

Classification Appeal Decision

Under section 5112(b) of title 5, United States Code

Appellant: [appellant's name]

Position: Public Health Analyst
GS-685-13
[Position Number]

Organization: Department of Health and Human Services
Public Health Service
[a large division]
[city, state]

Decision: Public Health Analyst
GS-685-12
(Appeal denied, position downgraded)

OPM Decision Number: C-0685-12-01

Copy of decision sent to:

[appellant's name and address]

[name and address of appellant's servicing personnel office]

[name and address of higher level personnel office]

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Richard Quasney
Classification Appeals Officer
Washington Oversight Division

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Date: 4/24/97



U.S. Office of Personnel Management
Washington Oversight Division
Office of Merit Systems Oversight

INTRODUCTION

On January 28, 1997, the Washington Oversight Division accepted a position classification appeal from [appellant's name], who is employed as a Public Health Analyst, GS-685-13, in [a large division], Public Health Service, Department of Health and Human Services, [in a city]. [Appellant's name] requested that her position be classified as Health Science Administrator, GS-601-14.

This is the final administrative decision of the Government, subject to discretionary review only under the conditions and time limits specified in Part 511, subpart F, of title 5, U.S. Code of Federal Regulations.

SOURCES OF INFORMATION

In deciding this appeal, we considered information obtained from the following sources:

1. The appellant's letter of appeal dated January 2, 1997, with attachments.
2. The information submitted by the servicing personnel office on February 18, 1997.
3. The OPM desk audit of the appellant's position on March 5, 1997, and a telephone interview with [the appellant's immediate supervisor], on April 10, 1997.
4. Additional written materials and work samples furnished by the appellant during the OPM review.

POSITION INFORMATION

The appellant's duties and responsibilities are described in position description [PD number], which was classified as Public Health Analyst, GS-685-13, by the [a large division] on August 11, 1995.

The appellant is responsible for planning, coordinating, and administering peer reviews of grant applications (and occasional contract proposals) submitted to the agency for funding of demonstration projects and discovery activities related to substance abuse prevention and treatment and mental health services. The appellant assists program staff in developing the grant announcement, including the review criteria used to rate applications; develops screening instruments for the initial technical screening of applications for basic eligibility (e.g., length and format conform to specifications, required information and documentation is included, program objectives, methodology, and budgetary support are adequately described); familiarizes herself with the technical content of each application;

solicits subject-matter reviewers to serve on grant committees, assigns applications, and provides orientation and guidance on confidentiality, conflict of interest, intent of the announcement, voting and scoring procedures, human subjects protection, and level of documentation required; prepares detailed summary statements on each application presenting the reviewers' critiques; and attends National Advisory Committee meetings to answer questions about specific applications and opinions reflected in summary statements. The appellant has also been designated as chairperson of a work group charged with improving the operation of the agency's information management system used to produce certain grant documents, and is assigned (as a team member) to other committees involved in revising standard language for grant announcements and updating the organization's technical handbook to reflect changes in operating procedures.

The appellant's position description overstates her technical input to the grants review process. Specifically, she does not conduct a professional/technical screening and analysis of applications/proposals; request outside opinions on specialized sections of the applications; or conduct site visits to collect information essential to determine the merit of the proposal or the adequacy of the resources proposed. With these exceptions, the position description is otherwise a complete and accurate representation of the appellant's duties and responsibilities.

SERIES AND TITLE DETERMINATION

The Public Health Program Specialist Series, GS-685, covers positions that provide advice and assistance to State and local governments and other public and private entities on matters relating to public health activities financed by Federal funds (i.e., Public Health Advisors), or that involve "conducting studies and performing other analytical work related to the planning, development, organization, administration, evaluation, and delivery of public health programs" (Public Health Analysts). The standard further defines this latter category as including positions that specialize in Federal public health programs, but that do not usually represent those programs in dealings with non-Federal agencies and organizations. Rather, they are primarily concerned with analyzing and evaluating the actual or potential effectiveness of current or projected public health programs in achieving objectives. Like Public Health Advisors, however, they require specialized knowledge of the principles, practices, methods, and techniques of administering public health programs.

Although the work of the appellant's position is not specifically described under this series coverage definition, it can be broadly characterized as involving the analysis and evaluation of projected public health programs, in this case to determine their conformance to grant requirements. It also requires basically the same subject-matter knowledges, albeit to a lesser extent than those positions involved in the provision of advisory services or the evaluation of public health programs for effectiveness and continued funding. Thus, the GS-685 series represents the closest match to the appellant's position, with the title allocation of Public Health Analyst.

The General Health Science Series, GS-601, includes "positions which involve research or other professional and scientific work which is specifically health-oriented in character, when the work is of such generalized or miscellaneous specialized nature that the positions are not more appropriately classifiable in any of the existing series in this or any other Group. The work requires a background of knowledges, skills, and techniques gained from professional training in a health science or allied scientific field..."

The appellant's position does not require professional qualifications (i.e., a degree in one of the health, medical, or allied sciences) and thus cannot be allocated to the GS-601 series. The knowledge

requirements of her position conform to the GS-685 series, where positions "require specialized knowledge of the principles, practices, methods, and techniques of administering public health programs, but do not require full professional education and training in medical, social, or other disciplines."

GRADE DETERMINATION

The GS-685 series standard provides grade-level criteria only for Public Health Advisor positions. As in any case where a directly-applicable standard is not available, Public Health Analyst positions must be evaluated by use of other standards that cover work as similar as possible to the work being evaluated with respect to the kind of work process, function, or subject matter involved.

The appellant's position was evaluated by application of the standard for the Contracting Series, GS-1102, dated December 1983. Contracting work is functionally similar in many respects to the work carried out in the grants review and administration process, such as preparing invitations for bid (i.e., formal advertising of the contract opportunity), including a complete description of the items or services to be procured and the terms and conditions of the contract; reviewing bids for responsiveness to the solicitation and the financial responsibility and performance capability of the bidders; and convening panels to rate and rank bids.

The GS-1102 series standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

Factor 1, Knowledge Required by the Position

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

At Level 1-7, the work requires knowledge of a wide range of contracting methods and contract types to plan and carry out preaward and/or postaward procurement actions; or in-depth knowledge of a specialized area to analyze difficult contracting issues and identify alternative courses of action, modify standard contracting procedures and terms to satisfy specialized requirements, and solve a variety of contracting problems, including those requiring significant departures from previous approaches. Examples provided by the standard to illustrate Level 1-7 include developing contracts for the purchase of large quantities of items to meet the consolidated requirements of one or more regions, agencies, or departments, or for the procurement of complex and diversified supplies, services, or research and development.

The knowledge required by the appellant's position is comparable to Level 1-7. Corresponding to that level, her position requires knowledge of the administrative and operational aspects of Federal funding mechanisms such as grants, contracts, and cooperative agreements, and of the regulations and procedures governing how these instruments are administered within [a large division], and more specific knowledge of the public health mission, programs, and objectives of the agency. This

knowledge is used to perform such duties as reviewing grant announcements to ensure that they are sufficiently developed to convey project requirements to potential applicants and reviewers; recommending changes in the review criteria to enable an effective review of the applications submitted in response to the announcement; and explaining project intent to reviewers to clarify the knowledges expected to be derived from the activities being funded. As at that level, the work involves difficult issues related to the solicitation of research studies designed to develop knowledge and answer practical questions related to the improvement of service delivery in the substance abuse and mental health fields.

The position does not meet Level 1-8. At that level, assignments require mastery of contracting methods and contract types to plan and carry out long-term preaward and/or postaward procurement actions; or mastery of procurement principles and technical or program requirements to apply new developments to problems not susceptible to treatment by accepted methods, to extend existing contracting techniques, and to develop procurement policies for use by other contracting personnel in solving procurement problems; or to make decisions or recommendations that significantly affect the content, interpretation, or development of complex, long-range agency policies or programs concerning the management of procurement matters. Examples provided by the standard include procuring systems where little or no contractual precedent exists (e.g., a nationwide teleprocessing system); managing all contractual aspects of a major program involving coordination of a number of contracts; or procuring extensive technical services, such as large Government-owned, contractor-operated installations and facilities involving the use and accountability for large amounts of Government-furnished property, numerous subcontractual arrangements, and accommodation of continuous contractual changes.

This level describes either staff-type positions with policy or program development responsibilities, or operating-level positions involved in the procurement of very large or complex systems or services. The appellant's position meets neither of these criteria. Since the [a large division] grant review function is centralized in the [a large division], there is no corresponding work being carried out at regional or field offices such that the appellant would develop policies or program guidance to control how the function is administered on an agencywide basis. Although she has served on several work groups formed for such purposes as improving the program's information management system, revising standard language for grant announcements, and updating the program's technical handbook, these are largely procedural matters that guide the actions of the immediate office staff. They do not represent policy analyses or determinations that significantly influence such matters as the number or types of grants to be funded. The appellant's position is an operational assignment, but the activities being funded through the grants are not as extensive or complex from an administrative standpoint as expected at this level. They represent community-based services carried out by individual grantees, rather than nationwide systems or integrated programs involving the coordination of a number of interrelated grants or arrangements comparable to subcontracting. Thus, regardless of how scientific some grants may be in terms of the activities being solicited, the mechanism for awarding the grants is basically the same, and the challenges inherent in understanding the intent of these kinds of proposals are fully represented at Level 1-7 in its description of contracting for research and development work.

Level 1-7 is credited.

1250 points

Factor 2. Supervisory Controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

At Level 2-4, the employee works within a framework of overall objectives and available resources, and consults with the supervisor in developing the deadlines, projects, and work to be done. The employee plans and carries out the work, such as determining the approach to be taken or the methodology to be used, developing a factfinding plan, determining the depth of analysis or review required, or performing the initial planning necessary to conduct management evaluations of procurement programs for compliance with policies and regulations. The employee initiates necessary coordination with staff both in the Government and in the contractors' organizations, obtains necessary information and supporting documentation, and resolves most conflicts that arise. The employee may negotiate alone, but keeps the supervisor informed of progress, potentially controversial conflicts, or matters that affect policy or have other far-reaching implications. Completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements.

At Level 2-5, the supervisor provides administrative direction and makes assignments in terms of broadly defined programs or functions, or long-range acquisition and agency objectives. Requirements frequently stem from mission or program goals and objectives, or from national or agency policy. The employee determines the approaches necessary to meet program requirements and time frames, including the design of overall plans and strategies for the projects, and independently carries out the work, including continual coordination of the various elements involved, and negotiates independently. Work products or advisory services provided to management or field activities are considered technically authoritative. Recommendations for new procurement approaches or policies are usually reviewed for compatibility with broad program and agency objectives, impact on agency procurement activities, economies achieved, and/or improved performance of agency procurement programs.

Both Levels 2-4 and 2-5 describe positions of highly skilled technical experts who carry out their work largely independently. The major distinctions are: (1) at Level 2-4, the employee works within a program framework and receives project assignments, whereas Level 2-5 includes an element of overall program authority, with the employee responsible for designing the plans and strategies by which broad projects will be undertaken; and (2) at Level 2-4, work receives some degree of technical review or oversight for feasibility of the contracting approach and effectiveness in meeting requirements, whereas at Level 2-5 work is reviewed more for broader considerations such as impact on the overall procurement program or the economies achieved.

The appellant's level of responsibility is comparable to Level 2-4. This level describes the degree of responsibility delegated to a fully-trained worker who is expected to operate largely independently in planning, coordinating, and otherwise carrying out the work. Correspondingly, the appellant, upon receipt of a grant assignment and following very general discussion with the supervisor concerning time frames and overall expectations, works with program staff in developing the grant announcement and coordinates and administers the peer review process, to include soliciting subject-matter experts external to the agency to serve as reviewers, providing programmatic and procedural guidance during the course of the review, and resolving problems related to conflicts of interest. The appellant consults with the supervisor on unusual problems without clear precedents. Review of completed work is, by necessity, confined to an assessment of overall effectiveness and clarity of the written

products. The nature of the work precludes a more in-depth technical review since it would be impracticable for the supervisor to attend all panel meetings or to review all reviewers' critiques to determine if summary statements accurately represent the panel deliberations.

The position does not meet Level 2-5. The appellant is assigned specific projects (grant proposals) for which the purpose and methodology are established and well-defined, rather than broadly-defined areas of program responsibility. She does not have what could be considered program authority in planning the overall grant review function or making major programmatic decisions that determine how the function is to be carried out. She does not have the latitude to alter the basic procedures and approaches that are followed in the grant review process but rather works within the established framework for reviewing proposals and setting up panels. Although certain aspects of her work must by necessity be relied upon technically, other actions and written products are reviewed at key points in the grants review process. For example, the supervisor reviews grant announcements for clarity and overall adequacy before they are published in the Federal Register, he reviews the screening instruments she develops to determine basic eligibility, and he looks at and signs off on all rejected applications. He reviews the roster of panel reviewers for proper balance, sits in on portions of the panel meetings to assess the appellant's performance, and reviews her summary statements prior to their consideration by the National Advisory Committee to ensure that the scores assigned are adequately supported. Thus, her position is not constrained by administrative and policy direction only, but is also subject to a certain degree of technical oversight. In short, although the appellant may be treated as a senior analyst and carries out most aspects of her work independently, she does not occupy a program management role and does not operate with the authority or independence expected at Level 2-5.

Level 2-4 is credited.

450 points

Factor 3, Guidelines

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

At Level 3-4, policies and precedents are available but stated in general terms, or are of limited use. Guidelines are often inadequate in dealing with problems, requiring ingenuity and originality in extending guides, techniques, and precedents, or in devising terms and conditions tailored to specific procurements. For example, previous negotiations are not directly applicable, or pricing data is incomplete or limited because of lack of experience in the social, economic, environmental, or health issues involved. The employee applies experienced judgment and initiative in the performance of such duties as evaluating subordinate procurement programs, deviating from standard techniques, or developing new approaches, criteria, or proposed policies.

The appellant's use of guidelines is consistent with Level 3-4. Precedents are of limited use for certain aspects of the assignments in that review criteria for grants must be tailored to the specific activities being solicited, which are largely research-oriented demonstration projects in the social and behavioral sciences.

The position does not meet Level 3-5. At that level, guidelines consist of legislation, broad and general policy statements, and procurement regulations which require extensive interpretation. The employee is an authority in developing and interpreting procurement guidelines, policies, regulations, and/or legislation. Employees working in staff positions generally draft agency procurement regulations or policies. Employees working in operational positions are responsible for procurements

for which little or no contractual precedents exist to guide in developing and modifying the procurement strategies.

The appellant works in an operating-level function rather than in a staff capacity. In this respect, her work does not lend itself to the development or modification of strategies in the sense intended at Level 3-5. Her technical input is basically confined to the grants review criteria, to ensure that they are sufficiently developed to allow for an equitable assessment of competing proposals. She does not have significant involvement in the definition of the proposal itself, i.e., the substantive aspects of the research activities being solicited. She does not, for example, review the proposals to ensure that the knowledges to be derived conform to agency priorities, or suggest changes in the scope of the proposal to expand the knowledge base. In short, her work does not require the type of planning that could be considered comparable to the development of procurement strategies described at Level 3-5. This would relate to situations where there are no established procedures (i.e., guidelines) to suggest how the work should proceed or what actions should be taken. This is not applicable in the appellant's case since the grants review process has well-established operating procedures allowing minimal latitude as to the steps to be followed. The work does not encompass the types of activities (e.g., negotiating) that would allow or require the appellant to develop her own operating plans in the absence of guidelines outlining how the work is to be carried out.

Level 3-4 is credited.

450 points

Factor 4. Complexity

This factor covers the nature, number, variety, and intricacy of tasks or processes 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 typically involves many different and unrelated processes and methods, with full operating competence in the well-established aspects of a contracting assignment. The work performed typically contains a variety of complexities, included among which are specialized contract requirements, inclusion of special provisions, and the performance of cost analysis. For example, in negotiated procurements "the employee obtains services, supplies, or construction for which previous experience and cost data are not directly applicable, such as applied research, the development of prototype equipment, complex services, or the construction of buildings involving unusual design features or site adaptation."

The complexity of the appellant's work is consistent with Level 4-4. As at that level, the standard operating procedures for grants review are well-established, although the subject matter involved varies among assignments. Individual grant proposals typically include a variety of complexities deriving from the specialized provisions associated with the projects being solicited and the nature of the work (i.e., research) that makes requirements more subjective and difficult to define.

The position does not meet Level 4-5. At that level, operational assignments involve responsibility as team leader or project officer for a significant procurement assignment typically involving such complexities as extensive subcontracting, e.g., missile guidance systems, phased construction, or multicentered biomedical clinical trials; initial production of equipment, systems, or research and development where lack of experience or the use of new materials makes costs difficult to project; and in-depth cost analysis, such as audit of the contractor's cost data, use of economic forecasting techniques, and evaluation of corporate structures. For example, employees administering major

procurements are required to develop new financial arrangements and accelerated delivery schedules to support program needs.

The appellant's degree of involvement in the overall grants process simply does not present her with the types of complexities expected at that level. Aside from any discussion of how difficult or abstract the research projects being solicited may be, her role is functionally limited to coordinating the grants review process. She is not involved in establishing the parameters of the work to be solicited or how it should be carried out, in projecting costs or evaluating prospective grantees for financial or management capability, or in monitoring grantee performance for adherence to grant provisions. In short, the role and functions of the appellant's office preclude assignment of this level as the more difficult grant administration functions are assigned to other parts of the organization.

Level 4-4 is credited.

225 points

Factor 5, Scope and Effect

This factor covers the relationship between the nature of the work, and the effect of the work products or services both within and outside the organization.

At Level 5-4, the purpose of the work is to provide expertise as a specialist in a functional area of contracting by furnishing advisory, planning, or reviewing services on specific projects. An example would include planning, coordinating, and/or leading negotiations for a variety of complex contracts. The work affects the accomplishment of significant procurement or technical program goals.

The scope and effect of the appellant's work match Level 5-4. The appellant provides expertise in the development of grant announcements and in the coordination of the peer review process for specific grant proposals. The work facilitates the substantive review of grant applications by subject-matter experts.

The position does not meet Level 5-5. At that level, the purpose of the work is to resolve critical problems, or to develop new approaches for use by other contract specialists or for use in planning, negotiating, and awarding major procurements. For example, employees in operational assignments typically have contracting officer authority to plan, negotiate, award, administer, or terminate major procurements involving sizable expenditures of staff, funds, and material. The work requires planning and negotiating long-term procurements, administering long-term contracts with delegated final authority to obligate funds, or negotiating termination settlements for contracts in which several years of work have been expended or that involve extensive subcontractor claims. The work product affects the work of other experts within or outside the agency, e.g., the accomplishment of major procurements that contribute to the achievement of mission objectives.

The same organizational limitations that affected crediting under Factor 4 come into play here, i.e., the scope of the appellant's role is limited to the coordination of the grants review process, rather than the planning aspects of determining what types of activities should be solicited for funding, the evaluation of prospective grantees' capabilities, or the ongoing administration of the monetary or performance aspects of the grants. Thus, although her work may be integral to the ultimate goal of

awarding the grants, it does not represent the same or comparable degree of substantive involvement and authority and the consequent direct and personal impact represented at Level 5-5.

Level 5-4 is credited.

225 points

Factor 6, Personal Contacts

This factor includes face-to-face and telephone contact and other dialogue with persons not in the supervisory chain.

At Level 6-3, contacts include a variety of individuals or groups from outside the employing agency, such as contractors, attorneys, representatives of universities, nonprofit organizations, State and local governments, professional organizations, public action groups, or other Federal agencies.

The appellant's contacts are comparable to Level 6-3, in that she deals with university professors and heads of various community health service organizations.

The position does not meet Level 6-4. At that level, contacts include high-ranking officials from outside the employing agency, such as Congressmen and key staff, senior corporate officials, key representatives from national or international organizations, key officials from other Federal agencies or from State and local governments, or principal executives of universities and nonprofit organizations.

The intent of this level is that the employee deal with very high-ranking and influential individuals with national recognition and stature. The individuals with whom the appellant deals may be well-known within their own professional circles but do not have the degree of visibility and public recognition comparable to the contacts listed at Level 6-4.

Level 6-3 is credited.

60 points

Factor 7, Purpose of Contacts

This factor describes the purpose of the contacts identified under Factor 6.

At Level 7-3, contacts are to obtain agreement through negotiation, persuasion, and advocacy, where the individuals contacted are uncooperative or represent divergent interests, e.g., working with project officers to plan a procurement strategy, negotiating with contractors to reach a contractual agreement, or justifying contractual approaches to higher level reviewing officials.

The purposes of the appellant's contacts are comparable to those described at Level 7-3 in terms of the interpersonal skills required. Specifically, the appellant must often use persuasion to solicit reviewers and mediation techniques to facilitate the operations of the grant review panels.

The position does not meet Level 7-4. At that level, contacts are to justify, defend, negotiate, or settle matters involving significant or controversial issues or problems that require escalation because established channels have failed to resolve the problem. The employee is responsible for justifying and defending the agency position when the issues are strongly contested because of their impact or breadth. Employees at this level may serve on contract review boards at the department level which advise on and approve procurement actions involving major systems or programs.

Any issues of this level of import that might arise would be handled at a higher management level over the appellant's position. There is no occasion within the context of the duties she performs for her to justify and defend the agency's position on major grant decisions since she is not delegated the degree of program authority that would engender this level and type of contacts.

Level 7-3 is credited.

120 points

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work assignment.

The appellant's work is mainly sedentary, with no special physical demands. This is a direct match to Level 8-1.

Level 8-1 is credited.

5 points

Factor 9, Work Environment

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

The appellant works in an office setting, with no unusual risks or discomforts. This is a direct match to Level 9-1.

Level 9-1 is credited.

5 points

Summary of Factors

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-7	1250
Supervisory Controls	2-4	450
Guidelines	3-4	450
Complexity	4-4	225
Scope and Effect	5-4	225
Personal Contacts	6-3	60
Purpose of Contacts	7-3	120
Physical Demands	8-1	5
Work Environment	9-1	<u>5</u>
Total		2790

The total of 2790 points falls within the GS-12 point range (2755-3150 points) on the grade conversion table provided in the standard.

DECISION

The appealed position is properly classified as Public Health Analyst, GS-685-12.

This decision constitutes a classification certificate issued under the authority of section 5112(b) of title 5, United States Code. This decision is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. In accordance with section 511.702 of title 5, Code of Federal Regulations, this decision must be implemented no earlier than the date of the decision and not later than the beginning of the fourth pay period following the date of the decision.