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

Appellants: [names]

Agency classification: Supervisory Program Analyst
GS-343-13

Organization: [division]
[directorate]
[agency]
[city and State]

OPM decision: Supervisory Program Analyst
GS-343-13

OPM decision number: C-0343-13-02

/s/
Linda J. Kazinetz
Classification Appeals Officer

March 28, 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]

[servicing human resources director]

Introduction

On September 13, 2001, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellants], who are employed as Supervisory Program Analysts, GS-343-13, in the [division], [directorate], [office], [agency], in [city and State]. The appellants requested that their position be classified at the GS-14 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 February 19, 2002, and a telephone interview with the appellants' supervisor, [name], on March 26, 2002. This appeal was decided by considering the audit findings and all information of record furnished by the appellants and their agency, including their official position description, [number], and other material submitted in the agency administrative report on December 4, 2001.

Position Information

The appellants are responsible for overseeing the operation of designated regional components of the agency's national data collection system. The purpose of this system is to collect information on the nature and scope of product-related injuries and deaths in the United States. The main component of the system is the National Electronic Injury Surveillance System (NEISS). This is a bi-level system wherein injury reports are transmitted to [agency] on a daily basis by a statistically selected sample of hospitals, and follow-up investigations are conducted by [agency] on targeted cases. The appellants are responsible for recruiting hospitals for participation in NEISS as necessary, ensuring that the reporting staff is properly trained in the system, and monitoring the data entry contracts with the hospitals and outsources for work completion and funding. The appellants' staffs screen the injury reports for quality control (e.g., coding errors).

The appellants are also responsible for overseeing the collection of additional incident information from sources outside NEISS, including death certificates, medical examiner and coroner reports, and news media reports. They monitor contracts with the 50 States and New York City to provide copies of death certificates involving injuries, and with approximately 90 medical examiners/coroners to report fatalities involving defective products. They oversee regional office contracting for news clipping services, and screen the clips received to ensure good geographic and product coverage. They develop reporting instructions and operating procedures for special surveys as required.

The appellants serve as the assignment coordinators for follow-up investigations on both NEISS and non-NEISS cases. They assign cases to their designated regional offices for investigation as identified by the agency's program or compliance staff, monitor completion of the investigations, and review completed reports for acceptability (e.g., omission of facts, conflicting statements).

This is intended only as a summary of the appellants' principal duties and responsibilities. More comprehensive information is contained in their position description and will not be reiterated here.

Series Determination

The appellants' position is properly assigned to the Management and Program Analysis Series, GS-343, which covers staff administrative analytical and evaluative work. Neither the appellants nor the agency disagree.

Title Determination

The prescribed title for positions engaged in analyzing and/or evaluating the effectiveness of line or operating programs is Program Analyst. In this case, the "Supervisory" prefix is added to the title in that the appellants' position meets the minimum criteria in the General Schedule Supervisory Guide. Neither the appellants nor the agency disagree.

Grade Determination

The appellants estimated that they spend approximately 40 percent of their time on supervisory duties directly related to assigning and reviewing the work of their staffs. The remainder of their time is spent on other activities that directly facilitate the accomplishment of the work of their units, e.g., dealing with agency staff and program participants for such purposes as defining work assignments, explaining system capabilities and reporting requirements, monitoring expenditures, and resolving contract and resource concerns. These duties are likewise inherent to their supervisory role and are appropriately evaluated by application of the criteria contained in the General Schedule Supervisory Guide (GSSG). This is a cross-series guide used to determine the grade level of supervisory positions in the General Schedule. The GSSG has six evaluation factors, each with several factor level definitions and corresponding point values. Positions are evaluated by crediting the points designated for the highest level met under each factor, and converting the total to a grade by using the grade conversion table provided in the guide.

Factor 1, Program Scope and Effect

The element *Scope* addresses the complexity and breadth of the program directed and the services delivered. The geographic and organizational coverage of the program within the agency structure is included under this element.

Under *Scope*, the position meets Level 1-3 in terms of the complexity of the work directed (i.e., technical, administrative, protective, investigative, or professional work) in that the subordinate positions are classified to the GS-343 series, which represents administrative work. Level 1-3 is also met in terms of the organizational coverage of the work within the agency structure (i.e., a small region of several States). Each of the three positions is responsible for data collection activities in a regional area encompassing approximately one-third of the country. However, the [agency] is a very small agency with only around 500 total employees and three regional offices with no subordinate field structure, so the broader geographic scope of the work is mitigated by the limited size of the organization.

Level 1-4 is not met under *Scope*, where the work involves directing a segment of a professional, highly technical, or complex administrative program which involves the development of major aspects of key agency scientific, medical, legal, administrative, regulatory, policy development, or comparable, highly technical programs. Illustrations provided in the GSSG for this level are as follows:

> Directs a program segment which includes major aspects of a regulatory, social service, or major revenue producing program covering a major segment of the Nation or numerous States. The program segments directed directly affect large segments of the Nation's population or businesses.
>
> Directs administrative activities (such as budget, management analysis, or personnel) conducted throughout, or covering the operations of, the agency's headquarters or most of its field establishment. The program segments directed materially shape or improve the structure, effectiveness, efficiency, or productivity of major portions of the agency's primary missions, multiregion programs, headquarters operations, or projects of national interest.

The appellants' responsibilities in relation to the [agency] data collection system cannot be characterized as either *highly technical or complex* administrative work. The work involves compiling information from program participants related to injuries sustained through the use of various products and coordinating the conduct of investigations on targeted cases. The initial information is derived from a limited variety of source documents, such as NEISS injury reports, death certificates, and news clippings. The appellants' staffs screen the source documents and subsequent investigative reports for quality control purposes, but they do not *analyze* the information collected from a programmatic standpoint to determine what agency response may be indicated. This is in effect a support function that provides the basic data needed to conduct the agency's regulatory activities. In and of itself, it does not constitute a "major aspect of a key agency regulatory program." Further, the appellants are not singly or collectively responsible for the *development* of this function, in the sense of determining the nature of the data to be collected or the types of injuries to be investigated. These decisions are made by the agency's program and compliance staffs in conjunction with higher levels of management, with the appellants serving as implementers who oversee the mechanics of collecting the data.

The element *Effect* addresses the impact of the work on the mission and programs of the customers, the activity, the agency, other agencies, the general public, or others.

Under *Effect*, the position matches Level 1-3 where the work directly and significantly impacts a wide range of agency activities. The appellants' work provides basic data on injury patterns associated with the use of particular consumer products. This data is used by the agency's program and compliance offices in carrying out their regulatory responsibilities, e.g., identifying products that should be recalled or the need for warning labels or new safety standards.

Level 1-4 is not met under *Effect*, where the work impacts an agency's headquarters operations, several bureauwide programs, or most of an agency's entire field establishment; or facilitates the agency's accomplishment of its primary mission or programs of national significance; or impacts

large segments of the population or segments of one or a few large industries; or receives frequent or continuing congressional or media attention.

The appellants' work supports and facilitates a range of agency activities through the provision of basic injury data. However, it does not *directly* affect or influence the accomplishment of the primary mission work of the agency or otherwise have the broad agencywide impact in the sense intended at this level. (The intent of the Level 1-4 effect criteria is clarified in the second illustration above for administrative work, where it describes directing program segments that "*materially shape or improve* the structure, effectiveness, efficiency, or productivity of the agency's primary missions, multiregion programs," etc.) The appellants oversee the reporting of comprehensive injury data from established sources (e.g., hospitals, State coroners' offices), monitor the conduct of investigations on targeted cases for timely completion, and review the investigative reports for completeness of documentation. The purpose of their work is to carry out these prescribed functions, i.e., to ensure that the data collected is complete and accurately recorded in the database, not to make broad decisions or recommendations affecting the structure, operations, or administration of the agency's programs. For example, the appellants collect and handle data that is used to determine the focus of the agency investigative program, but they do not have any significant input to that process. Likewise, information derived from the investigations serves as the basis for agency remedial action relating to unsafe products, but the appellants have no role in evaluating the significance of the information or the actions that may be indicated. Therefore, their work cannot be credited with having the degree of impact associated with Level 1-4. Rather, they facilitate and contribute to the work of other agency staff whose actions and decisions directly affect program content and public safety.

Level 1-3 is credited. 550 points

Factor 2, Organizational Setting

This factor considers the organizational situation of the supervisory position in relation to higher levels of management.

The appellants' immediate supervisor is the Director, [division] (GS-15), and their second-level supervisor is the Associate Executive Director for [directorate] (SES). Thus, the appellants' position is accountable to a position that is one reporting level below the first SES position in the direct supervisory chain, consistent with Level 2-2.

Level 2-2 is credited. 250 points

Factor 3, Supervisory and Managerial Authority Exercised

This factor covers the delegated supervisory and managerial authorities exercised on a recurring basis.

The appellants' delegated supervisory authorities and responsibilities fully meet Level 3-2c, which describes the full range of first-line supervisory functions.

Level 3-3 is not met. Level 3-3b applies to either *second-level supervisors or higher*. The appellants each directly supervise four subordinate employees. They believe they should be credited with supervision over the regional office investigators, based on their responsibility for assigning investigations and reviewing completed reports for quality control. Supervisory work creditable under the GSSG specifically refers to "accomplishment of work through combined technical and administrative direction of others." The appellants assign investigations as *coordinators*, not as supervisors. The specific cases to be investigated are identified by the agency program and compliance staffs. The appellants transmit these case assignments to their respective regional offices, whose management is responsible for individual staff assignments. Completed reports are technically reviewed by supervisory investigators at the regional office level for content. The appellants' review is more from the standpoint of whether the reports meet requirements for inclusion in the database in terms of format, clarity, and completeness of documentation. As such, the appellants do not *technically* supervise the regional staffs, nor do they have administrative supervisory authority over the investigators to assign work, approve leave, evaluate and reward performance, or effect discipline. Thus, they can only be credited with supervising their own immediate staffs.

Level 3-3a applies to *managerial* positions with delegated authority to set annual, multiyear, or similar long-range work plans. These positions are closely involved with high level program officials in the development of overall goals and objectives for the program. They assure implementation of those goals and objectives (by lower and subordinate organizational units or others), determine those that need additional emphasis, and assure their implementation by lower and subordinate organizational units; determine the best approach for resolving budget shortages; and plan for long-range staffing needs. For example, they direct development of data; secure legal opinions; prepare position papers or legislative proposals; and execute comparable activities which support the development of goals and objectives related to higher levels of program management and development or formulation.

This level relates primarily to *program management* positions with considerable authority for determining both the goals and objectives of the program (i.e., the actual activities that will be undertaken) and the requirements for accomplishing those goals and objectives (e.g., staffing and budgetary needs). The appellants' positions are not managerial in nature. They are responsible for overseeing data collection and the conduct of investigations by regional office staff. They review the work products for adequacy and acceptability. They implement new initiatives devised by higher-level management. They develop plans for the accomplishment of their individual work responsibilities. However, they are not responsible for determining the overall content of the program or for making decisions to provide for the administrative needs of the overall program. That level of management responsibility is assigned to higher level positions in the organizational hierarchy.

Level 3-2 is credited. 450 points

Factor 4, Personal Contacts

This is a two-part factor which assesses the nature and purpose of the personal contacts related to supervisory and managerial responsibilities. The nature of the contacts, credited under subfactor

4A, and the purpose of those contacts, credited under subfactor 4B, must be based on the same contacts.

Subfactor 4A, Nature of Contacts

This subfactor covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with the personal contacts.

The appellants' contacts meet Level 4A-2, where contacts are with higher ranking managers and staff throughout the agency; representatives of local public interest groups; technical or operating level employees of State and local governments; and members of the business community. These contacts may be informal, occur in conferences and meetings, or over the telephone, and sometimes require nonroutine or special preparation. This covers the appellants' contacts with agency managers and staff, hospital administrators, and State officials involved with contracting.

Level 4A-3 is not met, where contacts are with, for example, high ranking military or civilian managers at bureau and major organization levels of the agency; key staff of public interest groups with significant political influence or media coverage; journalists representing influential city newspapers; contracting officials and high level technical staff of large industrial firms; or State and local government managers doing business with the agency. These contacts take place in meetings and conferences and often require extensive preparation of briefing materials or up-to-date familiarity with complex subject matter. The appellants' typical contacts are more indicative of Level 4A-2. Although they may have occasional contacts with State health directors, these are very infrequent (every few months) and do not require the extent of preparation expected at Level 4A-3.

Level 4A-2 is credited. 50 points

Subfactor 4B, Purpose of Contacts

This subfactor covers the purpose of the personal contacts credited under subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities.

The purpose of the appellants' contacts is consistent with Level 4B-2 (i.e., planning and coordinating work, resolving differences of opinion), rather than Level 4B-3, where the primary purpose of the contacts is managerial in nature, to include representing the organizational unit in negotiations, in obtaining or committing resources, *and* in gaining compliance with policies, regulations, or contracts. At Level 4B-3, the contacts usually involve active participation in conferences, meetings, and hearings involving problems or issues of considerable consequence or importance to the program managed. The appellants' contacts with hospital management are for the purposes of trying to persuade them to participate in the data collection program and to resolve any concerns that may arise on their parts relating to, for example, patient confidentiality. This does not represent the type of managerial contacts intended at this level.

Level 4B-2 is credited. 75 points

Factor 5, Difficulty of Typical Work Directed

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility. It involves determining the highest grade of basic (mission-oriented) nonsupervisory work performed that constitutes 25 percent or more of the workload of the organization. Among the types of work excluded from consideration is work for which the supervisor does not have the minimum supervisory and managerial authorities defined under Factor 3 (including such technical supervisory functions as assigning and reviewing work and assuring that production and accuracy requirements are met).

Each of the three appellants supervises four employees. The journey-level grade for these subordinate positions is GS-12; however, two of the appellants have one subordinate GS-13 on each of their staffs. Those two GS-13 employees perform essentially the same work as the GS-12's, but in addition are each designated as project officer for a telephone investigations contract. Even assuming that these additional duties are properly classified at the GS-13 level, they comprise only a portion of the two employees' time. Therefore, this work does not constitute at least 25 percent of the workload of the staffs of those two appellants.

The appellants argue that there is additional GS-13 workload in their units that has not been recognized and credited. The only specific examples they cited were the production of the quarterly Medical Examiners and Coroners Alert Project (MECAP) newsletter and the preparation of a document entitled "Criteria and Rationales for Field Investigations" each fiscal year. These assignments are currently being performed by two GS-12 employees. Without examining the assignments in detail, we did make the general observation that the Writing and Editing Grade Evaluation Guide, which would be used to evaluate the MECAP newsletter assignment, only provides grade-level criteria to the GS-12 level. At the higher factor levels, it describes such work as producing publications covering highly complex or controversial topics, using desktop publishing technology, and directing input by subject-matter specialists, illustrators, and others. The MECAP newsletter consists of a few pages of typed narrative conveying general program information and reporting instructions, with no graphics or other design features. The preparation of "Criteria and Rationales" is primarily a coordinative assignment, consolidating submissions from agency program, compliance, and other offices into a comprehensive listing of hazard incident investigative objectives and priorities. The appellants' staffs have no substantive, programmatic input to this document. Given these considerations, no additional, uncredited GS-13 level work is readily evident in the workload supervised by the appellants. Therefore, the highest level of base work supervised is GS-12.

Level 5-7 is credited. 930 points

Factor 6, Other Conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. The difficulty of work is measured primarily by the level of work credited under Factor 5. Complexity is measured by the level of coordination required.

At Level 6-5, supervision requires significant and extensive coordination and integration of a number of important projects or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-12 level. *In addition*, supervision at this level involves major recommendations that have a direct and substantial effect on the organization and projects managed. For instance, the supervisor makes major recommendations in at least three of the following or comparable areas: significant internal and external policy areas affecting the overall organization; restructuring, reorienting, and recasting immediate and long-range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, or funding; determinations of projects or program segments to be initiated or curtailed; changes in organizational structure; the optimum mix of reduced operating costs and assurance of program effectiveness; the resources to devote to particular programs (especially when staff-years and a significant portion of the budget are involved); and policy formulation and long range planning in connection with prospective changes in functions and programs.

The difficulty of the work supervised by the appellants is indicative of Level 6-5, in that the base level is GS-12. However, the appellants do not have the degree of managerial authority expected at this level to recommend policy, goals and objectives, program content, organizational structure, and resource allocation. They each supervise a small unit responsible for carrying out a *segment* of a broader data collection program. Their individual units, as separate entities, cannot support this level of managerial decision-making. Further, they do not collectively have responsibility for making the types of policy and administrative recommendations for the overall program described at this level; that authority resides with the division director. Therefore, Level 6-4 is assigned, where coordination involves such work as identifying internal and external program issues affecting the immediate organization; integrating the work of a team or group by ensuring compatibility and consistency of interpretation and judgment; or recommending resources to devote to particular projects or to allocate among program segments.

Level 6-4 is credited. 1120 points

Summary

Factors	Level	Points
Program Scope and Effect	1-3	550
Organizational Setting	2-2	250
Supervisory/Managerial Authority	3-2	450
Personal Contacts		
Nature of Contacts	4A-2	50
Purpose of Contacts	4B-2	75
Difficulty of Work Directed	5-7	930
Other Conditions	6-4	1120
Total		3425

The total of 3425 points falls within the GS-13 range (3155-3600) on the grade conversion table provided in the GSSG.

Decision

The appealed position is properly classified as Supervisory Program Analyst, GS-343-13.