

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

Appellant: [Appellants]

Agency classification: Contact Representative (Spanish)
GS-962-7

Organization: [Organization] Branch
[Organization] Group
Retirement Services Program
Center for Retirement and Insurance
Services
Human Resources Products and Services
U.S. Office of Personnel Management
[Location]

OPM decision: Contact Representative (Spanish)
GS-962-7

OPM decision number: C-0962-07-02

/s/

Jeffrey E. Sumberg
Deputy Associate Director
Center for Merit System Accountability

4-11-08

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

As indicated in this decision, we find the appellants' official position description (PD) does not meet the standard of adequacy discussed in section III.E of the *Introduction to the PCS*. Therefore, the appellants' agency must revise the PD to meet that standard and submit a compliance report containing the corrected PD and Standard Form 50s showing the personnel actions taken to the Philadelphia Oversight and Accountability Group within 30 days of this decision.

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On April 2, 2007, the Philadelphia Oversight and Accountability Group, formerly the Philadelphia Field Services Group, of the U.S. Office of Personnel Management (OPM) accepted classification appeals filed by [Appellant] and three of her co-workers, all assigned to identical additional positions hereinafter referred to as position. One of the appellants was subsequently removed from the appeal after the agency notified us the appellant had left the position and was no longer an OPM employee. The position is currently classified as Contact Representative (Spanish), GS-962-7, but the appellants believe it should be classified as Language Specialist, GS-1040-9. The position is located in the [location/organization] Branch, [organization], Retirement Services Program (RSP), Center for Retirement and Insurance Services (CRIS) Human Resources Products and Services, U.S. OPM in [location]. We received the complete agency administrative report on May 5, 2007, and have accepted and decided this appeal under section 5112 of title 5, United States Code.

We conducted an on-site audit with the three appellants and interviewed their first- and second-level supervisors on August 9, 2007, primarily regarding their translation and interpretive work. During the audit, the appellants provided samples of their translation work; and afterward we requested and received additional information from both the appellants and their immediate supervisor concerning the nature, frequency, and amount of their interpretation and translation work over the previous year. Further review of the appeal documentation indicated the need for additional factfinding. Additional audits were conducted with two of the appellants on February 28, 2008, and February 29, 2008, and we again spoke to their immediate supervisor on March 11, 2008. In reaching our classification decision, we have carefully considered the information of record, including information obtained from the interviews, as well as the written information furnished by the appellants and agency, including the Position Description (PD) of record.

Background

Employees performing Contact Representative (CR) work are commonly referred to as Customer Service Specialists (CSS) within the appellants' organization, and we will use this term to refer to the appellants' CR work throughout the remainder of the decision. The organization chart provided by the agency shows 39 CSSs within the organization, including the three appellants.

The career progression for [organization] positions usually involves an initial assignment to a Customer Service Representative (CSR) trainee position with a target GS-5 grade level. CSRs respond to a wide variety of routine customer calls, send out forms, and provide information and assistance to customers. The actions they personally handle involve common, less complex matters which are typically quickly resolved in accordance with established practices and procedures. CSRs may consult with or refer more difficult actions to CSSs for direction, guidance or resolution. After gaining CSR experience, individuals may be promoted to a CSS position (target GS-7) through a competitive selection process. As CSSs they independently perform the full range of [organization] customer actions including more complex/difficult actions and those involving new, unique, and/or sensitive issues. The appellants, however, did not progress to the CSS position in this manner. Rather, because of the need for a few CSSs to handle Spanish-speaking customer calls, the appellants were hired directly into the CSS position.

The appellants interpret and translate information from English to Spanish and Spanish to English. Their interpretive work involves both simultaneous (interpreting information as soon as it is spoken, or with a slight delay) and consecutive (listening to statements of varying length and providing the interpretation at the end of the statement) interpretations. Most is consecutive and done in support of the appellants' Spanish-speaking CSS customers, including "follow-on" work (described later in this decision). The appellants' translation work involves both verbatim (matching written linguistic equivalents word-for-word) and idiomatic (identifying concepts in one language and rewording them in writing in another language to convey the appropriate meaning) translations. Verbatim translations typically involve things such as names, dates, places, or simple phrases whereas, idiomatic translations focus on conveying the intended meaning of ideas expressed rather than attempts to find specific linguistic equivalent words.

Two of the appellants were born in Spanish-speaking counties, raised in primarily Spanish-speaking households, and have bilingual Spanish/English work experience prior to coming to the position. The third has a Bachelor of Arts degree in Spanish Language, has lived and worked abroad in Spain for two months and Mexico for eight months, and is currently pursuing a Masters Degree in International Business with a secondary emphasis on Spanish history. One of the appellants speaks and can translate to and from French, however, is rarely called upon to perform such work and only for verbatim translations. The appellants also occasionally do limited verbatim translations to English from other related languages; i.e., Portuguese and Italian.

General Issues

In response to concerns raised by the appellants, the agency modified the CSS standardized PD by adding statements concerning their bilingual duties to create a separate PD and reassigned them to it as their official PD of record. The appellants state the PD is inaccurate, the agency's effort to prepare it "...is a poor if not lazy attempt..." and "in essence, this PD is the same as before except for making a few distinctions such as; screening phone calls, reading and translating technical documents both in English and Spanish."

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 work made up of the duties and responsibilities performed by an employee. Position classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee (5 CFR 511.607(a)(1) and 609). An OPM appeal decision classifies a real operating position, and not simply the PD. Therefore, this decision is based on the actual work assigned to and performed by the appellant.

We find the PD generally covers the work assigned to and performed by the appellants but does not adequately describe the work of this mixed-series position. The PD does not sufficiently address the nature and extent of the different types of work performed, identify the overall time spent on the position's major duties, or adequately differentiate between the types of work within the narrative factor-level descriptions.

The record includes assessments by the appellants concerning the relative worth of their translation work to the agency compared with the cost of contracting for such services with

private sector providers. However, such monetary comparisons and other issues concerning salary comparability are factors not considered in the Federal classification process (*The Classifier's Handbook*, chapter 5).

The appellants state they applied and were hired for the position based on job opportunity announcements (JOAs) prepared specifically to attract bilingual Spanish-speaking candidates, but were initially assigned to the same CSS standardized PD as the non-bilingual employees. They further state their written translation work was never mentioned during the hiring process and they were informed of this requirement only after starting work on March 21, 2005. The agency states the ability to communicate in Spanish was included in the JOAs as a selective factor for recruitment because of an identified need for a small cadre of employees capable of performing CSS work with Spanish-speaking customers, who would otherwise find it difficult to communicate regarding benefits and services, in addition to handling routine CSS contacts in English. The agency further states:

The primary function of the position is to provide direct support and assistance to customers [employees, retirees, survivors and their representatives] in answering questions, help them make benefit changes, and resolve problems and delays; the functions of speaking to customers in Spanish and translating documents from Spanish to English are generally performed to facilitate the process of the incumbent providing these [CSS] services directly to the customer.

OPM's Qualification Standards Manual (QSM) states selective factors are:

Knowledge, skills, abilities or special qualifications that are in addition to the minimum requirements in a qualification standard, but are determined to be essential to perform the duties and responsibilities of a particular position...A selective factor becomes part of the minimum requirements for a position, and applicants who do not meet it are ineligible for further consideration...[selective factors are helpful in situations where an agency] has a special requirement for positions in a particular location because a duty performed is not routinely associated with the occupation, *e.g., a contact representative position that requires fluency in Spanish* [emphasis added].

These recruitment issues are not germane to the classification appeal process which, as stated previously, is concerned with establishing the current duties and responsibilities assigned by management and performed by the appellants, including the qualifications required to perform that work, and determining the proper series, title and grade of that work. Management decisions with regard to assigning work (5 U.S.C. 7106(a)) and establishing performance standards are not subject to review under the classification appeal process.

The appellants emphasize their efforts to ensure consistent, high-quality translations, their personal qualifications, the volume of translations and the increase in this work over time. In adjudicating an appeal, 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 Position Classification Standards (PCSs)*, appendix 3, Factor 5).

Therefore, issues raised regarding the effectiveness of the appellants' work may not be considered in the classification of the position. Rather, they are properly considered as part of the performance management process. The appellants mention their qualifications, but it is the position that is classified and not the level of qualification, skill or ability an employee has acquired. The fact that an individual may possess higher level qualifications is not sufficient reason to classify a position at a higher grade level. Rather it is the duties and responsibilities assigned to a position which determine the knowledge, skills and abilities necessary to perform the work (*The Classifier's Handbook*, chapter 5). The appellants also mentioned the large amount of translation work they perform. However, volume of work cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5).

The appellants make various other statements about the agency's review and evaluation of their 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 responsibility is to make our own independent decision on the proper classification of the 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 this classification appeal process.

Position Information

The position is located in the [location/organization], a call center which serves as a first point of contact within OPM for retirees, annuitants, survivors, and other interested parties requesting information about the programs or raising specific questions concerning their annuity, benefits and rights. The office is also responsible for receiving, monitoring and processing actions related to the retirement, health benefits, and life insurance programs administered by CRIS.

There are currently three employees assigned to the appealed position. Each spends four months a year on Spanish-to-English and English-to-Spanish written translation work and eight months a year on CSS work in support of Spanish- and English-speaking customers.

The appellants' CSS work is primarily done over the telephone. They provide advice and assistance, answer processing questions, direct customers to appropriate offices/specialists to deal with their respective post-retirement problems or issues, and send forms to customers, which they are required to fill out and submit back to OPM for the particular kind of action/service they are requesting. The appellants gather information from the customer asking appropriate questions to ascertain the nature of the issue/problem, determine how best to respond, and what further actions are needed by the appellant and/or others. Actions involve a wide range of activities concerning retirement, health benefits, and life insurance issues including annuitant, survivor and/or dependent issues, status changes (marriages, deaths, divorces, etc.), annuity adjustments, tax withholdings, premium changes, lost payments, disability status, erroneous (over or under) payments, debt repayments, etc. They must be familiar with documentation and procedural requirements for processing a wide variety of recurring types of actions; established practices for dealing with both routine and unique situations; the general basis for such actions in policy, regulation, and statute; and the functional breakout of responsibilities within the CRIS to properly refer customers for further action.

On a day-to-day basis, customers call a centralized telephone line and respond to a few questions on an automated system to properly route the call including whether the person prefers the call to be answered in Spanish. Spanish calls are placed in a Spanish queue in the order received and answered by the two appellants assigned to do CSS work. If no Spanish calls are waiting, the appellants answer the next available call in the routine English queue. While assigned to answer calls, the appellants handle primarily Spanish calls to provide direct CSS customer service. They identify the issue(s) at hand, respond to customer questions, provide appropriate forms, and make referrals to the proper office, agency, or activity to resolve the customer's problem/concern. English-speaking calls typically end at this point. However, as bilingual CSSs they routinely remain on the line for "follow-on" work with the customers to assist them in their communication with the next office/agency or private sector activity, and in some cases more than one, such as the Social Security Administration, Office of Workers' Compensation Programs, Internal Revenue Service, and private sector banks and/or health-care providers. It is at this point the appellants' role changes from direct service provider to third-party interpreter for the customer. Based on their familiarity with common recurring processes and their relationship with the customers they may, to a limited degree, act for the customers to ensure appropriate questions are asked and answered so the customers receive all the information they need to successfully complete the steps required to attain desired results. The issues involved in follow-on discussions are essentially those which English-speaking customers would be expected to resolve on their own. Spanish calls typically take more time because of this additional "follow-on" interpreter work. While assigned to answer customer calls they typically also do simple, short verbatim translations needed to process routine actions.

The appellants state they spend 10 percent of their time on routine CSS work in English, 45 percent on CSS calls and follow-up interpretation work with Spanish-speaking customers (of which 15 percent is routine CSS work and 35 percent bilingual interpretation work), and 40 percent on Spanish-to-English and English-to-Spanish written translations. Their supervisor states the percentage they provide for their CSS work with English-speaking customers seemed too low, and provided actual data regarding the time spent on CSS calls for a one-year period from August 1, 2006, to July 31, 2007. These data show the appellants spend 38 percent of their time on English calls and 62 percent on Spanish calls during the 8 months they are assigned to CSS work. The overall annual percentages of time spent by the appellants on the major duties of the position are as follows:

CSS work (66.7 % overall)

| | |
|--|--------|
| CSS calls in English, direct service | 25.3 % |
| CSS calls in Spanish, direct service | 6.2 % |
| CSS calls in Spanish, follow-up third-party interpretation | 35.2 % |

Translation work (33.3 % overall)

| | |
|---|--------|
| Translations directly related to their CSS duties | 10.0 % |
| Translations for other CSG personnel | 23.3 % |

Almost all the appellants' translation work is received from the CSG Correspondence Section which forwards all foreign-language mail to them on a daily basis. The appellant assigned to do translations sorts the documents to determine which to keep and which to return. They keep all

Spanish correspondence and occasionally some simple correspondence in other related languages (e.g., Italian, Portuguese, and French) for verbatim translation and return about 5 to 10 percent which are in other languages. Returned documents are contracted out to a private-sector service for translation. As shown above, of the 33.3 percent of their overall work on translations, 10 percent results from the customer referrals they make as CSSs to other CRIS specialists, and 23.3 percent is for the work of Legal Administrative Specialists (LAS) and CRIS personnel from other areas involving post-retirement, annuity, survivor benefits, disability retirement, court order benefits, retirement benefits, retirement survey, student survey, and legal reconsideration actions.

Essentially, the translations bridge the language gap involving written correspondence and supporting documentation needed by other CRIS specialists to provide services to Spanish-speaking customers. While the appellants' work facilitates the work of others, the functional responsibility and decision-making authority for these actions remain with the specialists, not the appellants. Furthermore, the agency states, whenever a case concerning a Spanish-speaking individual is called into question and subjected to an official third-party review, the appellants' translations are first reviewed by a private sector translation service to ensure they can be relied upon as the basis for the agency to establish its final position on the matter prior to proceeding with the action.

The record includes information provided by the appellants regarding the numbers and types of translations they performed over a two-year period (from the beginning of July 2005 to the end of July 2006 and from the beginning of August 2006 to the end of August 2007).

| Document | July 2006-07 | August 2006-07 |
|--|--------------|----------------|
| Correspondence/Letters | 120 | 93 |
| Divorce Decrees/Certificates | 49 | 22 |
| Birth Certificates | 20 | 20 |
| Death Certificates | 27 | 60 |
| Marriage Certificates | 24 | 88 |
| Baptismal Certificates | 1 | 0 |
| Student Certification | 1 | 14 |
| Medical Certification/Documentation | 16 | 34 |
| Power of Attorney | 1 | 10 |
| Notice of Court Judgment | 25 | 72 |
| Court Affidavits | 15 | 59 |
| Questionnaires | 3 | 0 |
| Will/Estate | 1 | 0 |
| Miscellaneous Legal Certificates and Consular Documents | 7 1 | 21 0 |
| Criminal Record/Background Identification Cards | 11 | 10 |
| Summary of Payment | 1 | 0 |
| Representative Payee Eligibility to receive Funds for Annuitant | 0 | 54 |

| | | |
|--|------------|------------|
| English-to-Spanish miscellaneous benefits documents | 0 | 58 |
| Totals | 323 | 615 |

The appellants state the translations from August 2006 to August 2007 involved 11 percent verbatim and 89 percent idiomatic translations, and show a significant increase in volume over the previous year. They further state there is a "...conservative average of 40,000 Spanish speaking annuitants and survivors including 25,000 in Puerto Rico..." and they provide services to customers residing in a number of Spanish-speaking countries which requires them to be familiar with, or research differences in, how the various countries document and certify official records that affect the work performed by CRIS.

The appellants state none of the retirement, life insurance, or health benefits forms used by OPM are available in Spanish. Therefore, on their own initiative, the appellants have prepared and continue to prepare supplemental Spanish instruction sheets to identify the required information block by block and explain how to properly fill out the forms. They currently have 14 instruction sheets completed for forms such as the: FE-6, Claim for FEGLI Life Insurance; RI-25-37, Financial Questionnaire; RI-25-51, Express Pay for Survivor Annuitants; RI-30-1, Medical Disability Questionnaire; RI-76-2, Verification of Life Insurance; RI-79-9, Cancel or Suspend Health Benefits; RI-20-7, Representative Payee Application; SF-2820, Designation of Beneficiary (CSRS); SF-2810, Change of Health Benefits Enrolment; SF-3104, Claim for Death Benefits (FERS). They also prepared an instruction sheet on how to file an action with the Merit Systems Protection Board (MSPB). In essence, this effort involves providing the same type of information in writing which would otherwise be given verbally to their customers as CSSs and serves to improve efficiency and save time by allowing the customers to fill in the forms by themselves as would normally be expected of English-speaking customers.

The appellants emphasize the importance of considering cultural differences between providing services to Spanish-speaking and English-speaking customers to the evaluation of their work. They stress the importance of establishing personal involvement with Spanish-speaking customers, the need to develop and maintain trust and to show concern and assist them in dealing with what can be confusing processes and requirements. The appellants also mention the tendency among many Spanish-speaking customers to be somewhat anxious and hesitant in their dealings with official Government entities because of personal or shared experiences with the officials of other countries, or difficulties encountered in dealing with local, state or Federal Government departments and offices within the United States. While necessary to a greater degree, these matters are an extension of the judgment, tact, sensitivity, and discretion expected of all CSSs in their dealings with customers who may be upset, anxious, angry, or distraught.

The appellants state their contacts with Spanish-speaking customers take more time because of the aforementioned cultural differences, continuing relationships they develop with customers and the regular and recurring need to stay on the phone to interpret for customers in their dealings with others. The appellants' first- and second-level supervisors acknowledge this distinction and have increased the time allotted for such calls accordingly within the appellants' performance standards.

The appellants state their position is more complex than the other CSS positions in the office because, in addition to their routine CSS duties, they also interpret and translate from and to Spanish. They further raise a number of issues concerning their translation work which they state add to the difficulty/complexity of the work they perform including: differences in how Spanish-speaking countries document and record such actions as births, marriages, births of dependent children, divorce decrees, deaths, etc., and differences in how Spanish is spoken in over 18 countries involving numerous cultural differences in its use; they serve annuitants residing in Mexico, Puerto Rico, Panama, Spain, Cuba, Columbia, and elsewhere; the presence of laws specific to annuitants and survivors in Cuba; the fact their supervisors do not speak Spanish and their work is subject to only peer-to-peer review; no specific established translation guidance was provided for the work; and the need to deal with medical and/or legal documentation. The appellants also mentioned the lack of a well-defined training program for their work. We will address these issues later in the decision.

Series, title, and standard determination

The appellants and agency agree they perform the same CSS work as non-bilingual CSSs for both English- and Spanish-speaking customers; this is the primary work of the position, and accounts for most of the position's time. The appeal is based on the appellants' contention their position warrants a higher grade level and should be classified to the GS-1040, Language Specialist Series, because it also involves bi-lingual English/Spanish translation work more than 25 percent of the time.

The GS-1040, Language Specialist Series, is a two-grade interval series which covers positions where the primary duties involve rendering accurate translations and/or interpretations of the spoken or written word from a foreign language into English or from English into a foreign language. However, the GS-1040 position classification standard (PCS) specifically excludes positions primarily concerned with the direct communication of thoughts or written words in one language only, e.g., personnel who give information in a foreign language directly to inquirers and not interpreting for someone else and those that translate and/or interpret as an incidental duty to, or concomitant with clerical work; and the appellants' interpretation and translation duties are not the primary work of the position.

Like the exclusion in the GS-1040 PCS, the appellants' position exists primarily to provide direct one-grade interval CSS services to Spanish- and English-speaking customers and to assist Spanish speakers in their written and spoken communications with others regarding benefits issues. Their translations support the work of CRIS specialists who determine an individual's entitlement to benefits under established criteria and typically involve repetitive, routine, or recurring actions and associated documentation requirements for that purpose. Much of the information needed to make such determinations can be provided through verbatim translations of basic customer information.

The appellants emphasize the complexity of translating documents containing medical and legal terminology. However, they resolve most of these matters independently through readily available online resources and if not, they call the originating office to have them explain the

information and provide its meaning. Furthermore, the legal and medical knowledge required to perform this work is of a limited practical nature. Their work in this regard is comparable to that described at Factor Level 1-4 (commonly credited to GS-6 and GS-7 grade-level positions) in the GS-0900, Job Family Standard (JFS) for Assistance Work in the Legal and Kindred Group, and GS-675, Medical Records Technician PCS, respectively.

The appellants stress the difficulty of their idiomatic translations of general correspondence and various other documents. However, this work is accomplished based on practical knowledge of the common usage of terms; and they independently resolve most questions/issues based on personal or shared experience, limited searches of available on-line information, or by contacting the originator. They may also occasionally call others with specialized language knowledge to ask for assistance. As before, the nature of the translation, their role in providing it, and the ultimate use of the information are limiting factors affecting the relative difficulty of this work and are indicative of one-grade interval assignments.

The appellants emphasize the complexity of having to deal with information received from a number of Spanish-speaking countries and the differences in how they document, certify, and record the information to be translated. However, the difficulty associated with this aspect of the work is equivalent to a number of one-grade interval positions performing benefits, tax, legal, accounting, contracting, or other support work where the employee receives information from a variety of sources in various written formats and must carefully review the documents to identify, gather, compile, and/or report information needed to process an action.

The appellants state they certify the authenticity of documents based on the affixed stamps, titles of authority, and other official marks. However, their responsibility is limited and involves identifying and noting (i.e., making brief notes in the margins) obvious inconsistencies, discrepancies, and/or other potential problems with the documents to call them to the attention of others who then use the information documents to make substantive decisions. The appellants do not make official determinations regarding fraudulent documents, nor is this part of their assigned duties.

The appellants have provided supplemental information sheets in Spanish for customers to fill out forms but this is not comparable to the level of substantive research and analysis necessary to ascertain the meaning of, and properly translate foreign laws and systems as they imply.

The appellants state they occasionally perform research to provide information to customers which should normally be provided by a specialist because of difficulties in contacting other RSP specialists for direction. However, in most cases the information is readily available on-line for English-speaking customers to acquire for themselves, and if not readily available, the specialist is responsible to deal with the substantive issues of the matter, not the appellants. The appellants further state they are capable, "...but have not been afforded the opportunity to provide..." translations of articles appearing in foreign language publications, opinions related to the education institution status of foreign schools, or interpret for foreign dignitaries. While they may be capable, these duties and responsibilities are not assigned to them and cannot be considered in the evaluation of the position.

The nature, scope, and intent of the appellants' assigned duties and responsibilities involve one-grade interval translation work performed in support of the specialized work of others and are not comparable to that covered by the GS-1040 series.

The appellants' CSS work is covered by the GS-962, Contact Representative Series, which covers administrative positions that perform support and related work in connection with: dispersing information to the public on rights, benefits, privileges, or obligations under a body of law; explaining pertinent legal provisions, regulations, and related administrative practices, and their application to specific cases; and assisting individuals in developing needed evidence and preparing required documents, or in resolving errors, delays or other problems in obtaining benefits or fulfilling obligations.

The appellants' interpretation and translation work is covered by the GS-1046, Language Clerical Series, which includes positions that translate and/or interpret from and into English where the level of language knowledge and skills required is sufficient for mutual understanding of basic concepts, phrases and words, or where the level of work is limited in breadth because of the routine, repetitive nature of the interpreting and translating assignments. Most positions classified to this series are located in organizations which handle a large number of claims, applications, and similar data pertaining to the entitlement of non-English speaking people, comparable to the appellants' [organization] work environment. As previously described, the main purpose of the appellants' interpretation work is to assist customers and facilitate their communications with others; and their translation work either results directly from their CSS duties or is performed to help the same customer base in their contacts with others concerning related services and benefits issues. This series includes a range of assignments from relatively simple verbatim translations to interpretations and/or translations requiring language knowledge and skills comparable to the completion of a baccalaureate degree in a foreign language and proficiency at or above factor Level 1-5 as described in the GS-1040 standard when such work is performed on an incidental or infrequent basis. Employees in this series translate written, or interpret spoken information of others from one language to another as an independent third party to provide a channel for communication.

As previously discussed, translation work other than directly related to the appellants' CSS customer support duties and responsibilities has gravitated to them over time and grown in volume as other agency employees have become aware of this internal resource to communicate with their Spanish-speaking customers. While a limited amount of this work may be comparable to GS-1040 series work and involve language proficiency at or above that described at Level 1-5 of the GS-1040 PCS, such work is performed only on an ancillary basis, does not account for 25 percent or more of the position's work time, and cannot be considered either series or grade controlling.

The GS-1046 flysheet excludes the appellants' bilingual CSS work where the primary concern is to directly provide information and answer questions in conversation with another person or group in a language other than English. The flysheet directs such work to be classified in an appropriate specialized series in the GS-1000, Information and Arts Group, or GS-300, General Administrative, Clerical and Office Services Group. This work involves a mixture of language skills and functional CSS knowledge and, as shown above, requires only 6.2 percent of the

positions overall time. We find the interpretation portion of this work is properly evaluated using the GS-1087, Editorial Assistant Series, and does not exceed the GS-7 grade level, while the functional CSS portion is properly evaluated in conjunction with the position's overall CSS duties and responsibilities.

The appellants' position is a mixture of two kinds of one-grade interval work covered by the GS-962, Contact Representative Series, and GS-1046, Language Clerical Series. The appellants spend most of their time on the primary work of the position to provide CSS services to Spanish- and English-speaking customers and perform related customer support work. The position is properly classified to the GS-962 series which also provides the established line of promotion for the appellants within the organization. The basic title for the GS-962 occupation is Contact Representative. The appellants' GS-1046 work is essential to provide the channel by which Spanish-speaking customers receive CSS services and communicate with other CRIS employees concerning related retirement, insurance, and benefit matters. The GS-962 series allows agencies to supplement the basic title with a parenthetical title when appropriate for recruitment or other human resources purposes. Accordingly, the parenthetical title (Spanish) is added in recognition of the position's GS-1046 work and associated selective factor qualification requirements.

Grade determination

We evaluated the position's GS-962 work using the GS-0900, Job Family Standard (JFS) for Assistance Work in the Legal and Kindred Group. The appellants and agency agree they perform the same CSS work as non-bilingual CSSs for both English- and Spanish-speaking customers, this is the primary work of the position, accounts for most of the positions time, and it is properly classified at the GS-7 grade level.

The flysheet for the GS-1046 series does not provide grade criteria because of the relatively small number of Federal positions involved in this type of work and wide diversity of assigned duties and responsibilities. Instead, it directs that an appropriate analogous one-grade interval standard be selected to grade positions which exceed the GS-5 grade level in accordance with guidance provided in the *Introduction to the PCSs*. The *Introduction to the PCSs* states the PCS selected should cover work as similar as possible to the work to be evaluated based on the kinds of work processes, functions, or subject matter involved; qualifications; and level of difficulty, responsibility, and scope of the work. The agency selected the GS-1087, Editorial Assistant PCS, to evaluate the grade of the appellant's translation duties because it specifically deals with editing for basic grammar and clarity of expression and requires knowledge of grammar, punctuation, spelling, and good English usage. After carefully considering the alternatives, we agree this is the most appropriate PCS to grade the work because the grading criteria are based on written language skills and clarity to convey thoughts and ideas.

Evaluation using the GS-900 JFS

The GS-900 JFS uses the Factor Evaluation System (FES) method of position classification in which grades are determined by comparing a position's duties, responsibilities, and qualification requirements with the nine FES factors. 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 of the range for the factor level. To warrant a given level, the position must fully equate to the overall intent of the factor-level description. If the position fails in any significant aspect to fully satisfy a particular factor-level description, the point value for the next lower level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level. The total points assigned are converted to a grade level by use of a grade conversion table in the JFS.

The agency and appellants agree they perform the same CSS work as their non-bilingual counterparts for their Spanish- and English-speaking customers. The agency applied the JFS grading criteria to credit the appellants' position with Levels 1-3, 2-3, 3-3, 4-3, 5-3, 6-2, 7-B, 8-1 and 9-1 and assigned a GS-7 grade level. The appellants agree this is the proper grade level for the work. Based on careful analysis of the entire record, we concur with the crediting of Levels 2-3, 3-3, 4-3, 5-3, 6-2, 7-B, 8-1, and 9-1 and will address the remaining factor. Occupation- and specialty-specific factor illustrations provided within the GS-900 JFS are used as a frame of reference for applying factor-level concepts. However, the JFS states that an evaluation is not to rely solely on comparison to illustrations because they may reflect a limited range of actual work experience, and the level of work described may be higher than the threshold for a particular factor level.

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 and the 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.

The agency's evaluation statement credits Level 1-3 for 350 points and a total of 1285 points for all nine factors to conclude "Under the standard's Grade Conversion Table, this total falls within the range for GS-7 work." The sum of points credited for the factor levels assigned is correct. However, the JFS Grade Conversion Table clearly shows positions falling within the 1105 to 1350 point range equate to the GS-6, not the GS-7 grade level.

Work at Level 1-3 requires knowledge of, and skill in applying, standardized rules, processes, and procedures sufficient to: perform the full range of legal support assignments; make simple determinations; assist others to acquire information; identify documentation and time requirements; and use personal computers and office software programs to retrieve and sort information from files or records and to prepare documents with complicated formatting, e.g., headers and footers. Illustrative of such work assignments, employees apply standardized rules, processes, practices, and/or procedures to provide written, telephonic, and/or electronic information to the public/individuals; assist others in filling out needed forms; verify basic eligibility for benefits by referring to provided documentation; ask questions to get an accurate understanding of information sought by individuals; and provide other support and assistance work within the office. Within the [organization] environment, the duties performed by GS-5 grade level CSR positions are indicative of knowledge requirements at Level 1-3. CSRs respond to a wide variety of routine customer calls, mail forms, provide information and assistance, handle common, less complex recurring matters which can be resolved by applying established

practices and procedures, and can consult with or refer more difficult actions to CSSs who handle the full range of [organization] calls including any unique or complex actions based on greater experience and knowledge of a broad range of customer actions and the methods/resources available for successful resolution. As described above, the appellants' assigned duties and responsibilities fully meet and exceed Level 1-3.

Work at Level 1-4 requires knowledge of, and skill in applying, an extensive body of rules and procedures gained through extended training or experience sufficient to perform interrelated and nonstandard legal support work; examine documents where the information and facts are straightforward and readily verifiable, need little development, require limited searches of reference, file, or historical material, and entail comparisons with explicit criteria; plan, coordinate, and/or resolve problems in support activities; use a wide range of office software applications to prepare complex documents containing tables or graphs; and use on-line legal resources to obtain information accessible over the Internet, as needed. Illustrative of Level 1-4 are assignments where employees apply knowledge of an extensive body of rules and procedures concerning benefits processing sufficient to: clarify benefit processes and procedures to customers; conduct personal or telephone interviews; search records or guidelines; provide full explanations in response to specific inquiries relating to the agency; resolve problems and issues; evaluate the extent of customers' knowledge of the options and choices open to them; explain the requirements placed on them by laws and regulations; and review records and contact other offices to learn the status of pending actions, the reasons for delays or changes, and what action or additional information is required to resolve the case.

The appellants perform work involving a wide variety of retirement, life insurance, and health benefits actions under two distinct retirement systems for annuitants/survivors and respond to a broad range of questions relating to particular annuitant/survivor situations and issues. They apply an extensive body of statutes, regulations, policies, procedures and practices, and systems knowledge typically gained through a multi-year period of on-the-job training, mentoring, and experience, and must be familiar with the responsibilities and interrelationships of various other RSP activities to properly make referrals. They deal with the full range of [organization] actions including those that are new, unique, complex, and/or sensitive. The appellants respond to questions from individuals who may be aged, confused, argumentative, frustrated, bereaved, and/or distraught and must tactfully ask questions to gather information needed to clarify the nature of the customer's problem or concern and decide how best to assist them. They provide explanations to customers regarding their particular situation in regard to established programs, processes and requirements, the actions/forms necessary to resolve the problem/issue, and direct them to other areas of RSP for further action by an appropriate specialist. In addition, the unique relationship the appellants have with their Spanish-speaking customers involves follow-up work where they may check on the status of actions and/or inquire about processing delays with other offices and private sector activities and ask questions on behalf of the customer to clarify issues and identify what actions remain to be completed to resolve the case. It may also involve providing detailed explanations to customers concerning applicable regulations, processes, and procedures, actions they need to take, the sequence of steps involved, and specifically how to proceed and who to contact. Overall, the appellants' CSS work meets Level 1-4 and is comparable to the benefits-oriented illustration of GS-962 work at that level.

The position does not meet Level 1-5 where the work requires knowledge, and skill in applying, comprehensive legal regulations, techniques, and procedures that are not readily understood to: perform assistance work requiring extensive searches of records, reference, or historical material and comparisons with complex, voluminous, or broadly written criteria; use specialized, complicated techniques to complete assignments, such as comparing options or identifying conflicts; develop, examine, adjust, reconsider, or authorize settlements; and assist higher grade employees in planning strategies. These functions are not vested in the appellants' position or immediate organizational mission.

Therefore Level 1-4 is credited for 550 points.

Summary

| | <i>Factor</i> | <i>Level</i> | <i>Points</i> |
|---------|--|--------------|---------------|
| 1. | <i>Knowledge required by the position</i> | 1-4 | 550 |
| 2. | <i>Supervisory controls</i> | 2-3 | 275 |
| 3. | <i>Guidelines</i> | 3-3 | 275 |
| 4. | <i>Complexity</i> | 4-3 | 150 |
| 5. | <i>Scope and effect</i> | 5-3 | 150 |
| 6. & 7. | <i>Personal contacts and Purpose of contacts</i> | 2-B | 75 |
| 8. | <i>Physical demands</i> | 8-1 | 5 |
| 9. | <i>Work environment</i> | 9-1 | 5 |
| | <i>Total</i> | | 1485 |

The total points fall within the GS-7 point range of 1355 to 1600 in the GS-900 JFS.

Evaluation using the GS-1087 PCS

The GS-1087 PCS provides for grade-level analysis using two factors: Nature of assignments and Level of responsibility.

Nature of assignments

This factor measures the type and complexity of assignments.

At the GS-7 grade level, the highest level described for this factor, editorial assistants edit manuscripts to assure clarity of expression through grammatical construction; advise writers, editors, and others on agency publication requirements; develop procedures and specifications, e.g., guides, reference sources, manuals, desk references, and other similar materials for use by others in preparing documents for publication; provide advice and assistance to those using the specifications; and may suggest methods for presenting information. At this level, assistants suggest changes in the organization of sections of manuscripts and articles in addition to the restructuring and reordering of sentences and paragraphs. They do not rewrite manuscripts or

articles to appeal to the potential audience, but they inform the originating writer or office of established stylistic requirements. Typically, GS-7 grade-level editorial assistants provide technical assistance on a number of publications which differ in manner and style of presentation. Some may also advise manuscript producers before and during the writing process on possible format and styles of presentation.

Comparable to GS-7 grade-level work, the appellants read and translate entire documents from one language to another with the intent to provide a reliable reproduction of the information and ideas expressed in the original. The work involves conversion using correct linguistic phrasing, grammar, and punctuation construction. As at the GS-7 grade level, the appellants have developed practical operating procedures for their own application in carrying out the work due to the lack of available guidance when originally hired and have identified and continue to compile useful references and contact points drawn from experience gained in the performance of the work over time which will be useful to help those who may be hired in the future to perform the work. They also work on a variety of correspondence and documents which differ in the manner and style of how information is presented. Therefore, the nature of assignments for the appellants' translation work meets, but does not exceed, the GS-7 grade level.

Level of responsibility

This factor measures the nature of the use of guidelines and the degree of supervision received. The use of guidelines ranges from checking general dictionaries to preparing procedural manuals, and supervision received varies from a detailed review to general acceptance of an assistant's advice by authors, editors, or others.

Employees at this level advise writers, editors or other personnel of current publications and any impending changes with minimal supervision and may recommend changes in current specifications and suggest presentation methods for new publications. They edit the content of the publication without changing the intent of the message, and the publication's originator is responsible for ensuring the revision conforms to the original publication.

Similar to work situations described at the GS-7 grade level, the appellants perform their translation duties with a significant degree of independence and endeavor to provide the most complete and correct translations possible that conform to the intent of the document's originator, given their available resources. Their supervisors do not speak Spanish. Therefore, the work is not technically reviewed and is generally accepted as adequate for the purpose of making retirement, health benefit, and/or life insurance determinations. While not typically checked for technical accuracy, the work is subject to independent private-sector review, verification and correction if an eligibility determination (based in whole or in part on the translation work) is called into question under formal third-party review procedures. As previously discussed, the appellants have prepared, and continue to develop procedural and reference information which essentially serve as operating guidance/manuals and desk references for the work. They check their work against available dictionaries and on-line reference materials, and may consult with others to ensure proper translations to the extent possible, and their decisions regarding how to translate and present information and/or ideas is based on significant experience from dealing with similar issues/matters and practical knowledge of

variations in the common use of Spanish from country to country. Therefore, the appellants' level of responsibility meets, but does not exceed, the GS-7 grade level, the highest level described for this factor.

Both *Nature of assignments* and *Level of responsibility* are properly credited at the GS-7 grade level using the GS-1087 PCS. Therefore the appellants' GS-1046 work is evaluated at the GS-7 grade level.

Summary

Both the appellants' GS-962 and GS-1046 work are evaluated to the GS-7 grade level

Decision

The position is properly classified as Contact Representative (Spanish), GS-962-7.