

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

Appellant: [appellants' names]

Agency classification: Medical Administrative Assistant
GS-303-7

Organization: Business Office
Veterans Affairs Medical Center
Veterans Health Administration
Department of Veterans Affairs
[city, state]

OPM decision: GS-303-7
Title to be determined by agency

OPM decision number: C-0303-07-12

Ana A. Mazzi

Ana A. Mazzi
Deputy Associate Director
Merit System Audit and Compliance

10/8/2010

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate which 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 (Introduction)*, appendix 4, Section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name and address]

[appellant's name and address]

[servicing HR office name and address]

Director
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Introduction

On December 17, 2009, the Dallas Oversight of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name] and [appellant's name]. The appellants occupy identical additional positions (hereinafter referred to as position) currently classified as Medical Administrative Assistant, GS-303-7, which they believe should be classified as Medical Administrative Specialist, GS-301-9. The appellants work in the Business Office, Veterans Affairs Medical Center (VAMC), Veterans Health Administration, Department of Veterans Affairs (VA), in [city, state]. The appellants perform essentially identical duties and are currently assigned to the same official position description (PD), number [number]. We have, therefore, processed this case as a group appeal. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background

In their initial classification appeal request to OPM, the appellants presented themselves as occupying the same Medical Administrative Assistant, GS-303-7, position covered by PD, number [number]. Therefore, we accepted the request as a group appeal. On January 13, 2010, we received the agency's administrative report (AAR) we requested. The AAR included the appellants' latest Notification of Personnel Action, Standard Form 50s (SF-50) showing the positions to which they were permanently assigned. [The appellant's] SF-50 confirmed he occupied the appealed position, but [the appellant's] SF-50 showed she instead occupied a Medical Administrative Assistant, GS-303-5, position and assigned to a different PD. A VAMC human resources office staff member stated the classification of [the appellant's] position to the GS-5 grade level was a coding error. [The appellant] was subsequently assigned to the GS-6 position she actually occupied.

On March 23, 2010, [the appellant] met time-in-grade restrictions and became eligible for advancement to the GS-7 position to which she initially believed she was assigned. The agency officially promoted her to the appealed position on March 28, 2010, and provided the SF-50 confirming the promotion to OPM on April 27, 2010.

General issues

The appellants said their position performs work similar to positions at other VAMCs classified as Medical Administrative Specialist, GS-301-9. They submitted a vacancy announcement for a GS-301-9 position assigned to the VAMC in [city, state]. The appellants believe the vacancy announcement describes duties and knowledge required identical to their own. However, the vacancy announcement contains a short summary of duties that would not be sufficient for making a classification determination. Regardless, by law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Other methods or factors of evaluation are not authorized for use in determining the classification of a position, such as comparison to positions which may or may not have been properly classified.

Like OPM, the VA must classify positions based on comparison to OPM's PCSs and guidelines. Under 5 CFR 511.612, agencies are required to review their own classification decisions for identical, similar, or related positions to ensure consistency with OPM certificates. Consequently, VA has primary responsibility for ensuring its positions are classified consistently with OPM appeal decisions. If the appellants believe their position is classified inconsistently with another, then they may pursue this matter by writing to the human resources office for VA's headquarters. They should specify the precise organizational location, series, title, grade, and responsibilities of the positions in question. The agency should explain to them the differences between their position and the others, or classify those positions in accordance with this appeal decision.

The appellants believe they are entitled to backpay to the GS-9 level. 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)." The Back Pay Act (5 U.S.C. 5596(b)(3)) bars back pay for periods of misclassification.

Position information

The VAMC, a mental health care and primary care facility, serves nearly 12,000 veterans yearly and operates five [state] Community Based Outpatient Clinics in [cities]. The appellants' position is assigned to the Business Office's [name] Services, which is responsible for performing eligibility, enrollment, and pre-registration duties. The appellants occupy two of the three medical administrative assistant positions with Administrative Officer of the Day (AOD) responsibilities. The Unit Supervisor (Supervisory Program Specialist, GS-301-9) is responsible for the direct supervision of the [name] Services's nine positions including the three AODs, one Program Support Clerk (GS-303-7), three Medical Support Assistants (GS-303-5), one Medical Support Assistant (GS-679-5), and one Program Support Assistant (GS-303-5).

The supervisor rotates the appellants' work schedule on a four-week basis to ensure one AOD is available during the off-tour hours between 4 p.m. to 12 a.m. The individual occupying the third AOD position is a new hire and normally works between 7:30 a.m. to 4 p.m. while in training. Every four weeks, the appellants rotate between a schedule with both on- and off-tour days and a schedule with only off-tour days. The immediate supervisor directs the appellants' work during day shifts, typically assigning them to fill in for an absent employee, maintain administrative paperwork, handle backlogs, or work on special projects (e.g., updating VA records for returning veterans).

As AOD, the appellants perform work independently in providing a range of medical administrative support tasks to ensure procedural, regulatory, and administrative requirements relating to the care, treatment, and handling of patients are met after regular hours, seven days a week. The appellants act on behalf of the Medical Center Director on non-policymaking administrative matters to facilitate and coordinate patient care. This entails advising or assisting

the Medical Officer of the Day (MOD) and other staff with administrative matters such as answering questions or making determinations on a patient's eligibility for benefits and services; coordinating patient transfers and referrals to and from the VAMC; processing the admission of patients; resolving complaints from patients or family members; processing the paperwork involved with deaths, accidents, etc.; calling in VAMC employees to fill behind absent employees or in emergencies; responding to situations requiring immediate attention (e.g., maintenance or repair problems, missing patients, or fires). The appellants serve as contacts and sources of information for veterans and their families, the general public, other medical and related facilities and businesses, and law enforcement agencies. They also collect, compile, and prepare daily reports on gains and losses, bed inventory, and a log of significant activities.

The appellants and Chief Business Officer 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 position'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 4, 2010, and with [the appellant] on May 21, 2010. We also conducted a July 26, 2010, telephone interview with the immediate supervisor. In deciding this appeal, we carefully considered all of the information furnished by the appellants and their agency, including the PD of record.

Series, title, and standard determination

The appellants disagree with the VA's assignment of the position to the GS-303 Miscellaneous Clerk and Assistant Series. This series covers one-grade interval administrative support positions performing or supervising clerical, assistant, or technical work for which no other series is appropriate. However, the appellants believe their position warrants classification to the GS-301 Miscellaneous Administration and Program Series. This series covers positions performing, supervising, or managing nonprofessional, two-grade interval work for which no other series is appropriate. Guidance on distinguishing between administrative and support work is available 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. Employees performing support work follow established methods and procedures. They have specific boundaries narrowly restricting their work. They use a limited variety of techniques, standards, or regulations. Support work involves handling problems which are often recurring and have precedents, limiting the breadth and depth of knowledge required, complexity of problem solving, applicability of guidelines, and closeness of supervisory controls.

In contrast, administrative work primarily requires a higher 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 (i.e., analysis, research, writing, and judgment) typically gained through college education or through progressively responsible experience.

We find the appellants' position does not meet the definition of administrative work. For example, their work does not require a higher order of analytical ability or a comprehensive knowledge of management principles or analytical methods and techniques. The primary purpose of the appellants' position is to handle the VAMC's administrative issues occurring after regular hours. As AOD, this may include an assortment of tasks such as determining patient eligibility for various benefits; processing or facilitating admission, discharge, death, travel authorization, and record release actions; providing administrative guidance to VAMC staff; coordinating patient transfers and referrals; and maintaining logs and reports of gains and losses, patient activity, and other significant events. Unlike two-grade interval work, the appellants' duties require applying established policies, procedures, and practices to resolve the wide variety of recurring administrative issues and situations. Their work is accomplished by applying knowledge of the applicable VA regulations, policies, and procedures; VAMC directives and treatment capabilities; procedures involved in transferring patients to and from the facilities; requirements related to patient deaths; provisions of the Freedom of Information and Privacy Acts as they relate to the release of records; medical recordkeeping to extract information; and VA's automated data systems to prepare various logs and reports.

The appellants use judgment to choose, interpret, and adapt available rules, regulations, standards, and guidelines to specific situations. In addition to practical experience, the appellants' decision-making (e.g., how and where to transport a patient based on the veteran's medical needs and eligibility) is directed by written guidelines covering patient transportation, patient admissions, eligibility for medical care, and other areas. The AOD's work, involving advising and resolving administrative matters occurring during the shift, is based on the application of practical experience and knowledge of the VA's and VAMC's purpose, operation, procedures, techniques, and guidelines. This type of work is consistent with one-grade interval technical work.

The appellant's position is properly classified to a one-grade interval series. Their work consists of performing a variety of administrative and technical support functions no one of which is predominant. With no single series specifically covering the specialized functions, we find the appellants' work is properly allocated to the GS-303 series. This series covers work, like the appellants', performing technician, assistant, or clerical work requiring knowledge of the procedures and techniques involved in carrying out the work of an organization within the framework of established guidelines.

No titles are specified for positions in the GS-303 series. However, the GS-303 PCS warns against using the word "administrative" in the title to avoid confusion with the two-grade interval GS-341 Administrative Officer Series.

The GS-303 PCS does not include grade-level criteria. The PCS instructs evaluating positions by reference to other standards for occupations with analogous knowledge and skills. We find the appellants' medical administrative support work is best evaluated by application of the grading criteria in the Grade Level Guide for Clerical and Assistance Work (Guide) which provides general criteria for grading clerical and assistance work.

Grade determination

The Guide provides general criteria to use in determining the grade level of nonsupervisory clerical and assistance work being performed in offices, shops, laboratories, hospitals, and other settings in Federal agencies. The Guide describes the general characteristics of each grade level from GS-1 through GS-7, and uses the two following criteria for grading purposes: *Nature of Assignment* (which includes knowledge required and complexity of the work) and *Level of Responsibility* (which includes supervisory controls, guidelines, and contacts).

Nature of Assignment

At the GS-7 level, the highest level described in the Guide, assistant work consists of specialized duties with continuing responsibilities for projects, questions, or problems arising within an area of a program or functional specialty. Assignments consist of a series of related actions or decisions prior to final completion, and the decisions or recommendations are based on the development and evaluation of information from various sources. The work involves identifying and studying factors or conditions and determining their interrelationships as appropriate to the defined area of work. Work requires knowledge and skill to recognize the dimensions of the problems involved, collect the necessary information, establish the facts, and take or recommend action based upon application or interpretation of established guidelines. It requires practical knowledge, learned through on-the-job training and experience, to deal with the operations, regulations, principles, and peculiarities of the assigned program, function, or activity.

The appellants' position meets but does not exceed the GS-7 level. As AOD, they have continuing responsibility for advising and resolving nonstandard procedural assignments regarding a wide range of administrative-related matters occurring during the VAMC's irregular tour. Their duties may include processing admissions of patients, determining applicant eligibility for benefits and services, responding to inquiries regarding services and other administrative matters, coordinating with the MOD to resolve patient or family complaints, coordinating patient transfers, and processing requirements resulting from patient deaths. This work requires knowledge of the laws, regulations, and guidelines related to the areas of admissions, determination of legal eligibility for medical care, patient transportation, protection of patient valuables, etc. In addition, the appellants' work requires practical knowledge and experience with the operations and services provided by the VAMC's programs and functions to deal with a wide variety of circumstances. As at the GS-7 level, the appellants' AOD work requires applying practical knowledge of medical administrative and other related policies, practices, and procedures.

The primary purpose of the appellants' work is two-fold, i.e., to facilitate the continuity of patient care for the VAMC's functions and operations, and to ensure the administrative, procedural, and legal requirements for medical administrative matters are met. Circumstances for each patient vary. As AODs, they are "in charge" during their shift and are expected to make decisions on individual situations based on the agency's guidelines and their experience and judgment. Similar to the GS-7 level, the appellants make decisions and take actions based on an evaluation of the situation; information and facts obtained from patients, VAMC staff, and outside persons; and regulations, procedures, and practices that are established for handling these

matters. They ensure that administrative matters are accomplished, regulations are followed, and requirements are met. The range and variety of support duties, the problems encountered, and the decisions and recommendations made are typical of the GS-7 grade level.

This factor is evaluated at the GS-7 level.

Level of Responsibility

At the GS-7 level, the highest level described in the Guide, the supervisor makes assignments by defining objectives, priorities, and deadlines. Employees work independently, using a general understanding of the expected outcomes and the scope of the assignments, and draw upon experience in resolving the more difficult situations which arise. Completed work is evaluated for appropriateness and conformance to policy. Guides, such as regulations, policy statements, and precedent cases, tend to be general and descriptive of intent, and they do not specifically cover all aspects of the assignments. Guidelines apply less to specific actions and more to the operational characteristics and procedural requirements of the program or function. Even though personal contacts for GS-7 employees are often the same as those for GS-6 employees, the GS-7 employees serve as a central point of contact to provide authoritative explanations of requirements, regulations, and procedures and to resolve operational problems or disagreements affecting assigned areas.

The appellants' position meets but does not exceed the GS-7 level. The immediate supervisor, who normally works the day shift, advises the AOD at the beginning of each shift of expected patient transfers, arrivals, departures, and other activities. Otherwise, as at the GS-7 level, the appellants perform day-to-day work independently and resolve most conflicts that arise without any direct supervision. After hours, the appellants are authorized to act on own initiative within previously defined parameters to resolve administrative problems and provide authoritative explanations on administrative requirements, regulations, and procedures. They make decisions and take actions, informing the supervisor after the fact through logs and records of statistics and other significant events. Like the GS-7 level, the immediate supervisor reviews the appellants' work for conformance to policies, regulations, and established procedures; review of written products; and impact on the overall administrative operation of the VAMC after hours.

Similar to the GS-7 level, the appellants' work is governed by numerous guidelines such as VA and VAMC regulations, directives, and policies covering their work assignments. The appellants use judgment to select the appropriate guidelines to apply in a variety of actions including admissions, transfers, and deaths. When there are gaps in specificity in the guidelines or when guidelines do not fit a situation, they make decisions or recommendations based on practical experience and judgment of the facts. The appellants' contacts are with employees outside the immediate [name] Services organization and with various levels of the VAMC including the MOD and staff responsible for direct patient care (e.g., physicians and nurses); patients and their family members; employees at other VAMCs or local hospitals; and community and social services (e.g., law enforcement officials). As at the GS-7 level, their contacts are for the purpose of providing authoritative guidance and advice in accordance with established medical administrative regulations and requirements covering the wide range of situations occurring after

regular hours. The appellants' contacts with the public require tact and sensitivity especially when discussing a patient's death or illness.

This factor is evaluated at the GS-7 level.

Summary

By comparison with the Guide, both factors are credited at the GS-7 levels.

Decision

The appellant's position is properly classified as GS-303-7. The title is at the agency's discretion.