

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

Appellants: [appellant's name]

Agency classification: Correctional Officer
GS-007-9

Organization: Unit 3
Federal Correctional Institution
[name]
Federal Bureau of Prisons
U. S. Department of Justice
[location]

OPM decision: Correctional Officer
GS-007-9

OPM decision number: C-0007-09-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

August 22, 2003

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* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name]
[appellant's address]

[name]
Human Resources Manager
Federal Bureau of Prisons
FCI [name]
[address]
[location]

Director of Personnel
U. S. Department of Justice
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Introduction

On May 13, 2003, the Philadelphia Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant's name]. His position is currently classified as Correctional Officer, GS-007-9. He believes that the classification should be GS-007-10. We received the agency administrative report on June 13, 2003, and the appellant's comments on the report on June 23, 2003. The appellant works in the Unit 3, Federal Correctional Institution (FCI) [name], Federal Bureau of Prisons, U.S. Department of Justice, [location]. We accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

In his appeal letter and response to the agency administrative report, the appellant takes issue with how his agency evaluated the duties and responsibilities of his position PD# [number]. He does not dispute the accuracy of the PD. However, he points to one additional duty that was transferred to him from the Case Manager position (Correctional Treatment Specialist, GS-101-11), which we will discuss below. The appellant maintains that the average caseload at other institutions is supposed to be around 135 inmates, but that his caseload is 211 and may be increased to 215. He states that the physical layout of the institution in two wings requires use of a car and extra time in covering the area. The appellant says that the understaffing and overwhelming work of the Case Managers and Unit Manager deprives him of their consultative services, and adds to his burdens. He says the inmate turnover is high and constant and requires additional time and effort in establishing rapport. The appellant points to his work accuracy, diligence, and the quality of his teamwork. In his rationale, the appellant comments on the factor level descriptions in his PD primarily by stressing the impact of his caseload, e.g., his contacts with more people elevate the worth of "personal contacts."

These statements raise procedural issues that must be addressed. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCS's 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, e.g., comparisons to the duties and responsibilities of other positions that may or may not be classified correctly. The quantity and quality of work are not germane to the position classification process. They are issues covered by the performance management and recognition systems.

The appellant's rationale raises questions about management's authority to assign work, e.g., the quantity of work assignable to a position and the agency's failure to follow its own staffing guidelines. By law, agency management has the authority to determine the work assignable to positions and employees (5 U.S.C. 5102(a)(3) and 7106(a)(2)(B)). Therefore, this issue is not germane to or reviewable under the classification appeals process.

Like OPM, the appellant's agency must classify positions based on comparison to OPM PCS's and guidelines. Section 511.612 of title 5 of the CFR, requires that agencies review their own classification decisions for identical, similar, or related positions to ensure consistency with OPM certificates. Thus, the agency has the primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that his position

is classified inconsistently with others, he may pursue this matter by writing to his agency headquarters human resources office. In so doing, he should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to him the differences between his position and the others, or grade those positions in accordance with this appeal decision.

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 an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. This decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision. Therefore, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

Position information

Based on our August 6, 2003, telephone audit of the position with the appellant and interview with the supervisor, we find that the PD of record contains the major duties and responsibilities assigned to and performed by the appellant. The accuracy was attested to by the appellant in a signed memorandum on May 23, 2003. The PD contains detailed information about the duties and responsibilities and how they are performed and is incorporated by reference into this decision.

The primary purpose of the appellant's position is the treatment, custody and supervision of criminal offenders in a correctional institution. It requires knowledge of correctional skills and treatment. The work involves developing and implementing programs within the unit to meet the individual needs of the inmates, including individual as well as group counseling. The appellant performs the full range of unit functions including monitoring work details; dealing with bed assignments; insuring that visitors are properly managed, e.g., receive NCIC checks, and arrange for special visits and legal visitations; dealing with inmate complaints; controlling inmate telephone access; and, labeling and distributing monthly inmate meal cards.

The Inmate Financial Responsibility Program (IFRP) requires identifying financial obligations imposed by the courts on inmates assigned to his caseload, and assisting the inmate in developing a plan to complete the obligation. It involves formulating a contract and monitoring and recording payments by computer input. We held a telephone interview with the Case Manager Coordinator, [name], to gain a fuller understanding of the reassignment of this function. He explained that there are 24 pairs of Correctional Counselors and Case Managers at [location], and that many pairs elect to work jointly in developing the plan, but that in some instances, it is accomplished by only one of the pair as in the appellant's situation. There may be 5 to 10 contracts a week and a monthly roster to run. He estimated the work might occupy a couple of hours per week.

Series, title, and standard determination

The agency has placed the appellant's position in the Correctional Officer Series, GS-007, and titled it Correctional Officer, with which the appellant has not disagreed. Based on our audit and review of the record, we concur. The published Correctional Officer Series, GS-007 PCS must be used for grade level analysis.

Grade determination

Although the appellant's PD is written in the nine factor format typical of the Factor Evaluation System, the PCS for the Correctional Officer Series, GS-007, is written as a narrative standard, and requires evaluation of the appellant's position by application of two criteria: *Nature of assignment* which covers the type, variety, and difficulty of assignments, including the level of correctional skills required to perform the work; and *Level of responsibility*, which includes the kind and degree of supervision received, and the degree of independence and judgment required. The appellant does not address the grading criteria of the GS-007 PCS in his appeal rationale.

The appellant maintains that the major program duties are affected by the voluminous caseload e.g. Unit Team classification meetings, Unit Discipline Committee hearings, documentation entry into the Central File and Sentry, Special and Legal Mail delivery, Inmate Visiting Program, personal property, package authorizations, trust fund activities, group problem solving or mentoring, Meal Cards, etc. He contends that the magnitude of the numbers of inmates impacts the difficulty of performing his duties. In effect, he believes that workload volume alters the *Nature of assignment* and *Level of responsibility*, which are the two grade evaluation criteria for this series. We will consider the information that he provided only insofar as it is relevant to applying the GS-007 PCS to his work.

Nature of assignment

At the GS-9 grade level, the highest level described in the PCS, correctional officers perform functions requiring the application of technical treatment and/or counseling skills and techniques, acquired through formal and supervised practical training, which are normally associated with services provided by professionals in social work or the behavioral sciences. Under the guidance of professional workers, assignments at this level are typically in direct support of structured treatment or rehabilitation programs. Working within the framework of program goals and methodology established by professional workers, the correctional officer applies these techniques and his extensive correctional experience to establish effective communication with the offender and help them recognize and resolve problems relating to themselves, their family, and the community environment. The correctional officer aids the inmate to appraise their problems realistically and to understand and accept their limitations and capabilities. In some situations, the correctional officer also deals with individuals outside the correctional system, such as teachers, supervisors, family, etc., to identify further problems and enlist their aid in resolving them.

Illustrative of GS-9 correctional officer work is serving as a correctional counselor in a specialized treatment program for inmates addicted to narcotics. As a full member of the treatment team, the correctional officer makes recommendations and participates in decisions

concerning the operation of the treatment program. The correctional officer conducts group therapy sessions, community meetings, self-help sessions, or other formal activities, and works with an assigned caseload of inmates to provide services including counseling on problems; writing correspondence; arranging for special visits; approving visitor lists, etc. He or she serves as liaison between treatment program staff and other institutional staff members to provide detailed information on individual inmates. The correctional officer uses the skills and techniques learned from classroom and supervised practical training by professionals in such areas as group counseling techniques, sensitivity training and personal interviewing.

[name] is rated as a Low Level Facility with primarily narcotics abusers as inmates. The nature of assignment for the appellant's position closely matches, but does not exceed, the GS-9 grade level illustration discussed above. As at that grade level, the appellant is assigned a full case load of inmates who typically are substance abusers. He provides both individual and group counseling. The appellant's IFRP program duties are a new component of his individual counseling and inmate support responsibilities. As in the illustration, he serves as liaison between treatment program staff and other institutional staff members to provide detailed information on individual inmates. Therefore, this factor is credited at the GS-9 grade level.

Level of responsibility

At the GS-9 grade level, correctional officers exercise independent judgment in performing the day-to-day counseling and treatment assignments. They have considerable latitude for judgment within the framework of the basic program policy because of the individualized attention given each offender. Much of the counseling and direct involvement with offenders is subject to review only in terms of overall results. Social workers, psychologists, etc., are normally available for guidance in unusual or complex situations that require professional knowledges to determine the best approach for further action.

The appellant's position meets, but does not exceed, the GS-9 grade level. Typical of that level, the appellant's supervisor assigns work by defining program objectives, priorities, and deadlines and provides guidance on problems which do not have clear precedents. He is responsible for providing the individualized attention to each offender for the range of issues found at the GS-9 grade level. As at that level, work is reviewed for compliance with instructions and practices. Professional guidance is available from the assigned Case Manager for unusual or complex situations that require professional knowledge to resolve. Therefore, this factor is credited at the GS-9 level grade level.

Decision

The position is properly classified as Correctional Officer, GS-007-9.