

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

Philadelphia Field Services Group
600 Arch Street, room 3400
Philadelphia, PA 19106-1596

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

Appellant: [appellant's name]

Agency classification: Program Specialist
GS-301-11

Organization: Office of the Associate Director
Veterans Affairs Medical Center
Department of Veterans Affairs
[location]

OPM decision: Human Resources Specialist
(Employee Benefits)
GS-201-9

OPM decision number: C-0201-09-02

/s/

Michael J. Wilkin
Deputy Associate Director
Center for Merit System Compliance

August 26, 2005

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 lowers the grade of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The applicable provisions of parts 351, 432, 536, and 752 of title 5, Code of Federal Regulations, must be followed in implementing the decision. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented. The servicing human resources office must submit a compliance report containing the corrected position description and a 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]

Chief, Human Resources
[location]VA Medical Center
Department of Veterans Affairs
[address]

Deputy Assistant Secretary for
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Introduction

On May 3, 2005, the Philadelphia Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. We received the agency's administrative report on May 23, 2005. The appellant's position is currently classified as Program Specialist, GS-301-11, but she believes it should be classified as Program Specialist GS-301-12. The appellant's position is located in the Office of the Associate Director, Veterans Affairs Medical Center (VAMC), U.S. Department of Veterans Affairs (VA), in [location]. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

This decision is based on a thorough review of all information submitted by the appellant and her agency. In addition, to help decide the appeal we conducted an on-site desk audit with the appellant and interview with the appellant's immediate supervisor, [name] on August 3, 2005. We conducted a separate telephone interview with [name], Veteran's Integrated Service Network (VISN-#) on August 8, 2005, whose duties include responsibility for managing the workers' compensation (WC) program throughout the ten VAMCs comprising the VISN-# network.

Background

Prior to filing with OPM, the appellant filed a classification appeal with her agency. The agency's final decision, issued April 8, 2005, determined that the position was appropriately classified as Program Specialist, GS-301-11. The appellant disagreed with the levels assigned by the agency to Factors 2 and 5. She subsequently filed this classification appeal with OPM.

In her letter to OPM dated May 27, 2005, the appellant states "My position was originally a part of Human Resources as stated by HR. I was reorganized to Primary Care and Medical Services because HR had too many employees on their FTE chart, and our facility was looking to reduce their numbers." At the time the appeal was initiated the position was located within the Primary Care and Medical Service, and the appellant reported to a registered nurse. The position was subsequently realigned to the Office of the Associate Director, [location] VAMC. The appellant now reports directly to the Associate Director whose duties include responsibility for human resources (HR) and formulating sound programs and policies in all aspects of personnel management.

General issues

The appellant makes various statements about her agency's review and evaluation of her position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of her position. Since our decision sets aside any previously issued agency decision, any actions previously taken by the agency in their review of the appellant's position are not germane to the classification appeal process.

The agency requested that the appellant certify the accuracy of her position description of record (PD#_____). She declined to do so stating that her comments to OPM regarding Factors 2 and 5 are accurate. The appellant did not disagree with the rest of the position description.

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 duties and responsibilities that make up the work 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.

Both the appellant and those knowledgeable of her work whom we interviewed stressed the quality of the appellant's work. In adjudicating an appeal, OPM is required by law and regulation to base its decision on the work assigned to and performed by the appellant (5 U.S.C. 5112 and 5 CFR 511.607(a)(1)). The quality of work is not germane to the classification process since the classification analysis of a position is based on the assumption that the assigned work is properly performed (*Introduction to the PCSs*, appendix 3, Factor 5). Therefore, issues raised by the interviewees regarding the effectiveness of the appellant's work may not be considered in the classification of her position. Rather, they are properly considered as part of the performance management process.

In deciding this appeal, we have carefully reviewed all information furnished by the appellant and the agency, including information obtained from the audit with the appellant, interviews with her supervisor and the VISN-# program manager and all information of record.

Position information

The appellant is responsible for administering the Office of Workers' Compensation Program (OWCP) covering approximately 1100 employees assigned to the [location] VAMC and some of its associated satellite clinics. According to her immediate supervisor, the [location] VAMC WC program provides services to approximately 90 employees located at four clinics. The [location] clinic is staffed by personnel from the VAMC, and the two other clinics assigned to the VAMC, are not serviced by the VAMC's OWCP. The appellant works to ensure that WC claims are efficiently processed and that all appropriate employee benefits are provided under the program. Equal attention is devoted to identifying and pursuing the resolution of fraudulent claims, returning employees to productive work as quickly as possible, and removing employees from WC roles as appropriate. The emphasis of the work is on controlling costs associated with the program through intensive management of outstanding cases.

The Associate Director has delegated authority to independently direct and manage the day-to-day activities of the VAMC's WC program to the appellant. The appellant administers the OWCP program in compliance with established Department of Labor (DoL) and VA regulations, policies, procedures, reporting systems and VISN-# program guidance. Accountability for the [location] VAMC WC program ultimately rests with the Associate Director. The appellant briefs the Associate Director on a monthly basis regarding local OWCP activities, the status of WC

cases, associated costs, and recommended approaches for handling difficult and/or sensitive issues. The information and recommendations provided by the appellant are typically not questioned but are accepted as accurate and technically correct.

The WC office is staffed by the appellant and one Program Support Assistant, GS-303-07. The assistant performs administrative duties in support of the appellant and OWCP program and personally processes more routine OWCP cases as assigned. The appellant assigns and reviews the work of the assistant, mentors and provides training to the assistant and keeps the assistant apprised of all aspects of OWCP operations to ensure continuity of operations when the appellant is absent from the office. The appellant's duties in leading, assigning and reviewing the work of the Program Support Assistant occupy significantly less than 25 percent of her work time and have no effect on the final classification of the appellant's position.

Approximately 40 percent of the appellant's time is devoted to administrative activities relating to OWCP program. These duties include: providing formal and informal training to employees and supervisors concerning policies and procedures; maintaining required systems data for active claims; preparing various reports; preparing and presenting briefings to management; developing and maintaining local spreadsheets to provide data for analysis, identification of trends, and tracking and reporting on program activities; identifying and implementing local program improvements, representing the [location] OWCP program; and coordinating work activities as necessary with other [location] VAMC organizations/offices.

DoL regulations require reporting work-related injuries involving time away from work, e.g. lost time injuries, within 10 days of the occurrence of the injury, or diagnosis of a medical problem. VISN-# has established an 80 percent compliance requirement for its ten VAMCs. The appellant works to meet and exceed this baseline compliance requirement through intensive efforts at managing and tracking the program's WC claims. She decides when to file cases with DoL and occasionally files claims even though there has been no lost work time in order to establish a formal record of medical problems, such as back injuries, work-related stress and/or occupational disease injuries, e.g. those occurring over time.

The appellant developed and maintains:

- The automated daily worksheet/spreadsheet on all CA-1 (traumatic injury, up to 45 days) and CA-2 (occupational disease) actions. It is updated continually as events occur, and serves as a local tracking tool incorporating all required information for reports to DoL, the VA and VISN-#, as well as locally defined data to meet management's reporting needs.
- The Continuation of Pay (COP) spreadsheet report providing local management with current information on the number of days [location] VAMC employees received continuation of pay due to work-related injuries or medical problems covered by WC.
- Three local policy issuances relating to OWCP functions:
 - The Memorandum on the Accident Review Board outlining the purpose, procedures, and objectives of the board;

- The Medical Center Policy concerning Light/Limited/Restricted Duty Assignments for Work-Related Injuries and Illnesses defining procedures, roles, and responsibilities; and
- The Medical Center Executive Memorandum concerning Medical Treatment and Compensation for Work-Related Traumatic injury and Occupational Illness (OWCP) to explain local procedures roles and responsibilities of the parties involved in processing claims. These three documents serve to consolidate and clarify established DoL, VA and VISN-# regulations, policies, and procedures as they relate to local [location] VAMC operations and to provide specific implementation guidance.

The appellant prepares and submits required reports including: the annual VISN Report in accordance with specified information requirements on all local OWCP program activities and accomplishments; unique, one-of-a-kind reports pertaining to specific local OWCP issues, operations, activities, or status of outstanding cases; the monthly Lost Time Injury Report/spreadsheet to the VISN Safety Director in accordance with specified VISN-# information and reporting requirements to provide status of cases; and monthly report to local management on estimated and actual OWCP program costs based on information from the Workers' Compensation Management Information System (WCMIS) on estimated costs and actual program costs from quarterly DoL reports. She serves as chair of the VAMC's Accident Review Board (ARB) which meets monthly to discuss issues relating to WC, employee safety, employee injury trends, and other potential areas of concern relating to these matters to determine appropriate corrective action and implement solutions/improvements.

The appellant spends approximately 60 percent of her time on intensively managing individual WC cases/claims. At any given time, the WC office handles approximately 40 to 50 claims involving employees who have been receiving WC benefits for less than a year, and about 10 to 12 long-term claims involving employees who have been on DoL WC roles in excess of one year. Typically, about a third of those receiving long-term WC benefits are eventually re-employable. The appellant actively monitors all open claims, prioritizing claims for intensive management efforts based on their relative cost to the VAMC. The work involves: providing advice and assistance to both employees and supervisors regarding established procedures, roles and responsibilities in filing and following up on claims; reviewing submitted medical reports; performing continuous follow-up with employees and their supervisors; preparing OWCP documentation and correspondence, entering data concerning the case into various spreadsheets, tracking systems, and reports; requesting independent medical examinations; structuring and placing employees in light-duty assignments upon return to limited duty; identifying, gathering information on, and evaluating suspicious claims, controverting suspected fraudulent claims as conditions warrant with DoL, providing evidence for the removal of fraudulent claim offenders from the WC roles; actively seeking solutions to reduce the number of (and costs associated with) active WC cases; coordinating with other interested parties as necessary to include employee medical service providers and/or legal representatives; and coordinating with other HR Specialists performing classification, staffing, benefits and employee/labor relations duties to implement and document OWCP actions. Some of the most difficult cases involve claims of hearing loss, stress, and back pain. The relative complexity of these issues relate to the difficulty

of proving or disproving the existence and extent of the condition and/or its work relatedness. Very sensitive issues require the exercise of good judgment, tact and diplomacy.

We find that the PD of record covers the major functions assigned to and performed by the appellant and incorporate it by reference into this decision. However, as discussed in our grade determination, the PD implies a greater level of work complexity and judgment than the appellant's duties and responsibilities actually entail. Since PDs must meet the standard of adequacy in the *Introduction to the Position Classification Standards* (PCSs), the appellant's agency must revise her PD to meet that standard based on the findings in this decision.

Series, title, and standard determination

The appellant's position is currently titled as Program Specialist and assigned to the GS-301 Miscellaneous Administration and Program Series which covers positions performing, supervising or managing nonprofessional two grade interval work for which no other series is appropriate. The appellant does not disagree with the agency's title and series determination. We do not agree.

The position was assigned to the GS-301, Miscellaneous Administration and Program Series based on a decision that no published standard existed which described the work of the position. The series definition for the GS-301 series is a position classification flysheet which does not include grading criteria. The current grade evaluation for the appellant's position is based on application of Administrative Analysis Grade-Evaluation Guide (AAGEG) grading criteria. The agency selected the AAGEG as being most appropriate for grading purposes because of a presumed absence of established grade criteria for the work performed by the appellant. In its final decision the agency mentions that factor-level comparisons were also performed using the Job Family Position Classification Standard (JFS) for Administrative work in the Human Resources Group, GS-200.

The Human Resources Management Series, GS-201, covers two-grade interval positions that manage, supervise, administer, advise on or deliver human resources management products or services. The Job Family Position Classification Standard (JFS) for Administrative Work in the Human Resources Management Group, GS-200, provides series and specialty definitions, titling instructions and grading criteria for nonsupervisory two-grade interval administrative positions in the Human Resources Management Group. The basic title for positions in the Human Resources Management Series, GS-201 is Human Resources Specialist. Parenthetical specialty titles are included in the official title of positions when work in one of the defined functional specialty areas predominates.

One of the parenthetical functional specialty titles is (Employee Benefits) which covers positions providing guidance and consultation to agencies and employees regarding injury compensation matters. The appellant's work directly matches this GS-201 specialty. The appellant administers the OWCP program for the [location] VAMC and associated satellite clinics. We find that the position is properly assigned to the GS-201, Human Resources Management Series, and titled as Human Resources Specialist (Employee Benefits). Since the GS-200 directly covers the appellant's work, it must be applied for grade-level determination. There is no need to reference

the AAGEG in evaluating the position, because the appellant's work is covered by a directly applicable standard.

Grade determination

The GS-200 JFS uses the Factor Evaluation System (FES) method of position classification. Grades are determined by comparing a position's duties, responsibilities, and qualification requirements with the nine FES factors common to nonsupervisory positions. A point value is assigned to each factor based on a comparison of the position's duties and responsibilities with the factor-level descriptions in the standard. The points assigned to an individual factor level mark the lower end, or threshold, of the range for that factor level. To warrant a given level the position must fully equate to the overall intent of the factor-level description (FLD). If the position fails in any significant aspect to fully satisfy a particular FLD, the point value for the next lower level must be assigned. Conversely, the position may exceed those criteria in some aspects and still not be credited at the higher level. The total points assigned are converted to a grade level by use of a grade conversion table in the PCS.

The GS-200 JFS also provides specialty-specific illustrations as a frame of reference for applying factor-level concepts. The illustrations describe examples of work that meet or exceed the FLD threshold for a particular factor level while still falling within the coverage of the factor level. Comparisons to illustrations may not be solely relied upon to exclude credit at a factor level, because they do not necessarily describe the minimum threshold of the factor level. However, if the work being evaluated is fully comparable to an illustration at a particular factor level, that factor level may be assigned. Each illustration is to be used in its entirety in conjunction with FLD.

The agency applied AAGEG grading criteria with cross reference to the GS-200 Job Family Group (JFG) grading guidance to evaluate the appellant's position at Levels 1-7, 2-4, 3-3, 4-4, 5-3, 6/7-3D, 8-1, and 9-1. The appellant believes that her position should be credited with Levels 1-7, 2-5, 3-3, 4-4, 5-4, 6/7-3D, 8-1, and 9-1. After careful evaluation of all information of record, and application of the appropriate GS-200 JFS grading criteria, we agree with the assignment of Levels 3-3, 6-3, 8-1, and 9-1. We will address the remaining factors.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts, and the nature and extent of the skills needed to apply this knowledge. To be used as a basis for selecting a level under this factor, knowledge must be required and applied.

At Level 1-6, work requires knowledge of, and skill in applying, fundamental human resource management (HRM) laws, principals, systems, policies, methods, and practices; as well as interviewing, analytical and research techniques sufficient to conduct fact-finding and provide solutions to moderately difficult but well-precedented and/or recurring issues and problems. Assignments at this level may involve issues where there are one or more apparent solutions; problems or issues requiring the application of informed judgment; providing advice to

management on specific matters of limited scope, and/or portions of larger issues or problems requiring research and analysis to arrive at a recommended solution.

The JFS includes an illustration of Human Resources Specialist (Employee Benefits) work at Level 1-6 where the employee applies knowledge of standardized principles, practices and procedures of injury compensation, and standardized research and fact-finding techniques to: administer an organization's injury compensation program; analyze information related to on-the-job injuries or illnesses provided by supervisors and employees in support of on-the-job WC claims; acting as liaison between supervisors and employees to facilitate claims; evaluating suspected fraud cases; and providing training to supervisors and employees on practices and regulations of the injury compensation program.

Knowledge common to all specialty areas at Level 1-7 in the JFS includes skill in applying a wide variety of HRM concepts, laws policies, practices analytical and diagnostic methods and techniques sufficient to solve a wide range of complex, interrelated HRM problems and issues. Assignments at this level involve: providing comprehensive HR management advisory and technical services on substantive organizational functions and work practices; applying analytical, diagnostic, qualitative, and quantitative techniques to identify and recommend appropriate HR actions to resolve complex and interrelated HR problems and issues; developing new or modified HR work methods, approaches, or procedures for delivering effective HR services to clients; applying consensus building, negotiating coalition building and conflict resolution techniques sufficient to interact appropriately in highly charged emotional situations; and using written and oral communication techniques to develop and deliver briefings, project papers and status/staff reports and correspondence to managers to foster understanding and acceptance of findings and recommendations.

The JFS does not provide a specialty-specific illustration at Level 1-7 describing a work situation solely involving worker's compensation. Rather, the employee benefits illustrations at Level 1-7 describe a variety of work assignments, such as: administering an agency retirement and benefits program; responding to complex benefits questions; applying Federal retirement laws, regulations, principles, practices and procedures to make retirement decisions involving hard-to-prove medical impairments; representing an agency in external matters both in the public and private sector on benefits programs; developing agency-wide guidance on the implementation of methods and procedures for retirement program operations; analyzing the operational effects of changes in law or regulations; and identifying, clarifying, and analyzing issues to propose fully researched agency implementation actions.

We find that the appellant's WC program duties and responsibilities match the employee benefits illustration at Level 1-6. Unlike work described at Level 1-7, the appellant's duties do not require application of a wide variety of HRM concepts, laws, policies, practices, analytical and diagnostic methods and techniques sufficient to solve a wide range of complex, interrelated HRM problems and issues. Rather they require knowledge and application of established WC laws, principles, systems, policies, methods, practices, procedures, and interpretive guidance as provided by DoL, VA headquarters, and/or VISN-#. The appellant coordinates with HR Specialists performing other HR functions, as needed, to identify and implement solutions for WC issues, such as structuring light-duty work assignments, pursuing the possibility of a

disability retirement, and processing associated personnel actions in a timely manner. The primary reason for the existence of the position is to administer/manage the local WC program at the [location] VAMC, one of ten medical centers comprising the VISN-# network. OWCP enhancements identified and implemented by the appellant to increase the program's effectiveness and efficiency are less a result of in-depth analytical processes than they are practical improvements resulting from insights developed through the day-to-day performance of WC functions. The position is properly evaluated at Level 1-6 (950 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 how the work is reviewed or controlled. 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 modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review.

The agency evaluated the position at Level 2-4. The appellant believes that the position should be credited with Level 2-5 due to her level of freedom from technical supervision and delegated authority for program operations. She states that she is solely responsible for independently planning, designing, and carrying out the program, projects, studies and other work; that the supervisor does not review her completed work for feasibility, overall effectiveness and compliance with policy; that the supervisor assigns her work in terms of broadly defined functions and provides only administrative direction; and that her work is considered technically authoritative and is accepted without change by her supervisor.

Level 2-5 is the highest level described in the JFS. At that level, the supervisor provides administrative and policy direction in terms of broadly defined missions or functions of the organization. The employee is responsible for a significant program or function and is a technical authority. The employee defines objectives, interprets policy promulgated by authorities senior to the immediate supervisor, and independently plans, designs, and carries out the work. The supervisor's review of the work covers such matters as fulfillment of program objectives and the effect of advice or decisions on the overall program. The supervisor evaluates the employee's recommendations for new systems or projects in light of the availability of funds, personnel, equipment capabilities, priorities, and available resources.

Factor 2 measures not only the degree of independence with which the employee operates but also the *extent of the responsibility* inherent in the assignment. The appellant's level of responsibility for the local OWCP program falls significantly short of Level 2-5. Implicit at Level 2-5 is a significant degree of *program management* responsibility; i.e., authority over the use of funds and personnel. At Level 2-5, positions are responsible not only for individual performance of certain assigned tasks but also for the overall conduct of a broader program or function. This program or function must be of sufficient size and scope to permit the implementation of "new systems or projects" requiring consideration of funding and staffing needs. Further, the work must involve the interpretation of policy "promulgated by authorities

senior to the immediate supervisor;” i.e., the employee must work at an organizational level at which policy is developed. In contrast, the appellant is responsible only for the defined program execution functions of her office which is staffed by herself, and one assistant. The monetary impact her work has on reducing local program costs results from efforts to intensively manage individual cases, thereby either removing individuals from WC roles or returning them to full or partial productive employment as quickly as possible. She may develop new procedures or mechanisms to assist in carrying out her own work, and/or that of the assistant, but these are not akin to the new systems or projects involving additional investments of money or personnel described at Level 2-5. WC program and budgetary *policy* is promulgated at a higher level. The organizational location of her position at the VAMC level within the VISN-# network of VA does not allow for the broad and original policy interpretation intended at Level 2-5.

At Level 2-3, the supervisor outlines or discusses possible problem areas and defines objectives, plans, priorities and deadlines. Assignments have clear precedents requiring successive steps in planning and execution. The employee independently plans and carries out the assignment in conformance with accepted policies and practices. The employee adheres to instructions, policies and guidelines in exercising judgment to resolve commonly encountered work problems and deviations and brings controversial information or findings to the supervisor’s attention for direction. The supervisor does not usually review methods used in detail, but reviews and evaluates completed work for technical soundness, adequacy of analysis, validity of conclusions, conformity with applicable policies and regulations, adherence to deadlines and feasibility of any proposals. The supervisor provides assistance when controversial situations are encountered where there is no clear precedent.

In contrast, at Level 2-4 the supervisor outlines overall objectives and the resources available. In consultation with the supervisor, the employee discusses timeframes, scope of the assignment including possible stages, and possible approaches. The employee determines the most appropriate principles, practices, and methods to apply in all phases of the assignments including the approach to be taken, degree of intensity, and depth of research in management advisories; applies new methods to resolve complex and/or intricate, controversial, or unprecedented issues and problems, and resolves most of the conflicts that arise; frequently interprets regulations on his/her own initiative; and keeps the supervisor informed of progress and of potentially controversial matters. The supervisor reviews the work for soundness of overall approach, effectiveness in meeting requirements or producing the results expected and the feasibility of recommendations and adherence to requirements. The supervisor does not usually review methods used.

The appellant’s position exceeds Level 2-3 in certain aspects. The appellant is assigned continuing responsibility to administer the local VAMC OWCP program in compliance with established laws, regulations, policies, procedures, systems, timeframes, reporting mechanisms, and interpretive guidance. However, it is not just the degree of independence from supervision, but also the degree to which the nature of the work permits the employee to make independent decisions and commitments and to exercise judgment that is evaluated. OWCP is a relatively limited program which, in many organizations, is aligned under HR. The Associate Director of the [location] VAMC is ultimately responsible for the local OWCP program. The VISN-# program manager is also responsible for WC activities throughout the ten VA medical centers

comprising the network including exercising program oversight by issuing/clarifying program guidance, conducting monthly WC program teleconferences, and occasionally scheduling on-site visits to audit local program operations.

Examples of independently developed and implemented program improvements provided by the appellant include: modified administrative tracking and reporting systems; acquiring the services of a private investigator to gather information on possible fraudulent claims; and increased efforts to identify, track, and intensively pursue the resolution of outstanding WC claims to either return employees to productive work or, as appropriate, remove them from WC roles. The WC cases described by the appellant as being some of the most difficult and complex to resolve (i.e., back pain, stress, and hearing loss) reflect relatively common employee complaints which would be expected to surface in most local WC programs. At Level 2-4, an employee's responsibility frequently requires interpreting regulations on his or her own initiative, applying new methods to resolve complex and/or intricate, controversial, or unprecedented issues and problems, and resolving most of the conflicts which arise. In comparison, the appellant's work involves implementing existing guidance to ensure that the work of the office is carried out in compliance with established requirements. Her work does not routinely require the level of judgment and decision making described at Level 2-4 of the JFS. Because Level 2-4 is not fully met, Level 2-3 (275 points) must be credited.

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.

The FLD for Level 4-3 describes work consisting of applying established analytical techniques to problems and issues more of a technical than an advisory nature. Issues and problems encountered are typically of the same or similar type. Employees determine the most effective technical approaches to problems requiring the application of established analytical techniques, methods, and standard regulations and procedures; verify and assess relevant facts from several sources, examine documentation, ensure compliance with applicable regulations and procedures, analyze and reconcile discrepancies or inconsistencies, and research precedent studies; and/or they resolve a moderate range of problems or situations requiring the use of established analytical techniques to isolate and evaluate appropriate precedents, examine and analyze documentation, reconcile discrepancies or inconsistencies and to develop supportable conclusions based on standardized research. They identify a variety of issues and their factual relationships, analyze relevant factors and conditions, and choose a course of action from many alternatives; consider and integrate managements request with the appropriateness and applicability of established HR policies, regulations and procedures; recognize the need to modify established procedures in response to persistent problems; and/or analyze appropriate principles, laws, practices, and procedures to determine interrelationships between existing conditions and issues.

The illustration of Human Resources Specialist (Employee Benefits) work at Level 4-3 is that where the employee executes the Federal Employee's Compensation Act (FECA) program for

serviced facilities at numerous widely dispersed locations. The employee: evaluates and ensures the prompt submission and processing of compensation claims, maintaining close surveillance of each compensation claim through medical reports and other sources; validates claims and controverts those considered questionable; initiates investigation of all accident reports showing signs of possible fraud or abuse and informs appropriate agencies of the findings; recommends corrective action if the investigation substantiates fraud or abuse; works in close liaison with DoL to expedite adjudicating and paying legitimate claims and disallowing fraudulent, abusive, or unsubstantiated claims; and coordinates with organization heads to develop limited duty possibilities for claimants or returning claimants to work to keep compensation costs to a minimum.

In contrast, Level 4-4 work consists of resolving problems and issues that often involve conflicting or incomplete information; applying analytical techniques that frequently require modification to accommodate a wide range of variables; and addressing substantive technical issues that are characterized by complex, controversial and/or sensitive matters that contain several interrelated issues. Employees conduct detailed planning to gather and interpret information and data for assessing complex problems issues and unusual circumstances; assess situations that are complicated by ambiguous, conflicting, and/or incomplete data requiring significant reconstruction to isolate issues and problems; participate in analyzing the effects of changes in law and regulations; reconcile conflicting or incomplete information; define problems in terms compatible with appropriate laws, policies, or regulations; and weigh pertinent facts in formulating a legal or factually supportable position. The work requires exercising originality by analyzing and refining existing work methods and techniques, and/or analyzing specific legal issues and problems by refining existing analytical techniques.

The JFS illustration of employee benefits work at Level 4-4 involving injury compensation issues describes a work situation where the employee serves as a benefits officer providing services relating to a variety of benefits programs. The work requires conducting extensive analysis of regulations, laws, charge back data, work processes, and interrelated HR issues; reviewing injury data to identify patterns and trends; resolving complex injury compensation issues through coordinated efforts with supervisors, managers, medical professionals, and Office of Worker's Compensation representatives; and providing advisory services on related retirement, benefits, and ancillary employee relations issues. The employee must exercise originality and ingenuity to formulate creative solutions to problems.

The problems and issues encountered by the appellant in performing her assigned duties primarily involve local, day-to-day WC program operations and/or associated worker safety matters. The emphasis of the work is on properly implementing existing program guidance in managing the local OWCP program. Program guidance issued by the appellant serves to clarify requirements and explain local procedures, but does not deviate from established program requirements. Her OWCP program duties and responsibilities are limited in scope and do not involve analysis requiring frequent modification of analytical techniques to accommodate a wide range of variables, nor are they typically characterized by complex, controversial and/or sensitive matters containing several interrelated issues. The appellant's work matches the illustration provided by the JFS at Level 4-3. The position does not meet the threshold for crediting Level 4-4, and must be evaluated at Level 4-3 (150 points).

Factor 5, Scope and effect

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.

The JFS describes Level 5-3 as work involving the application of accepted criteria, principles, and standard methods to resolve a variety of conventional issues and problems; and/or portions of larger studies that require developing detailed procedures and guidelines to supplement existing guidance. The work influences decisions made by managers and other employees and affects customer perception of the overall quality and service of the HR program.

In contrast, Level 5-4 work involves resolving or advising on complex problems and issues that typically require analyzing and/or troubleshooting a wide range of unusual conditions that affect the objectives and effectiveness of the HR mission and program operations. The assessment, analysis, and ultimate resolution of problems promote the overall quality, effectiveness and efficiency of program operations. The Level 5-4 illustration for specialists engaged in employee benefits work describes the scope of the work as involving the establishment of criteria, assessing program effectiveness, or researching/analyzing a variety of employee benefit conditions, problems or questions. The work effects employee benefits administration activities throughout an agency. Work products or services contribute to the effectiveness of the agency and influence decisions made by employees on retirement and benefits options.

The appellant is responsible for the local, relatively limited VAMC OWCP program. In many field-level organizations, WC is part of the Human Resources Office and, in fact, the WC function at the VAMC used to be part of HR. The appellant cites her office's effectiveness in meeting objectives established by the President's Safety, Health and Return to Employment (SHARE) initiative as being comparable to impact on broad agency policy objectives and program goals. The scope of the appellant's program work encompasses one of ten local/field activity programs comprising the Veterans Integrated Service Network (VISN) #'s WC program. Her work efforts impact on the efficiency and effectiveness of local program operations, but do not have a direct and significant effect on WC program operations at the VISN-# or VA levels as is expected at Level 5-4. Unlike Level 5-4, the appellant's work does not involve resolving or advising on complex problems and issues typically requiring analyzing and /or troubleshooting a wide range of unusual conditions. Rather, the appellant's work is confined to dealing with WC, and occasionally worker safety, issues and problems. The work typically involves the resolution of recurring types of situations and problems requiring selecting and applying appropriate guidance/precedents from available sources. At times the work may involve tailoring available guidance to fit particular local situations and/or issuing local guidance to clarify requirements without deviating from the intent of the higher level guidance. Therefore, the appellant's position is appropriately evaluated at Level 5-3 (150 points).

Factors 6 and 7, Personal contacts and Purpose of contacts

These factors measure the type of personal contacts that occur in the work and the purpose of those contacts. These factors include face-to-face contacts and telephone dialogue with persons not in the supervisory chain. Levels described under these factors are based on what is required to make the initial contact, the difficulty of communicating with those contacted, how well the employee and those contacted recognize their relative roles and authorities, the reason for the communication, and the context or environment in which the communication 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.

Purpose of contacts

At Level 7-C, the purpose is to influence and persuade employees and/or managers to accept and implement findings and recommendations. The employee may encounter resistance due to such issues as organizational conflict, competing objectives, or resource problems. At this level the employee must be skillful in approaching contacts to obtain the desired effect; e.g., gaining compliance with established policies and regulations by persuasion or negotiation

As at Level C, the appellant's contacts are primarily concerned with representing the local WC program both within the [location] VAMC and in contacts with individuals and/or activities outside the VAMC to: coordinate program activities and/or specific actions required to process WC cases; explain program operations, requirements, processes, and procedures; acquire information on active cases; provide formal and or informal training concerning the program; justify and defend decisions or positions taken by the OWCP office in regard to pertinent issues, cases and/or problems; recommend courses of action for resolving problems; gain compliance with established program requirements; receive guidance, direction, and/or clarification regarding program directives; provide recommended program improvements for consideration by the VAMC Associate Director, VISN, and/or VA; monitor and track the status of actions; and provide briefings concerning program activities, current case status, associated costs, new developments in field, and to explain proposed courses of action for dealing with program issues/problems as they arise.

Unlike Level 7-D, the appellants work does not require or permit her to present, justify, defend, negotiate, or settle 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's contacts deal with local program issues and, as such, cannot be construed as dealing with substantial expenditures or issues of similar controversy found at Level D. The population directly affected by her program is limited; and, therefore, her contacts in representing the program cannot be viewed as those which significantly affect the nature and scope of organizations typical of Level D. Therefore, this factor is credited at Level D.

The appellants' position is properly credited at Level 3-C, and a total combined value of 180 points is assigned.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-6	950
2. Supervisory Controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and Effect	5-3	150
6/7 Personal Contacts/Purpose of Contacts	3C	180
8. Physical Demands	8-1	5
9. Work Environment	9-1	<u>5</u>
<i>Total Points</i>		1990

The total of 1,990 points falls within the GS-9 grade level range (1855 to 2100) on the grade conversion table provided in the GS-200 JFS.

Decision

The appellant's position is properly classified as Human Resources Specialist (Employee Benefits), GS-201-9.