

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

San Francisco Field Services Group  
120 Howard Street, Room 760  
San Francisco, CA 94105-0001

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

**Appellant:** [Appellant's name]

**Agency classification:** Supervisory Human Resources Specialist  
(Employee Relations), GS-201-13

**Organization:** [Appellant's organization/location]  
Office of Human Resources Management  
U.S. Forest Service  
U.S. Department of Agriculture

**OPM decision:** Supervisory Human Resources Specialist  
GS-201-13  
(Parenthetical title at discretion of  
agency)

**OPM decision number:** C-0201-13-06

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Marta Brito Pérez  
Associate Director  
Human Capital Leadership  
and Merit System Accountability

April 21, 2005

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, 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).

**Decision sent to:**

[Appellant's name and address]

[Appellant's servicing human resources office]  
Office of Human Resources Management  
U.S. Forest Service  
U.S. Department of Agriculture

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## **Introduction**

On November 23, 2004, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. His position is currently classified as Supervisory Human Resources (HR) Specialist (Employee Relations), GS-201-13. The appellant works in the [appellant's organization/location], Office of HR Management, U.S. Forest Service, U.S. Department of Agriculture (USDA). He believes that his position should be classified as Supervisory HR Specialist, GS-201-14. We received the agency's administrative report on December 29, 2004. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide the appeal, we conducted a telephone audit with the appellant and a telephone interview with his first-line supervisor. In reaching our decision, we carefully considered the audit and interview findings and all information of record furnished by the appellants and the agency, including the official position description (PD) which we find contains the major duties and responsibilities assigned to and performed by the appellant and we incorporate it by reference into our decision.

## **General issues**

Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) [number]. The appellant, however, makes various statements about his agency and its evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107 and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside any previous agency decision, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

## **Position information**

The appellant serves as Chief of the Employee and Labor Relations Section in the Office of HR Management. The mission of his organization is to provide advice and guidance to senior level managers and HR specialists in a region-wide employee/labor relations program, which includes disciplinary and adverse actions, formal EEO discrimination complaints, hearings (FLSA, arbitration, MSPB), administrative grievances, negotiated grievances, labor-management partnership, performance management, non-criminal misconduct investigations, sexual harassment prevention/investigations, suitability, whistle blowing, ethics/conflict of interest, workers' compensation, employee assistance, health and wellness, workplace violence, substance abuse education, and drug testing. Services encompass the [name of region] which is comprised of approximately 4,500 permanent employees and 3,000 temporary employees located at the regional office and 18 national forests.

The appellant indicates that he spends up to 70 percent of his time supervising a staff of sixteen HR specialists and support personnel. These include three GS-201-13s, two contract HR Specialists, six GS-201-12s, one GS-201-9/11, one contract worker, GS-203-7, two contract workers, GS-203-5, and one GS-203-4. The appellant spends the remaining 30 percent of his time performing non-supervisory HR assignments.

### **Series, title, and standard determination**

The appellant's agency has classified his position to the HR Management Series, GS-201, titling it Supervisory HR Specialist (Employee Relations), and the appellant does not disagree. The Position Classification Standard (PCS) for the Human Resources Management Series, GS-0201, covers two-grade interval administrative positions that manage, supervise, administer, advise on, or deliver human resources management products or services. After a thorough review of the record, we concur with the agency's determination of basic title and series. However, as noted in the GS-201 PCS, agencies may assign parenthetical specialty titles in official position titles if individual circumstances dictate. Therefore, selection of a parenthetical title is at the discretion of the agency.

### **Grade determination**

We have evaluated his personally performed nonsupervisory duties by application of the grading criteria described in the GS-201 PCS. In addition, because the appellant's position fully meets the coverage requirements as a supervisor specified in the General Schedule Supervisory Guide (GSSG), we have evaluated his supervisory duties and responsibilities by application of the criteria in that guide also.

#### *Evaluation of personally performed work*

The GS-201 PCS is written in the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Each factor level has a corresponding point value. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

#### *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, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills necessary to apply that knowledge.

Assignments at Level 1-7 require knowledge of and skill in applying a wide range of HR Management (HRM) concepts, laws, policies, practices, case law, and analytical and diagnostic methods and techniques sufficient to solve a wide range of complex, interrelated HRM problems and issues. At this level, employees specializing in labor and employee relations apply

knowledge and skill in applying a wide range of HR case law, principles, practices, and regulations sufficient to perform detailed analyses and draw conclusions on complex legal issues and problems. They exercise skill in legal research sufficient to locate, interpret, and analyze for applicability and appropriateness, precedent and substantive decisions, and legal opinions of various courts and administrative bodies. They apply mediation techniques and other non-adversarial problem solving approaches including conflict resolution to resolve highly contested case matters. At Level 1-7 the employee demonstrates oral and written communication techniques sufficient to formulate and present arguments and advisory opinions, and to prepare legal and case documents. Work illustrations at Level 1-7 include advising managers about appropriate disciplinary or other corrective techniques concerning conduct or performance problems; researching and applying administrative decisions so as to analyze and craft defensible solutions to problems where precedent cases are not always directly applicable; researching legal precedents and defining legal and factual parameters and issues of cases; filing necessary documents and representing management before third parties in quasi-judicial boards and commissions; advising negotiating committee members on interpretation of arbitration decisions and applying them to local situations; and serving as the authoritative local interpreter of labor relations laws, regulations, executive orders, and decisions of labor relations formal bodies.

At Level 1-8, employees apply a mastery of advanced HRM principles, concepts, regulations, and practices, analytical methods and techniques, and seasoned consultative skill sufficient to resolve HRM problems not susceptible to treatment by standard methods. They apply sufficient knowledge and skill in their HR specialty to design and conduct comprehensive HR studies characterized by boundaries that are extremely broad and difficult to determine in advance; identify and propose solutions to HRM problems and issues that are characterized by their breadth, importance, and severity and for which previous studies and established techniques are frequently inadequate; and develop recommendations for legislation that would modify the way agencies conduct programs, evaluate new or modified legislation for projected impact upon existing agency programs, or translate complex legislation to meet agency needs. Work illustrations at Level 1-8 include HR specialists in employee relations who serve as agency or equivalent level senior consultants; review policy and procedures to ensure consistency in their application and recommend modifications; analyze and solve particularly complex and sensitive problems and issues, such as those involving conflicting laws or untested areas of case law, where policy decisions and case strategy guidance have impact throughout the agency. Specialists in labor relations provide staff advisory services on command-wide issues, and develop command methods of measurement that provide a valid measurement of the success of the program. They furnish advice on organization-wide strategic plans and organizational issues such as multiple reductions-in-force, outsourcing, reconfigurations of mission workload, and develop the future vision of the labor relations program.

The appellant's position meets Level 1-7. Similar to that level, he applies a wide range of HRM concepts, regulations, precedents, and case law to resolve complex labor and employee relations issues and to recommend ways to improve the effectiveness and efficiency of the regional employee and labor relations programs. Like the illustrations at Level 1-7, the appellant provides technically accurate advice to managers concerning appropriate disciplinary and adverse actions, grievance and appeal letters, or other corrective techniques in response to a range of conduct and performance problems. He performs detailed research, analysis, interpretation and advises regional

forest managers, supervisors, human resources officers servicing the national forests, and union officials on complex legal and regulatory issues and policies governing the management of personnel within the geographic area covered by the [name of region]. The appellant is frequently called upon to review problem issues, complaints or grievances, and resolve difficult employee or labor relations cases particularly on issues that are new or highly controversial. Such work includes the application of two Federal settlement agreements (consent decrees) that are in place within the region. One of the agreements, the Women's Settlement Agreement (WSA), has complex legal provisions concerning methods of individual relief resulting from misconduct investigations that the Forest Service is accomplishing within the region. While generally applicable precedents have been established over the years, the appellant carried out skillful legal research to assist in developing a regional policy on the hiring of contract investigators. As a result of the WSA consent decree, the appellant has frequently been involved in addressing and providing technical advice on misconduct cases, some of which are considered "politically sensitive." He is revising standard operating procedures (SOPS) concerning the manner in which allegations of reprisal and sexual harassment will be handled within the region, and will be conducting negotiations regarding the SOPS with union representatives in coordination with a WSA monitoring counsel to identify, clarify and resolve any ensuing issues.

The appellant's position does not meet Level 1-8. Although he functions as a consultant at a regional staff level, he is not faced with HRM problems which are not susceptible to treatment by standard methods. In contrast to Level 1-8, he does not meet the breadth and importance intended at this level. He does not develop recommendations for legislation that would modify the way the agency (i.e., Forest Service) carries out its HR employee/labor relations programs, and does not measure the agency-wide impact on changes in HR programs. Such responsibilities are found at the Forest Service headquarters HRM level. The appellant's position description shows that the appellant does not direct team efforts to persuade managers to accept and implement recommendations for changes in the HR program, particularly those involving substantial commitment of Forest Service resources and/or extensive changes in established procedures. While the appellant is recognized as a senior advisor in employee/labor relations matters, he may supplement but does not develop authoritative policy interpretations since such matters are addressed by higher level staff at Forest Service headquarters. In contrast to Level 1-8, his position does not require that he evaluate the content of new legislation for impact agency-wide, nor does he translate the provisions of legislation into Forest Service HRM programs and goals.

Unlike the employee/labor relations work illustrations at Level 1-8, his position is not equivalent to a senior agency consultant in employee relations who analyzes and solves particularly complex and sensitive problems, especially those involving conflicting or untested areas of case law, where recommended policy decisions and case strategy guidance have impact throughout the agency, i.e., Forest Service. Although the appellant is sometimes called upon to provide staff advisory services that could result in agency-wide impact, the record shows that he does not develop methods to measure the success of the overall labor relations program; is not involved in organization-wide strategic planning where outsourcing or organizational reconfigurations may be considered; or in developing the future vision of the agency's employee/labor relations program.

This factor is evaluated at Level 1-7 and credited with 1250 points.

*Factor 2, Supervisory controls*

This factor measures the nature and extent of supervision exercised over the position, the employee's responsibility, and the review of completed work

At Level 2-4, the overall objectives and available resources are outlined by the supervisor. Both the supervisor and employee discuss timeframes and scope of the assignment, including possible stages and approaches. It is the employee's responsibility to determine the appropriate principles, practices, and methods to apply in all phases of assignments, including the approach to be taken and depth of research in management advisories. Employees at Level 2-4 interpret regulations on their own initiative, apply new methods to resolve complex issues and problems, and keep the supervisor informed of progress and of potentially controversial matters. Work is reviewed for soundness of overall approach, and effectiveness in meeting requirements. The supervisor does not usually review methods used.

At Level 2-5, 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, defining objectives, interpreting policies promulgated by authorities senior to the immediate supervisor and determining their effect on program needs. Employees at this level independently plan, design, and carry out their work and are technical authorities. Work is reviewed for potential impact on broad agency policy objectives and program goals, is considered technically correct, and accepted without significant change.

The appellant's position meets Level 2-4, but does not fully meet Level 2-5. Like Level 2-4, his supervisor (HRM Director) outlines the overall objectives and available resources for the appellant's HR program area assignments, and may discuss timeframes and the scope of work. The appellant independently carries out his individual assignments, determining what methods and techniques to apply, and the depth of research needed to develop accurate information for management advisories on employee/labor relations matters. Similar to Level 2-4, he interprets all relevant regulations and applies new methods to resolve complex issues, particularly those bearing on the provisions of the consent decree. The HR Director is kept informed of the progress of individual assignments, and advised of possible controversial matters as they occur. The supervisor reviews completed work for achievement of results and adequacy of program recommendations, but is not concerned with a technical review of methods used.

The appellant's position does not meet Level 2-5. While the supervisor provides general guidance on the objectives of assignments, it is more extensive than just limited to broadly defined missions or functions. Although the appellant is responsible for carrying out his program assignments independently with virtually no supervisory technical guidance or instruction, as the HRM Director the supervisor is involved in defining employee/labor relations program objectives, and interpreting higher level policies impacting on the program's needs. Within the context of a regional HRM program, the supervisor is held accountable for the overall effectiveness of the region's employee/labor relations program, and is ultimately responsible for accepting or rejecting work. In addition, although the appellant possesses a thorough knowledge

of employee/labor relations, unlike Level 2-5 he is not viewed as a technical authority in all matters affecting his program assignments. For example, although he may interpret the specific provisions of settlement agreements, final legal interpretive opinions are made above his organizational level, and he is not authorized to either make or sign a settlement agreement. Neither the absence of immediate supervision for day-to-day operations, nor the fact that technical recommendations normally are accepted, serves to support a level above Level 2-4.

This factor is evaluated at Level 2-4 and credited with 450 points.

### *Factor 3, Guidelines*

This factor measures the nature of guidelines and the judgment needed to apply them.

At Level 3-4, employees use guidelines and precedents that are very general regarding agency policy statements and objectives. Guidelines specific to assignments are often scarce, inapplicable or have gaps in specificity that require considerable interpretation and/or adaptation for application to issues and problems. At Level 3-4 employees use judgment, initiative, and resourcefulness in deviating from established methods to modify, adapt, and/or refine broader guidelines to resolve specific complex and/or intricate issues and problems. They research trends and patterns, and may propose new methods and practices.

At Level 3-5, employees use guidelines that are often ambiguous and express conflicting or incompatible goals and objectives, requiring extensive interpretation. Employees use judgment and ingenuity and exercise broad latitude to determine the intent of applicable guidelines, develop policy and guidelines for specific areas of work, and formulate interpretations that may take the form of policy statements and guidelines. At Level 3-5, top agency management officials and senior staff recognize the employee as a technical expert.

The appellant's position meets Level 3-4. Guidelines used include general agency directives and codes of Federal regulations, precedent cases, labor agreements, decisions of arbitrators, and provisions of the consent decree. Like Level 3-4, they are often inapplicable or have gaps requiring the appellant to interpret or adapt them to specific issues or problems. In applying the guidelines, the appellant exercises judgment, particularly in interpreting case law to support the agency's case, or when interpreting provisions of a consent decree to ensure the agency's compliance. In addition, records of existing case litigation may be limited in usefulness in resolving issues at hand.

The appellant's position does not meet Level 3-5. Although his guidelines can be inconsistent or vague in relation to particular cases, they are not so conflicting that they require extensive interpretation. It is not the appellant's responsibility to exercise broad latitude to develop policy and guidelines for employee and labor relations work, nor is it his responsibility to formulate interpretations that may become policy statements and guidelines for the employee relations or labor relations programs. Such tasks are the responsibility of positions above the appellant's in the agency.

This factor is evaluated at Level 3-4 and credited with 450 points.



#### *Factor 4, Complexity*

This factor measures 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.

At Level 4-4, the 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 at Level 4-4 conduct detailed planning to gather and interpret information and data for assessing complex problems; 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.

Illustrative assignments at Level 4-4 for specialists engaged in employee and labor relations include work analyzing a variety of employee conduct and performance-based problems where the specialist assists parties in problem definition and assessment of alternative approaches to resolve problems; conducting fact-finding to provide context and resolve disputes; ensuring that managers are aware of the interaction of different laws and help them to identify actions that are consistent with the facts when proposing disciplinary actions; developing case strategy including considering relevant precedents; and representing the organization in formal administrative proceedings involving various motions, pleadings and arguments, and the negotiation of settlements. Labor relations assignments include providing services to satellite offices from an HR advisory center; participating in labor management negotiations and advising managers on labor management issues; representing the agency in cases before third parties and conducting extensive research into facts and case law; and making technical recommendations regarding settlements.

At Level 4-5, work consists of addressing issues that significantly affect long-range implementation of substantive operational and/or policy programs throughout an agency, bureau, service, or major military command with numerous subordinate HR offices. Specialists at this level resolve different and unrelated problems and issues that affect long-range implementation and administration of substantive interrelated mission-oriented programs, and conduct studies to develop responses to management on new requirements in program operations, legislation, or agency regulations.

Illustrative assignments at Level 4-5 for specialists engaged in employee and labor relations include advising top management officials of the agency on issues related to conduct and performance, serving as the principal focal point providing labor relations advisory services on command-wide issues to headquarters staff and HR officials, or being responsible for labor relations program development and evaluation and staff advisory functions.

The appellant's position meets Level 4-4. Similar to that level, cases dealt with involve conflicting or incomplete information, and address substantive technical issues that are complex and sensitive where facts and concerns are interrelated. This is particularly true in identifying issues in adverse action cases, i.e., reviewing, analyzing and recommending on cases that may involve numerous conflicting facts and issues. For example, a complex case cited by the appellant involves a program manager having national program level recognition, who has been accused of a myriad of offenses (e.g., sexual harassment, falsifying time and attendance records, inappropriate touching of a sexual nature, falsifying official documents, illegal purchases, etc.) which would result in a removal action and would require Forest Service headquarters and U.S. Department of Agriculture level involvement. Additionally, the appellant cited two Federal settlement agreements (consent decrees regarding women and Hispanics) in which the region is addressing various issues and problems. The appellant must plan, gather and interpret all relevant information, analyze and assess the impact on the region, and propose recommendations to resolve difficult employee relations issues. Similar to Level 4-4 illustrative assignments, he assists other managers and HR staff in resolving difficult employee relations issues, and interprets, supplements and disseminates information to managers on the interaction of different laws and regulations impacting human resources management in the region.

The appellant's position does not meet Level 4-5. Unlike that level he is not responsible for addressing issues and resolving different and unrelated problems that affect long-range implementation of substantive operational and/or policy programs throughout the agency, i.e., the Forest Service. The appellant does not conduct studies to determine the impact of new legislation agency wide. Unlike the illustrative work examples under Level 4-5, the focus of his position is on labor and employee relations activities in a region, rather than at the agency headquarters level. The record shows that the appellant is not responsible for the development of the employee and labor relations programs, to include evaluating its effectiveness and providing overall staff advisory functions of the scope and complexity defined at Level 4-5.

This factor is evaluated at Level 4-4 and credited with 225 points.

#### *Factor 5, Scope and effect*

This factor covers the relationships between the nature of work, i.e., the purpose, breadth and depth of the assignment, and the effect of work products or services both within and outside the organization.

At Level 5-4, the 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.

Illustrative assignments at Level 5-4 of specialists engaged in employee and labor relations include providing management advisory services, and developing and assessing program effectiveness, as well as evaluating and analyzing a variety of complex problems associated with casework.

Recommendations serve as a basis for commitment to specific courses of action and results of advice may give rise to precedent-setting decisions by third parties.

At Level 5-5, work involves analyzing, evaluating, and developing major aspects of agency wide HR programs that require isolating and defining unknown conditions, resolving critical problems, or developing new concepts and methodologies; and issues of sensitivity and potential controversy that when resolved may promote advances in principal HR program plans, goals, objectives and milestones. The work establishes precedents for other technical experts to follow, and findings and recommendations are typically of major significance to agency management officials and often serve as the basis for new legislation, regulations, or programs.

Like Level 5-4, the purpose of the appellant's work is to provide advice and guidance to senior level managers, human resources officers and specialists, and union representatives in a region-wide employee and labor relations program. The work involves planning, researching, analyzing and strategizing case approach and making recommendations on best courses of action. The appellant's work affects the effectiveness and efficiency of the region's HR operations.

Unlike Level 5-5, the appellant's work does not involve the scope and impact typical of that level, i.e., where the work involves developing major aspects of agency wide HR programs, requiring isolating and defining unknown conditions, resolving critical problems, or developing new concepts and methodologies. His major duties do not involve developing major aspects of the Forest Service's HR or labor and employee relations programs, and his work does not regularly and recurringly establish precedents for others to follow. His analyses, recommendations, and decisions affect serviced activities within the [name of region] area of responsibility.

This factor is evaluated at Level 5-4 and credited with 225 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 inter-dependent. 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.

#### Personal contacts

At Level 6-3, contacts are with persons from outside the employing agency in moderately unstructured settings and may be with agency officials who are several managerial levels removed from the employee. The employee must recognize or learn the role and authority of each party during the course of the meeting.

At Level 6-4, contacts are with high-ranking officials from outside the agency at national or international levels in a highly unstructured setting, e.g., heads of other agencies and Presidential advisors, Member of Congress, State governors or city mayors, leading representatives of foreign governments, executives of comparable private sector organizations, national union presidents, and or nationally recognized representatives of the news media on HRM matters of national significance.

The appellant's position does not meet Level 6-4. The record shows that the appellant does not have contacts with high-ranking officials from outside the agency at national or international levels, in highly unstructured settings. The appellant's position meets Level 6-3 by having direct and frequent contacts with persons outside the agency including attorneys and union officials. In addition, he has contact on an ad hoc basis with senior level managers in his agency.

#### Purpose of contacts

At Level 7-C, the purpose is to influence and persuade 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 employees must be skillful in approaching contacts to obtain the desired effect; e.g., gaining compliance with established policies and regulations by persuasion or negotiation.

The purpose of contacts at Level 7-D is 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 position does not meet Level 7-D. Unlike that level, the purpose of contacts is not to justify, defend, negotiate, or settle matters involving significant or controversial issues of the type described at Level 7-D. The appellant is primarily concerned with program and individual case work covering labor and employee relations issues, rather than the broader types of issues that would be complicated by organizational conflict or resource problems in the region.

The appellant's position meets Level 7-C. Like that level he influences and persuades employees and managers to accept and implement the results of findings and negotiations, and recommends to managers the reasons why they should proceed with or settle a variety of complaints and grievances. He may encounter resistance to his recommendations, and must be persuasive to avoid unfavorable consequences which could yield costly or negative results to the agency.

Factors 6 and 7 are assigned Level 3-C, and credited with 180 points.

#### *Factor 8, Physical demands*

This factor measures the physical requirements placed on the employee by the work assignment.

The appellant's position meets but does not exceed Level 8-1, the highest level for this factor described in the standard. Similar to that level, his work is sedentary, with some walking in industrial or storage areas. His work does not require any special physical effort.

This factor is evaluated at Level 8-1 and credited with 5 points.

*Factor 9, Work environment*

This factor measures the risks and discomforts in the employee's physical surroundings.

The appellants' position meets but does not exceed Level 9-1, which is the highest level for this factor described in the standard. Similar to that level, his work area is adequately lighted, heated, and ventilated, requiring only normal safety precautions.

This factor is evaluated at Level 9-1 and credited with 5 points.

*Evaluation summary of appellant's personally performed nonsupervisory duties*

By application of the GS-201 PCS, we have evaluated the appellant's personally performed work as follows:

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-4	225
5. Scope and effect	5-4	225
6. and 7. Nature of contacts/Purpose of contacts	3-C	180
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
Total		2790

A total of 2790 points falls within the GS-12 point range (2755-3150) on the grade conversion table in the GS-201 PCS.

*Evaluation of supervisory duties*

Because the appellant's position also fully meets the coverage requirements for evaluation as a supervisor specified in the GSSG, we have evaluated the grade of his position by application of the grading criteria contained in the guide. The GSSG 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.

In his appeal, the appellant disagrees with his agency's determination for two factors, i.e., Factor 3 – Supervisory and Managerial Authority Exercised, and Factor 5 – Difficulty of Typical Work Directed. He believes that his position should be credited with Level 3-3b under Factor 3, and that Level 5-8 should be assigned for Factor 5. The appellant does not dispute his agency's assignment of Level 1-3 for Factor 1 - Program Scope and Effect, Level 2-2 for Factor 2 - Organizational Setting, Levels 4A-2 and 4B-3 for Factor 4 – Personal Contacts, and Level 6-5 for Factor 6 – Other Conditions. After careful review of the record, we concur with the uncontested agency determinations and will only address the two factors in dispute, Factors 3 and 5.

*Factor 3, Supervisory and managerial authority exercised*

This factor measures the delegated supervisory and managerial authorities that are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the full extent described for the specific level.

The agency awarded Level 3-2c to the appellant's position, but he believes his position meets Level 3-3b. Level 3-2 requires that the position must meet one of the paragraphs a, b, or c. Paragraph a discusses production-oriented work which is not appropriate for this position. Paragraph b describes situations where work is contracted out. The appellant supervises two contract HR Specialists and three contract clerical support staff. We found that the appellant fully performs all of the identified responsibilities for crediting contracted work as defined in Level 3-2b. At Level 3-2c, the position must have responsibility for carrying out at least three of the first four and a total of six or more of the ten authorities and responsibilities listed in the guide. We are in agreement with the agency that the appellant's position fully meets the criteria for Level 3-2c. Thus the position meets Level 3-2.

To meet Factor Level 3-3, a position must meet Level 3-3a or b. Level 3-3a describes positions exercising delegated managerial authority to set a series of long-range work plans and schedules, assuring implementation of goals and objectives by subordinate organizations. Employees of these positions determine goals and objectives that need additional emphasis, determine the best approach for resolving budget shortages, and plan for long-range staffing needs. They are closely involved with high-level program officials in development of overall goals and objectives for assigned functions or programs. For example, they direct development of data, provision of expertise and insights, securing of legal opinions, preparation of position papers or legislative proposals, and execution of comparable activities that support development of goals and objectives of high levels of program management and development or formulation. The appellant's position does not meet Level 3-3a. He is not delegated managerial authority for developing and determining overall program goals and objectives, does not oversee the implementation of goals by lower/subordinate units, and does not perform any of the illustrative work activities found at Level 3-3a.. Many of these authorities and responsibilities rest with higher level management officials within the agency.

To meet Level 3-3b, a position must exercise all or nearly all of the delegated authorities and responsibilities described in Level 3-2c and, in addition, at least 8 of the 15 responsibilities listed under Factor Level 3-3b.

Responsibilities 1, 3, 5, 6, and 8 under Level 3-3b refer to situations where work is accomplished through subordinate supervisors, team leaders, or other similar personnel. Supervisors at this level exercise these responsibilities through multiple supervisors or team leaders. Further, the supervisor's organizational workload must be so large and its work so complex that it requires using two or more subordinate supervisors, team leaders, or comparable personnel to direct the work. Although the appellant provided an organizational chart which indicates a structure that has been divided into small groups based on program assignments, the appellant does not have any officially designated subordinate supervisors or team leaders, nor do the PDs of the GS-13 subordinate positions describe major duties as supervisors or team leaders. Credit to the appellant's position for directing work through the use of subordinate team leaders is inappropriate and therefore does not meet the intent of criteria 1, 3, 5, 6, and 8 under Level 3-3b. Our analysis of the remaining responsibilities follows.

Responsibility 2 is credited. It involves exercising significant responsibilities in dealing with officials of other units or organizations, or in advising management officials of higher rank. The position meets this responsibility in that he exercises significant responsibilities in dealing with officials of the regional national forests, including union officials, and advises higher ranking management officials on labor relations negotiations, and the impact of decisions.

Responsibility 4 is not credited. It involves direction of a program or major program segment with significant resources (one at a multimillion dollar level of annual resources). The appellant's allotted annual operating budget is over one million dollars; however, he does not exercise direct control over his office's operating budget. His supervisor, the HR Director maintains direct control of all HRM expenditures.

Responsibility 7 is not credited. This responsibility involves making or approving selections for subordinate nonsupervisory positions. The appellant interviews candidates and recommends selections for permanent and contracting positions. The appellant recommends but does not make or approve selections for subordinate non-supervisory positions.

Responsibilities 9, 10, 11 are not credited. They involve significant authority to hear and resolve group grievances or serious employee complaints; review and approve serious disciplinary actions; and make decisions on non-routine, costly, or controversial training requests for employees of the unit. In order to be credited, these authorities must be exercised on a regular and recurring basis. The appellant does not have decision or approval authorities for these types of administrative actions and these issues do not arise frequently.

Responsibility 12 is credited. Responsibility 12 applies to supervisory and managerial positions that oversee organizations in which contractors perform line work. It involves determining whether contractor performed work meets standards of adequacy necessary for authorization of payment. The appellant's position exercises this responsibility, and it meets the demands of contracting out work and subsequent contractor oversight described at Level 3-2b.

Responsibility 13 is not credited. It involves approving expenses comparable to within-grades, extensive overtime, and employee travel. The appellant approves within-grade increases and

employee travel. However, the workload that he directs does not require the extensive overtime intended in this responsibility. Because responsibility 13 is not fully met, it may not be credited to the appellant's position.

Responsibility 14 is credited. It involves recommending awards or bonuses for nonsupervisory personnel and changes in position classification. The appellant recommends awards and bonuses and position classification actions.

Responsibility 15 is not met. It applies to supervisory and managerial positions that oversee organizations with workloads that are so large and complex as to require attention to team building or comparable methodological or structural improvements. Given the size of the appellant's organization, his responsibility would not exceed finding ways to improve production or increase the quality of work directed described under Level 3-2c.

In summary, we have only credited the position with Responsibilities 2, 12 and 14. Because the position is not credited with 8 or more of the listed responsibilities required to meet Level 3-3b, it must be evaluated at level 3-2c and credited with 450 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, either directly or through subordinate supervisors, team leaders, or others. The level is determined by identifying the highest grade which best characterizes the nature of the basic (mission oriented) non-supervisory work performed or overseen by the organization directed; and which constitutes 25 percent or more of the workload of the organization. Certain positions are excluded from consideration in making the determination. These include work of lower level positions that primarily support or facilitate the basic work of the unit; any subordinate work graded based on criteria in the GSSG or the General Schedule Leader Grade-Evaluation Guide; work that is graded based on an extraordinary degree of independence from supervision, or personal research accomplishments; and work for which the supervisor or a subordinate does not have the responsibilities defined under Factor 3. The agency credited this factor at Level 5-7, with base work identified at the GS-12 level. The appellant disagrees and feels that he should be credited at Level 5-8 because he has three subordinate GS-13s, and two HR Specialist contractors that he believes perform difficult and complex work equivalent to the GS-13 level.

As previously discussed under "Position Information", the appellant supervises sixteen positions. We have excluded from base level consideration the HR Specialist (LR), GS-201-13, and the two HR Specialists (ER), GS-201-13, because the record shows that the incumbents function with a significant degree of independence from supervision including completely planning and carrying out their work, selecting all methods and approaches, interpreting regulations on their own initiative, independently applying new methods to resolve complex or unprecedented issues or problems, and resolving most conflicts that arise. Their work is reviewed only for agreement with overall policies and attainment of regional human resources management objectives. They keep the appellant informed of progress and controversial matters. This substantiates the GS-13



grade level classification of those positions. In addition, we have excluded from base level consideration all technician and clerical positions because they primarily support or facilitate the basic work of the unit.

The appellant indicated that the two human resources specialists working as contractors are performing work equivalent to the GS-201-13 level. We disagree. In reviewing the major work statements performed by the contractors, their duties are the same as the major duties assigned to GS-201-12 level positions supervised by the appellant; thus we conclude that the work that they perform is equivalent to the GS-12 level. The appellant indicated that one of the HR specialist contractors was involved in a project which enhanced the data organization and information retrieval of the region's performance management system utilizing information technology, which he believes is work equivalent to GS-13 level assignments. However, the project cannot be considered for comparison to GS-13 level work because the project was temporary, and thus not a continuing requirement other than to further assist in maintaining the integrity of the system. We also found that the other HR specialist contractor performs GS-12 level equivalency work in that he co-manages the misconduct investigations program with an employee whose position classifies as GS-201-12. For the preceding reasons, we have determined that the work of the two HR specialist contractors is equivalent to and would not exceed the GS-12 level.

All other positions performing substantive non-supervisory work are included in our base level determination. For purposes of this decision we are accepting the agency's classification of the subordinate positions. Based on our review, the highest grade which best characterizes the nature of the basic (mission oriented) non-supervisory work performed in the appellant's unit, and constitutes 25 percent or more of the workload of the organization is GS-12.

Using the conversion chart in the GSSG for Factor 5, a GS-12 base level equates to Level 5-7 and 930 points are credited.

*Evaluation summary of appellant's supervisory duties and responsibilities*

By application of the GSSG, we have evaluated the appellant's supervisory duties as follows:

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Program Scope and Effect	1-3	550
2. Organizational Setting	2-2	250
3. Supervisory and Managerial Authority Exercised	3-2	450
4. Personal Contacts		
4A Nature of contacts	4A-2	50
4B Purpose of contacts	4B-3	100
5. Difficulty of Typical Work Directed	5-7	930
6. Other Conditions	6-5	<u>1225</u>

*Total*

3555

A total of 3555 points falls within the GS-13 point range (3155-3600) according to the point-to-grade conversion table provided in the GSSG.

### **Summary**

The appellant's personally performed HR specialist work is only evaluated at the GS-12 level, but his supervisory duties which represent more than 25 percent of his time are evaluated at the GS-13 level. Therefore, based on our application of the mixed grade position criteria as stated in Chapter 5 of *The Classifier's Handbook*, the final grade of the appellant's position is determined to be GS-13.

### **Decision**

The appellant's position is properly classified as Supervisory Human Resources Specialist, GS-201-13. Selection of an appropriate parenthetical title is at the discretion of the agency.