, Human Resources Management Service, [name] VA Medical Center, Department of Veterans Affairs (VA), in [city and state]. We received the agency's administrative report on November 4, 2005. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant previously occupied an HR Specialist, GS-201-11, position at another VA medical center before voluntarily accepting a change to lower grade and placement in an HR Assistant, GS-203-7, position with her current organization. The appellant said she performs duties similar to those she previously performed as a GS-11, HR Specialist. At her request, the agency reviewed her position, revised the position description (PD), number [number], reclassified it to Human Resources Assistant, GS-203-8, and promoted her on August 21, 2005.

We recognize the appellant is qualified for a GS-11 HR Specialist, position. While qualifications are considered in classifying positions, these are qualifications required to perform the duties and responsibilities of the assigned position and not those the appellant personally possesses. Therefore, we may not consider the appellant's personal qualifications, except insofar as they are required to perform her current duties and responsibilities.

The appellant believes her position is appropriately classified at GS-201-11, in part, because the organization previously assigned her current duties and responsibilities to higher graded HR Specialists. Consequently, she believes her position should also be classified at a higher grade. By law, we must classify positions solely by comparing their duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to other positions, which may or may not be classified correctly, or to duties she performed in her previous HR Specialist position, as a basis for deciding her appeal.

The appellant believes she should receive at least GS-9 pay retroactive to when she entered on duty as a GS-7, HR Assistant. The U.S. Comptroller General states that an "...employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted . . . Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications (Decision Number B-232695, December 15, 1989)."

Position information

The HR Management Service is comprised of the Employee Relations (ER) and Benefits and the Staffing/Pay Administration Sections. As a member of the ER and Benefits Section, the appellant is primarily responsible for providing a variety of retirement services to approximately 2,100 employees located at the medical center, the Veterans Integrated Service Network [number], and at five community-based outpatient clinics. Besides the appellant, the section is currently staffed with a GS-12, HR Specialist; a GS-9, HR Specialist; a GS-7, HR Assistant; and one part-time student employee. The appellant's supervisor occupies a Supervisory HR Specialist, GS-201-13, position.

The appellant's work entails providing employees and their family members with information on the voluntary, disability, or early retirement options under the civil service retirement system (CSRS) and the federal employees retirement system (FERS), both regular and offset. She also advises employees on the benefits of buying back military or nondeductible civilian service and calculates an estimate of the associated costs. After an employee approaches her with their intent to retire, the appellant will review the employee's official personnel folder (OPF) to ensure the correctness of the service computation date (SCD); identify potential errors in retirement system designations; compute annuity benefits; explain health and life insurance options when retired; and present, coordinate, and forward retirement actions and correspondence to OPM and other relevant offices. As an alternative to an employee seeking a disability retirement, the appellant will work with a supervisor in an effort to return an injured employee to a light-duty position. The appellant also provides retirement and other benefits-related information at new employee orientations and seminars covering topics such as the Thrift Savings Plan (TSP), the Federal Employees Health Benefits (FEHB), and the Federal Employees Group Life Insurance (FEGLI).

The appellant believes her PD of record is not complete as it does not capture all the work assigned to her position including survivor benefits, military deposits, new employee orientations, several benefits programs, the suggestion award program, and the Office of Workers' Compensation Program (OWCP). In the appeal request, the appellant said these additional duties are inappropriately covered in the PD under the other duties as assigned statement. Specifically, she said, "...handling duties on a day to day basis I thought had to be specified in my PD, especially if they were normally the responsibility of a higher graded employee."

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position is the work made up of the duties and responsibilities performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position and not simply the PD. This decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decisions.

OPM considers a PD to be accurate for classification purposes when the *major* duties and responsibilities of the position are listed and proper classification can be made when the

description is supplemented by otherwise accurate, available, and current information on the organization's structure, mission, and procedures. Major duties are normally those that occupy a significant portion of the employee's time. They should be only those duties currently assigned, observable, identified with the position's purpose and organization, and expected to continue or recur on a regular basis over a period of time. The appellant's work for the suggestion awards program includes entering information into a database and forwarding the nomination to the appropriate officials for approval. After the appellant's position experienced a spike in the retirement workload, this duty was temporarily assigned to another position. The supervisor said this duty will revert back to the appellant's position. The appellant and supervisor agree she spends approximately one to two hours on this work per week.

According to the *Introduction to the Position Classification Standards*, only duties occupying at least 25 percent of an employee's time can affect the grade of a position, and duties performed in another employee's absence cannot be considered in determining the grade of a position. The appellant's OWCP work is performed only in the absence of her Section's GS-9, HR Specialist, and, therefore, can not control the classification of the appellant's position. Since the statement, "Performs other related duties as assigned," may be used to cover minor duties not affecting the classification of a position, we find the appellant's suggestion awards program and OWCP work appropriately covered by this statement.

The first duty in the PD states, "The incumbent is responsible for retirement support for all employees who are serviced by the medical center HR office." Retirement support does not begin and end with calculating an annuity benefit and processing paperwork for OPM's review. Instead, retirement support may include educating new employees on how to prepare for retirement; advising employees on buying back military or nondeductible civilian service; assisting annuitants with benefits related issues; or helping surviving family members receive appropriate life insurance benefits after an annuitant's death. Consequently, we find the appellant's work for survivor benefits, military service deposits, employee orientations, and other benefits are covered in the PD and will be further considered under the grade determination section of this decision.

The appellant and immediate supervisor certified to the accuracy of the duties described in the PD of record. This PD and other material of record furnish much more information about the appellant's duties and responsibilities and how they are performed, and we incorporate it by reference into this decision. To help decide this appeal, we conducted a telephone audit with the appellant on February 13, 2006, in addition to telephone interviews with the first-level supervisor on February 14, 2006, and second-level supervisor on February 16, 2006. In deciding this appeal, we carefully considered the interviews and all other information of record furnished by the appellant and her agency, including the official PD.

Series, title, and standard determination

The appellant disagrees with her agency's assignment of her position to the GS-203 series, which covers one-grade interval administrative support positions that supervise, lead, or perform HR assistant work requiring substantial knowledge of civilian and/or military HR terminology, requirements, procedures, operations, functions, and regulatory policy and procedural

requirements applicable to HR transactions. This work does not require the broad knowledge of Federal HR systems or the depth of knowledge about HR concepts, principles, and techniques. HR assistants provide support for HR specialists in using information systems and in delivering services in the various specialty areas of HR.

The appellant believes her work warrants classification to the GS-201 series, which covers two-grade interval administrative positions that manage, supervise, administer, advise on, or deliver HR management products or services. Since some tasks are common to both administrative and support occupations, it is not always easy to distinguish between assistants classified in one-grade interval administrative support occupations and specialists classified in two-grade interval administrative occupations. Both GS-201 and GS-203 standards discuss how to distinguish between specialist and assistant work. Guidance on distinguishing between administrative and support work is also contained in *The Classifier's Handbook*.

Support work usually involves proficiency in one or more functional areas or in certain limited phases of a specified program. Normally a support position can be identified with the mission of a particular organization or program. The work usually does not require knowledge of interrelationships among functional areas or organizations. Employees performing support work follow established methods and procedures. Specifically, HR assistants have boundaries that narrowly restrict their work. They use a limited variety of techniques, standards, or regulations. The problems HR assistants deal with are recurring and have precedents. These limitations impact the breadth and depth of knowledge required, the complexity of problem solving, the applicability of guidelines, and the closeness of supervisory controls.

On the other hand, administrative work primarily requires a high order of analytical ability combined with a comprehensive knowledge of (1) the functions, processes, theories, and principles of management, and (2) the methods used to gather, analyze, and evaluate information. Administrative work also requires skill in applying problem-solving techniques and skill in communicating both orally and in writing. Administrative positions do not require specialized education, but they do involve the types of skills typically gained through college-level education or through progressively responsible experience. In particular, full-performance HR specialists use broad HR management knowledge, concepts, and principles to perform a wide variety of work in one or more HR specialty areas.

As the primary retirement counselor, the appellant refers to applicable laws and regulations, OPM handbooks and guides, and agency-specific procedures, if any, to advise employees, annuitants, and family members on a wide range of retirement benefits-related matters. In addition to conducting Internet searches on the OPM Web site, she may also contact representatives from VA's Central Office or OPM for guidance. In contrast to administrative occupations, the appellant's retirement support work does not require applying a high level of analysis or judgment to make the information gathered fit a particular situation. Due to the nature of the work, the appellant cannot make decisions based on her research; she is limited to sharing this information with her clients to assist them in making a more informed choice. Therefore, the collection of data is typically the end in itself rather than as a means to an end. Although HR assistant duties may be similar to those of HR specialist trainees, a specialist-in-training is in a temporary stage of development and is performing assignments requiring

progressively more judgment and analysis. Both the appellant and immediate supervisor said the position is not being assigned progressively more difficult work assignments. In the area of employee benefits, two-grade interval GS-201 work extends beyond the case advisory functions vested in the appellant's position. It includes programmatic responsibilities which are not assigned to or performed by the appellant.

Consequently, the appellant's position is properly classified to the GS-203 series. We applied the grading criteria in the Job Family Position Classification Standard (JFS) for Assistance Work in the Human Resources Group, GS-200, to evaluate the appellant's work. The authorized title for the appellant's position is Human Resources Assistant. We find the appellant's grade controlling work is appropriately covered by the parenthetical designator (Employee Benefits), because she is primarily responsible for work involving retirement-related support of employee guidance and consultation to agencies, employees, former employees, annuitants, survivors, and family members. We note that the appellant's PD of record has been pen and inked to reflect this parenthetical title. However, this change has not been processed on an SF-50 which means that the official title recognized by the agency does not reflect this appropriate parenthetical designator.

Grade determination

The GS-203 JFS is written in the Factor Evaluation System 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 JFS. Under this system, each factor-level description demonstrates the minimum characteristics needed to receive credit for the described level. Therefore, 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.

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 1-5, which is the highest level described in the JFS, the work requires knowledge of, and skill in applying, a comprehensive body of HR rules, procedures, and technical methods sufficient to carry out limited projects, analyze a variety of routine facts, research minor complaints or projects that are not readily understood, and summarize HR facts and issues. Examples of work at this level include making presentations following established lesson plans for routine administrative support subjects; conducting interviews to identify and organize pertinent facts of a situation; and providing advice to employees regarding minor problems of employee conduct, dissatisfaction, or poor work habits.

The appellant's retirement support work meets but does not exceed Level 1-5. The JFS includes an illustration of work at Level 1-5, where the HR assistant applies knowledge of, and skill in applying, a comprehensive body of HR rules, procedures, and technical methods concerning employee benefits sufficient to research, identify, and explain complicated and in-depth

employee benefit-related issues, such as health benefits conversion and complicated annuity calculations. This is a match to the appellant's position. She also conducts interviews with retirement eligibles, gathers data to determine creditable service for retirement eligibility, identifies and researches potential issues, and prepares retirement estimates and packages to be forwarded to OPM. Her work is complicated as more individuals are being placed in an erroneous retirement system; service histories are difficult to piece together due to missing, incorrect, or incomplete personnel actions in the OPFs; and the appellant advises disabled employees on their available options ranging from being placed into a light-duty position to applying for disability retirement. If the individual chooses a disability retirement, the appellant advises the employee on eligibility requirements, disability annuity estimates, and duration of annuity.

Level 1-5 is credited for 750 points.

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work; to modify or recommend changes to instructions; and to participate in establishing priorities and defining objectives.

At Level 2-3, which is the highest level identified in the JFS, HR assistants plan the work, carry out successive steps of assignments, resolve problems, and make adjustments using established practices and procedures. In addition, they recommend alternative actions to the supervisor; handle problems and/or deviations that arise in accordance with instructions, policies, and guidelines; and refer new or controversial issues to the supervisor for direction.

The appellant's position meets but does not exceed Level 2-3. As at this level, the appellant plans her own work, resolves problems, and makes adjustments within established policy or overall objectives and priorities defined by the supervisor. The supervisor defines continuing assignments, provides information on new tasks, and assists with unusual or controversial problems with no clear precedents. The appellant's work does not receive a detailed review as these duties are handled largely in accordance with established instructions, policies, and guidelines. Her experience and knowledge of benefits work allows her to work independently with little or no day-to-day supervision. The appellant keeps the supervisor informed of any potential problems or issues that may impact the HR office. For example, if several employees from the same service decide to retire, the appellant will notify her immediate supervisor, who will then alert the Staffing/Pay Administration Section of the possible mass recruitment action. The appellant's work is largely driven by customer demand, so, as at Level 2-3, the appellant uses initiative in carrying out these recurring assignments independently without specific instructions.

Level 2-3 is credited for 275 points.

Factor 3, Guidelines

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

At Level 3-3, which is the highest level identified in the JFS, HR assistants use guidelines that have gaps in specificity and are not applicable to all work situations. The employee selects the most appropriate guidelines and decides how to complete the various transactions. Assistants use judgment to devise more efficient methods for procedural processing, gather and organize information for inquiries, or resolve problems referred by others. In some situations, guidelines do not apply directly to assignments and require the employee to make adaptations to cover new and unusual work situation.

The appellant's position meets but does not exceed Level 3-3. Available guidelines include the U.S.C., CFR, agency-specific policies and procedures, various handbooks, and OPM's retirement manuals and tools. OPM also provides additional information on retirement and other benefits on its Web site. Comparable to Level 3-3, the appellant's guidelines do not always apply directly to her assignments and require her to adapt to cover new work situations. For example, the appellant handles all retirement questions, which requires her to research and interpret laws and regulations. She advises employees and their family members of their various options. The appellant regularly deals with individuals in the wrong retirement system or in reconstructing oftentimes complex and confusing service histories. This work, as expected at Level 3-3, requires her to deal with resolving problems and issues by selecting the most appropriate guidelines, which often do not apply directly to the situation.

Level 3-3 is credited for 275 points.

Factor 4, Complexity

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

At Level 4-3, which is the highest level identified in the JFS, the work consists of different and unrelated steps in accomplishing HR assignments and processes. HR assistants at this level consider factual data, identify the scope and nature of the problems or issues, and determine the appropriate action from many alternatives. Assistants identify and analyze HR issues and/or problems to determine their interrelationships and to determine the appropriate methods and techniques needed to resolve them.

The appellant's position meets but does not exceed Level 4-3. Illustrative of this level, the appellant provides guidance to current and former employees, annuitants, survivors, and eligible family members regarding retirement, TSP, life insurance, and health benefits. The appellant determines creditable service for retirement purposes, determines if military service is creditable and for what purposes, computes annuity estimates, and completes retirement paperwork. Her work routinely involves preparing complicated retirement estimates and complex creditable service computations. Examples of problems typically handled by the appellant include those

involving erroneous retirement coverage; advising employees of the advantages and disadvantages of disability retirement; and reconstructing service histories when Standard Form 50s are missing, incorrect, or incomplete. These complicating factors are typical of the work described at this level.

Level 4-3 is credited for 150 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 5-3, which is the highest level identified in the JFS, the work involves treating a variety of routine problems, questions, or situations using established procedures, such as explaining benefits options available to employees based upon analysis of individual cases. The work has a direct effect on the quality and adequacy of employee records, program operations, and services provided through the HR office. Work also affects the social and economic well being of persons serviced through the HR office.

The appellant's position meets but does not exceed Level 5-3. The PCS provides an illustration of Level 5-3, which includes work explaining benefit options available to employees based upon analysis of individual cases and processing claims that require identifying and substantiating relevant information. Work at this level affects the quality and adequacy of services the employee benefits program provides. This is a direct match for the appellant's position. The appellant works to resolve retirement issues and problems encountered. For example, she identifies problems with employees who have been placed in the wrong retirement system or with correcting errors found in the calculation of SCDs due to an error based on military service record or improper credit given for non-qualifying appointments. She resolves technical problems in accordance with established criteria, guidelines, and/or practices. The appellant's work includes advising on and providing assistance regarding FEHB, TSP, FEGLI, and several retirement programs (e.g., CSRS, FERS, and disability retirement). The appellant assists employees and family members on retirement matters, prepares annuity estimates and paperwork, reviews all benefits forms, determines creditable Federal service, and reviews OPFs for accuracy. Like Level 5-3, the appellant's work has a direct effect on the quality and adequacy of employee records, program operations, and services provided through the HR office that includes a variety of employee retirement problems, questions, and situations, such as ensuring accurate and timely retirement calculations, and providing accurate and timely advice.

Level 5-3 is credited for 150 points.

Factor 6 and 7, Personal Contacts and Purpose of Contacts

Personal contacts include face-to-face and telephone contacts with persons not in the supervisory chain. Levels described under this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the

contact takes place. These factors are interdependent. The same contacts selected for crediting Factor 6 must be used to evaluate Factor 7. The appropriate level for personal contacts and the corresponding level for purpose of contacts are determined by applying the point assignment chart for Factors 6 and 7.

Personal Contacts

At Level 2, which is the highest level identified in the JFS, the HR assistant has contact with employees and managers in the agency, both inside and outside the immediate office or related units, as well as applicants, retirees, and/or the general public, in moderately structured settings. Contact with employees and managers may be from various levels within the agency, such as headquarters, regions, districts, field offices, or other operating offices at the same location.

The appellant has a variety of personal contacts to complete her assignments. The more routine are those with employees, supervisors, retirees, and family members. The appellant's personal contacts also include officials from FEHB plans, OPM, or VA's Central Office. These contacts, which are comparable to Level 2, constitute a regular and recurring part of her job. The appellant also has occasional contact with attorneys or financial advisors to discuss an employee's retirement benefits. As these are rare, the contacts cannot be considered as controlling the evaluation of this factor. To be credited, the level of contacts must contribute to the successful performance of the work, have a demonstrable impact on the difficulty and responsibility of the position, require direct contact, and are a regular and recurring requirement. As a result, the appellant's personal contacts meet but do not exceed Level 2.

Purpose of Contacts

At Level a, the purpose of contacts is primarily to acquire, clarify, or exchange facts or information needed to complete assignments. At Level b, which is the highest level identified in the JFS, the purpose of contacts is to plan, coordinate, or advise on work efforts, or to resolve issues or operating problems by influencing or persuading people who are working towards mutual goals and have basically cooperating attitudes.

The agency evaluated the purpose of the appellant's personal contacts at Level a, since, as stated in the PD, "The purpose of contact is to follow through on work efforts to resolve minor problems or obtain the cooperation of others." However, the purpose of the appellant's contacts ranges from exchanging factual information to resolving issues by persuading people typically working towards the same goals. This is similar to Level b. In addition, the appellant advises employees and supervisors on resolving problems with creditable service computations, survivor benefit entitlement, and arranging light duty assignments for disabled employees with sometimes reluctant supervisors. Contacts occasionally require tact and skill in explaining delicate, complicated, or confusing retirement issues. The appellant also contacts FEHB directly to resolve problems with an annuitant's benefits coverage. This substantially exceeds Level a where the reason for the contacts tends to be for informational purposes. Therefore, the purpose of the appellant's contacts meets but does not exceed Level b.

Level 2b is credited for 75 points.

Factor 8, Physical Demands

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

As at Level 8-1, which is the only level identified in the JFS, the appellant's work is primarily sedentary and does not involve any special physical effort. Some work may require periods of standing or carrying light items such as OPFs, pamphlets, or handbooks. Level 8-1 is credited for 5 points.

Factor 9, Work Environment

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

As at Level 9-1, which is the only level identified in the JFS, the appellant's work environment consists of an area that is adequately lighted, heated, and ventilated. Her work involves everyday risks or discomforts requiring normal safety precautions. The appellant's work environment meets but does not exceed Level 9-1. Level 9-1 is credited for 5 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. <i>Knowledge Required by the Position</i>	1-5	750
2. <i>Supervisory Controls</i>	2-3	275
3. <i>Guidelines</i>	3-3	275
4. <i>Complexity</i>	4-3	150
5. <i>Scope and Effect</i>	5-3	150
6 & 7. <i>Personal Contacts and Purpose of Contacts</i>	2-b	75
8. <i>Physical Demands</i>	8-1	5
9. <i>Work Environment</i>	9-1	<u>5</u>
<i>Total</i>		1,685

A total of 1,685 points falls within the GS-8 range (1,605 to 1,850 points) on the grade conversion table in the JFS.

Decision

The position is properly classified as Human Resources Assistant (Employee Benefits), GS-203-8.