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

Washington Oversight Division
1900 E Street, NW., Room 7675
Washington, DC 20415-6000

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

Appellant:	[name]
Agency classification:	Program Specialist (Emergency Preparedness) GS-301-14
Organization:	[branch] [division] [office] Federal Emergency Management Agency [city and State]
OPM decision:	GS-301-14 title at agency discretion
OPM decision number:	C-0301-14-01

__//s//_____
Linda J. Kazinetz
Classification Appeals Officer

_August 19, 2002 _____
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification 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 the conditions and time limits specified in title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant]

Mr. Douglas Fehrer
Director, Human Resources Division
Federal Emergency Management Agency
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Introduction

On March 19, 2002, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Program Specialist (Emergency Preparedness), GS-301-14, in the [branch] of the [division], [office], Federal Emergency Management Agency (FEMA), in [city and State]. The appellant requested that his position be classified at the GS-15 level. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

An on-site position audit was conducted by a Washington Oversight Division representative on August 6, 2002, and a subsequent telephone interview with the appellant's supervisor, [name], on August 16, 2002. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description, [number], and other material submitted in the agency administrative report on May 30, 2002.

Position Information

The appellant develops and interprets policy and guidance related to radiological emergency preparedness (REP) for the FEMA regional offices and serves as a point of contact for REP policy decisions and implementation. He develops, either personally or through the review of contractor products, guidance and standards designed to improve the readiness capability of State and local governments to deal with radiological emergencies at the nation's commercial nuclear power plants and to disseminate information on radiological hazards. He serves as the FEMA representative on interagency committees and working groups to develop guidance and recommendations on issues related to the handling of radiological materials and the governmental response to radiological emergencies.

Series Determination

The appellant's position is properly assigned to the GS-301 series, which covers nonprofessional, two-grade interval work for which no other series is appropriate. Neither the appellant nor the agency disagrees.

Title Determination

Since there are no prescribed titles for the GS-301 series, the position may be titled at the agency's discretion.

Grade Determination

There are no published grade-level criteria for the GS-301 series. In such instances where specific criteria are not available for the work being evaluated, a standard addressing similar or related types of work is to be used.

The position was evaluated by application of the criteria contained in the Administrative Analysis Grade Evaluation Guide, which is designed to evaluate staff analytical, planning, and evaluative work concerned with the administrative and operational aspects of agency programs and management. This guide is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

The agency submitted a contractor-prepared evaluation of the appellant's position, which assigned Levels 1-8, 2-5, 3-5, 4-5, 5-6, 6/7-3c, 8-1, and 9-1. The appellant included in his appeal package a subsequent memorandum written by a FEMA personnel management specialist after review of supplementary materials submitted by the appellant, stating that she believed that Levels 4-6 and 6/7-4c should have been credited. We agree with the original contractor evaluation for all of the factors except factor 2. Since there is no disagreement over factors 1, 3, and 5, and since the position was credited with the highest levels available in the guide under those factors, they are not addressed further in this evaluation. Therefore, the below discussion is confined to factors 2, 4, and 6/7.

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.

At Level 2-4, within a framework of priorities, funding, and overall project objectives, the employee and supervisor develop a mutually acceptable project plan which typically includes identification of the work to be done, the scope of the project, and deadlines for its completion. Within the parameters of the approved project plan, the employee is responsible for planning and organizing the study, estimating costs, coordinating with staff and line management, and conducting all phases of the project. This frequently involves the definitive interpretation of regulations and study procedures, and the initial application of new methods. The employee informs the supervisor of potential controversies or problems with widespread impact. Completed work is reviewed internally by the supervisor for compatibility with organizational goals and effectiveness in achieving objectives, and externally by staff and line management officials whose programs would be affected by implementation of the employee's recommendations.

At Level 2-5, as a recognized authority in the analysis and evaluation of programs and issues, the employee is subject only to administrative and policy direction concerning overall project priorities and objectives. The employee is typically delegated *complete responsibility and authority* to plan, schedule, and carry out major projects concerned with the analysis and evaluation of programs. The employee typically exercises discretion in determining whether to

broaden or narrow the scope of projects or studies. Analyses and recommendations developed by the employee are normally reviewed by management officials only for potential influence on broad agency policy objectives and program goals. Findings and recommendations are normally accepted without significant change.

This factor encompasses three elements – supervisory controls, employee responsibility, and supervisory review. Within that context, Level 2-5 represents not only increased independence of action over Level 2-4, but also a corresponding increase in the level of responsibility assigned to the employee largely as a function of the nature of the assignment. Level 2-5 is predicated on a significant degree of program or project management authority, where the employee has the authority to initiate major projects and to determine the scope of those projects. These types of program responsibilities provide the context for the degree of supervisory controls described at this level, i.e., administrative and policy direction concerning overall priorities and objectives. Although the appellant may operate independently in carrying out his work, he does not have an equivalent level of *authority* as described at Level 2-5. He is responsible for the provision of policy advice to the field offices, and for the production of assigned policy/procedural documents, but his work is not self-initiated as would be expected at that level, nor does he have the latitude to determine the scope of his projects. As a staff analyst working at [organizational level], any policy recommendations made by him are subject to scrutiny, review, and modification by his own management before they reach the level in the supervisory chain where they are "accepted without significant change."

Level 2-4 is credited. 450 points

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of the tasks or processes 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 4-5, the work consists of projects and studies that require analysis of interrelated issues of effectiveness, efficiency, and productivity of substantive programs. Typical assignments require developing detailed plans and objectives for the long-range implementation and administration of the program, and/or developing criteria for evaluating the effectiveness of the program. The studies are complicated by such elements as conflicting program goals and objectives; the need to deal with subjective concepts such as value judgments; and findings and conclusions that are highly subjective and not susceptible to verification through replication of study methods.

At Level 4-6, the employee plans, organizes, and carries through to completion studies involving *the substance of key agency programs*. Studies are of such breadth and intensity that they often require input and assistance from other analysts and subject-matter specialists in other fields. The employee typically serves as the *team leader* responsible for assigning segments of the study to various participants, coordinating the efforts of the group, and consolidating findings into a completed product. There is extreme difficulty in identifying the nature of the issues or problems to be studied, and in planning, organizing, and determining the scope and depth of the

study. The nature and scope of the issues are largely undefined. Difficulty is encountered in discerning the intent of legislation and policy statements, and determining how to translate the intent into program actions. The work typically involves efforts to *develop and implement programs* based on new or revised legislation requiring consideration of the immediate and long-range effects of proposed actions on the public, other government programs, and/or private industry.

The appellant's work is neither as broad nor as undefined as expected at Level 4-6. He does not serve as a team leader, but rather contributes his particular expertise in REP to, for example, broader interagency studies. These studies may involve important issues, such as the use of portable radiation monitors and the transportation of radiological waste, but they are not of such breadth as to represent "the substance of key agency programs," nor is his expected contribution largely undefined. His role is not to develop and implement new *programs* based on legislative mandate but rather to participate in the development of policy and standards for defined issues related to radiological emergency preparedness.

Level 4-5 is credited. 325 points

Factor 6, Personal Contacts
and
Factor 7, Purpose of Contacts

These factors include face-to-face and telephone contacts with persons not in the supervisory chain and the purpose of those contacts. The relationship between factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

Under *Persons Contacted*, Level 3 includes persons outside the agency such as consultants, contractors, or business executives, and contacts with the head of the employing agency or program officials several managerial levels removed from the employee. Level 4 includes high-ranking officials such as other agency heads, top congressional staff officials, state executive or legislative leaders, mayors of major cities, or executives of comparable private sector organizations.

The appellant has contacts with high-level officials from other Federal agencies and within the nuclear industry, but not with agency heads or comparable private sector executives as required at Level 4. The appellant argued that other positions at FEMA are classified at the GS-15 level without the employees having contacts at that level. Our only observation here is that those positions may be supervisory and therefore graded on the basis of a different set of criteria, where the grade is largely dependent on such elements as the number and grade levels of the employees supervised.

Under *Purpose of Contacts*, Level c involves influencing managers or other officials to accept and implement findings and recommendations where resistance may be encountered due to such issues as organizational conflict, competing objectives, or resource problems. Level d involves justifying or settling matters involving significant or controversial issues, e.g., recommendations

affecting major programs, dealing with substantial expenditures, or significantly changing the nature and scope of organizations.

The appellant described his external contacts as involving persuasion to convince others to accept his recommendations, which is indicative of Level c. Level d implies a level of authority associated with the contacts ("justifying or settling matters"), combined with a high degree of controversy or significance surrounding the recommendations. On issues of this magnitude, the appellant would not have the authority to independently decide and defend the position of the agency to outside parties.

Level 3c is credited. 180 points

Summary

Factors	Level	Points
Knowledge Required	1-8	1550
Supervisory Controls	2-4	450
Guidelines	3-5	650
Complexity	4-5	325
Scope and Effect	5-6	450
Personal Contacts/ Purpose of Contacts	3c	180
Physical Demands	8-1	5
Work Environment	9-1	5
Total		3615

The total of 3615 points falls within the GS-14 range (3605-4050) on the grade conversion table provided in the guide.

Decision

The appealed position is properly classified as GS-301-14, with the title at the discretion of the agency.