

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs

Atlanta Oversight Division
75 Spring Street, SW., Suite 1018
Atlanta, GA 30303-3109

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

Appellant: [appellant]

Agency classification: Wage and Hour Office Assistant (OA)
GS-1802-6

Organization: U.S. Department of Labor
Montgomery, Alabama

OPM decision: GS-303-06
(Title to be determined by the agency)

OPM decision number: C-0303-06-06

/s/

Virginia L. Magnuson
Classification Appeals Officer

October 4, 2002

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).

Since this decision changes the series of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision, as permitted by 5 CFR 511.702. The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant]

[Regional Personnel Officer]
U.S. Department of Labor

Director, Human Resources Center
U.S. Department of Labor
200 Constitution Avenue, NW., Room C5526
Washington, DC 20210

Introduction

On June 3, 2002, the Atlanta Oversight Division, U.S. Office of Personnel Management (OPM), accepted an appeal for the position of Wage and Hour Office Assistant (OA), GS-1802-6, [organization], Employment Standards Administration, Atlanta Region, U.S. Department of Labor (DOL), [geographic location]. The appellant is requesting that her position be reclassified to a general administrative series with an appropriate title and recommends a career ladder grade based on knowledge, experience, judgment and skill. We received a complete administrative report on July 15, 2002. The appeal has been accepted and processed under section 5112(b) of title 5, United States Code.

The appellant's agency reclassified her position on February 28, 2002, from a Secretary (OA), GS-318-5, to a Wage and Hour Office Assistant (OA), GS-1802-6. The appellant disagrees with the new classification decision. She states that the work of her position requires more general administrative, and less technical, knowledge and skills.

General issues

The appellant identified additional duties and information not included in her official position description. These duties include maintaining the publications/forms inventory and overseeing the work of a part-time employee. The appellant performs these duties less than 25 percent of the time. Only duties that occupy at least 25 percent of an employee's time can affect the grade of the position (*Introduction to the Position Classification Standards, section III.J*). Therefore, we will not evaluate these duties in this decision.

The appellant recommends a career ladder grade for her position and others like hers in the region. However, the agency has responsibility for assigning work to positions and ensuring that its positions are classified based on comparison to OPM standards and guidelines and consistently with OPM appeal decisions. By law, we must make our decision solely by comparing the appellant's current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112).

The appellant also believes that the identification of the guidelines she uses and the nature of personal contacts in her position description are not completely accurate. After carefully reviewing all of the available information, we find the current position description adequate. OPM considers a position description adequate for classification purposes when it is considered so by one knowledgeable of the occupational field involved and of the application of pertinent classification standards, principles, and policies, and supplemented by information on the organization, functions, programs, and procedures concerned. For purposes of this appeal, our decision will be based on the official position description of record supplemented by the information provided by the appellant and her agency.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and the agency, including information obtained from telephone interviews with the appellant and her supervisor.

Position information

The appellant is assigned to position description number [#]. The appellant's supervisor and the agency have certified the accuracy of the position description. The appellant concurs with the accuracy of the position description, with the exceptions identified above.

The appellant performs general clerical and administrative work such as timekeeping, maintaining office supplies, processing travel vouchers, and providing assistance to staff on various administrative matters. She also follows established program administrative procedures to gather, maintain, and provide information and reports to her supervisor and wage and hour investigators. She does this through record searches, automated information retrieval, telephone inquiries, and correspondence.

The appellant reports to a Supervisory Wage Hour Compliance Specialist, GS-249-13. She works independently and without day-to-day instructions, but may consult with the supervisor on unusual matters. Completed work is reviewed to assess timeliness and conformance to instructions, guidelines, and standard operating procedures.

Series determination

The agency classified the appellant's position in the Compliance Inspection and Support Series, GS-1802. The appellant disagrees. We also disagree.

The GS-1802 series includes positions that perform inspectional or technical support work in assuring compliance with or enforcement of Federal law, regulations, or other mandatory guidelines and that are not classifiable to another, more specific, occupational series. The work requires knowledge of prescribed procedures, established techniques, directly applicable guidelines, and pertinent characteristics of regulated items or activities.

The appellant performs support functions that require a mix of clerical and administrative work and compliance inspection and support work. She performs her assignments independently and in accordance with established guidelines. She reviews case files and reports for proper organization and accuracy. She coordinates all personnel-related documents for the office staff, receives and tracks congressional inquiries, greets visitors, and answers telephone inquiries. The appellant also mails out forms, fact sheets, and other publications to the public, receives and reviews incoming and outgoing office mail, and types letters and reports. She maintains an inventory of office supplies, processes travel vouchers for office staff, and maintains the administrative files for the office. She performs this work approximately 65 percent of the time.

The appellant also provides technical support assistance to higher-grade staff who enforce various laws pertaining to wage and labor standards. She tracks the due-dates for, and determines if, employers have paid all back wages to employees; explains back wage payment procedures to employees; ensures back wage amounts are accurate and properly posted; electronically transmits adjustments to civil money penalties and other documents to the regional headquarters' office; and coordinates with the regional headquarters' office to ensure time

restraints imposed by the Debt Collection Act are met. She performs this work approximately 35 percent of the time.

Our fact-finding determined that both the general and specialized clerical and administrative duties are equally paramount in the position and important in the recruitment process. In considering career progression aspects of the appellant's position, a different position (Wage and Hour Assistant, GS-1802-6, Position Number [#]) in the office is designed for possible career progression to the two-grade interval, wage and hour investigator position. It performs limited technical conciliation of complaints and investigative duties along with specialized clerical and administrative duties. The appellant's position is established to work with the supervisor and wage and hour investigators in an administrative support role. It performs a mix of general and specialized clerical and administrative work.

The appellant's position is properly included in the Miscellaneous Clerk and Assistant Series, GS-303. This series covers clerical, assistant, or technician work that is not classifiable in any other series. The GS-303 series includes processing or maintaining records or documents that represent the transactions or business of an organization, and includes positions for which no other series is appropriate. It requires an employee to apply practical knowledge of regulations and precedent cases in carrying out specific procedures and established methods.

Title determination

The GS-303 series does not specify titles. Therefore, the agency may designate an appropriate title by following the guidance in the *Introduction to the Position Classification Standards*.

The agency titled the position as a Wage and Hour Office Assistant (OA). The parenthetical designation, *Office Automation*, is added to a position's title when the position requires significant knowledge of office automation systems (e.g., computer hardware and software) and a fully qualified typist to perform word processing duties. While the position requires knowledge of office automation systems, the appeal record does not identify the need for a qualified typist. Thus, addition of the parenthetical title is not appropriate.

Standard determination

As discussed in this decision, for purposes of series determination we reviewed the standards for the Miscellaneous Clerk and Assistant Series, GS-303, and the Compliance Inspection and Support Series, GS-1802. We indicated above that the appellant's position does not require a fully qualified typist, so the Office Automation Grade Evaluation Guide is not appropriate. We have evaluated the grade of the position by application of the Grade Level Guide for Clerical and Assistance Work.

Grade determination

The GS-303 standard does not have grade level criteria. The Grade Level Guide for Clerical and Assistance Work (the Guide) provides general criteria for use in determining the grade level of nonsupervisory clerical and assistance work. The Guide describes the general characteristics of

each grade level from GS-1 to GS-7 and uses two criteria for grading purposes: *Nature of Assignment* (which includes knowledge required and complexity of the work) and *Level of Responsibility* (which includes supervisory controls, guidelines, and contacts).

The Guide differentiates between clerical and assistance work. This position performs *assistance* work because it requires the incumbent to have a working knowledge of office administrative processes and procedures and the mission and operational requirements of the unit.

Nature of Assignment

At the GS-6 level, the employee performs work requiring considerable evaluative judgment within well-defined, commonly occurring aspects of an administrative program or function. The work may involve providing direct assistance to specialists or analysts by performing a segment of their work, or it may involve responsibility for a stream of products or continuing processes based on direct application of established policies, practices, and criteria. Assignments involve a relatively narrow range of case situations that occur in a broad administrative program or function. This work typically involves identifying issues, problems, or conditions and seeking alternative solutions based on evaluation of the intent of applicable rules, regulations, and procedures. Assignments requiring evaluative judgment are narrowly focused, address a single product or action, and are relatively clear cut. The employee usually deals with problems or situations that remain stable and resemble past problems or situations. Assignments often involve problems or situations where there is not one absolutely correct solution, only a best or most appropriate one. Work requires practical knowledge of guidelines and precedent case actions relating to a particular program area equal to that acquired through considerable work experience or specialized training. The work also requires skill to recognize the dimensions of a problem and express ideas in writing.

The GS-6 level is met. The appellant must have knowledge of the technical, administrative, and communication processes of the office in order to provide administrative support for the supervisor and the wage and hour investigators. She uses independent judgment in deciding when and how to retrieve reports; coordinating all personnel related documents; generating various technical letters to the public and other agencies; and performing a variety of administrative responsibilities related to timekeeping, incoming and outgoing mail, public interaction, correspondence, office supplies, and travel vouchers for the office. The appellant independently assists wage and hour investigators in monitoring back wage payment procedures; transmits adjustments to civil money penalties and other documents to the regional headquarters' office; and coordinates with that office to ensure time restraints imposed by the Debt Collection Act are met. Although the work is diverse and covers responsibilities requiring different procedures and knowledges, most work is based on established policies and procedures.

At the GS-7 level, work consists of specialized duties with continuing responsibility for projects, questions, or problems that arise within an area of a program or functional specialty as defined by management. Work assignments involve a wide variety of problems or situations common to the segment of the program or function for which the employee is responsible. Each assignment typically consists of a series of related actions or decisions prior to final completion. Decisions

or recommendations are based on the development and evaluation of information that comes from various sources. The work involves identifying and studying factors or conditions and determining their interrelationships as appropriate to the defined area of work. The employee must be concerned about taking or recommending actions that are consistent with the objectives and requirements of the program or functions. The work requires knowledge and skill to recognize the dimensions of the problems involved, collect the necessary information, establish the facts, and take or recommend actions based upon application or interpretation of established guidelines. The work also requires practical knowledge developed through increasingly difficult, on-the-job training or experience dealing with the operations, regulations, principles, and peculiarities of the assigned program, function, or activity.

The GS-7 level is not met. Although the appellant retrieves and collects information on office budget, travel, and personnel issues, she does not have continuous and final administrative responsibility, as identified at the GS-7 level, to manage those functions. The appellant provides basic information to others in a different regional office who have responsibility for the functions. Her work relating to technical report retrieval and assistance with back wage payment and civil money penalty procedures does not typically involve studying factors or conditions, determining the interrelationships, and recommending or taking actions based on significant interpretations of established guidelines.

This factor is properly evaluated at the GS-6 level.

Level of Responsibility

At the GS-6 level, the supervisor assists the employee with precedent assignments by providing an interpretation of policy or the concepts and theories of the occupation. Completed work is evaluated for appropriateness and effectiveness in meeting goals. Guidelines such as regulations, instructions, evaluation criteria, and prior case or action files are available, but they are often not completely applicable to the assignment or have gaps in specificity. The employee uses judgment in interpreting and adapting guidelines for application to specific cases or problems. At this level, the employee bases decisions and recommendations on facts and conventional interpretations of guidelines rather than on theory or opinion. The employee contacts employees or managers either within or outside the agency, to provide, receive, or develop information in order to identify problems, needs, or issues, and/or to coordinate work efforts or resolve problems.

The GS-6 level is met. The appellant receives direction from the supervisor for unusual problems that do not have clear precedents. Completed work is reviewed to assess timeliness and conformance with instructions, guidelines, and standard operating procedures. The appellant interprets and adapts a variety of local and federal guidelines ranging from debt collection, to automated information systems, to time-and-attendance issues. Her contacts include employees within the field office, regional office, national office, and the general public. She exchanges information regarding the organization and its functions and provides assistance to unit staff on various office and administrative procedures.

At the GS-7 level, the supervisor makes assignments in terms of objectives, priorities and deadlines. The employee independently completes assignments in accordance with accepted practices, resolving most conflicts that arise. Completed work is evaluated for appropriateness and conformance to policy. Guidelines for the work are more complex than at the next lower grade because the employee encounters a wider variety of problems and situations that require choosing alternative responses. Guides, such as regulations, policy statements, and precedent cases, tend to be general and descriptive of intent, but do not specifically cover all aspects of the assignments. Guidelines apply less to specific actions and more to the operational characteristics and procedural requirements of the program or function. The employee must use significant judgment and interpretation to apply the guides to specific cases and adapt or improvise procedures to accommodate unusual or one-of-a-kind situations. The contacts and purpose of contacts are usually the same as at the next lower level. The GS-7 employee, however, serves as a central point of contact to provide authoritative explanations of requirements, regulations, and procedures, and to resolve operational problems or disagreements affecting assigned areas.

The GS-7 level is not met. Although the appellant works independently and work is evaluated for appropriateness and conformance to policy, the supervisor or other senior staff members provide guidance for unusual technical matters. The appellant's guidelines generally cover most aspects of the position. While it is necessary to adapt the guidelines on a regular basis, they are specific enough that significant judgment and interpretation are not necessary to adapt them to accommodate unusual or one-of-a-kind situations. Although the appellant is the main point-of-contact for employees and the public and provides assistance to customers, the main purpose of contacts is to exchange factual information regarding the organization and its functions, not to provide authoritative explanations of requirements or resolve operational problems.

This factor is properly evaluated at the GS-6 level.

Summary

Both the nature of the appellant's assignments and her level of responsibility meet the GS-6 grade level.

Decision

The appellant's position is properly classified as GS-303-6. Selection of an appropriate title is at the agency's discretion.