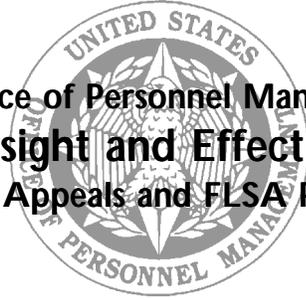


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Washington Oversight Division
1900 E Street, N.W.
Washington, D.C. 20415

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [name]

Agency classification: Housing Manager
GS-1173-11

Organization: [branch]
[division]
[department]
[region]
Department of the Navy
[city and State]

OPM decision: Housing Manager
GS-1173-11

OPM decision number: C-1173-11-04

Linda Kazinetz
Classification Appeals Officer

November 16, 1999

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification 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 title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant]

[servicing personnel officer]

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Introduction

On May 5, 1999, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant]. (The appeal was subsequently reassigned to the Washington Oversight Division.) His position is currently classified as Housing Manager, GS-1173-11. However, the appellant believes that the duties performed warrant the position being upgraded to GS-1173-12. The position is assigned to the [branch], [division], [department], [region], Department of the Navy, in [city and State]. We have accepted and decided this appeal under section 5112 of title 5, United States Code.

The appellant initially appealed the classification of his position to the Department of Defense. The Department denied the appeal for a higher grade by decision dated February 24, 1999.

To help decide the appeal, an Oversight Division representative conducted telephone audits of the appellant's position on October 22 and November 4, 1999. The audits included interviews with the appellant and the immediate supervisor. In reaching our classification decision, we have reviewed the audit findings and all information of record furnished by the appellant and the agency.

General Issues

The appellant's position was downgraded as a result of a Department of the Navy consistency review. The appellant does not contest the title or occupational series of his position. He disagrees with the agency's evaluation of factors 2 and 3.

The appellant believes that his position is distinctive from other housing managers in the agency due to the existence of a new housing initiative called the Public-Private Venture Program (PPVP) that is being piloted at [two locations]. Under the program, the Navy establishes a partnership with a private developer to build off-base housing to be leased to military personnel. The PPVP agreements are awarded and administered through the procurement process. The appellant indicates that he began working on the PPVP approximately two years ago. At the time the PPVP pilot began at [location], the appellant was supervised by the Base Commander. Approximately one year ago, as part of a regionalization effort, a new position of Regional Family Housing Program Manager, GS-13, was established. The appellant is now supervised by this position.

The appellant indicates that since the PPVP was piloted at [location], there was no guidance available from higher authority concerning operation of the PPVP. He states that he had full authority to recommend policies for implementation of the program at [location], subject to approval by the Base Commander. Through our fact-finding, we found that guidance from higher authority was available concerning the operation of this program. According to the Regional Family Housing Program Manager, guidance and policy implementation information was available from the real estate office at the Southwest Division Naval Facilities Engineering Command. Additionally, because the PPVP is a housing program, related regulations, policies, and procedures could readily be adapted to meet the needs of the new initiative. As it relates to the appellant's position, the development of policy associated with the implementation of the PPVP is not considered regular and recurring and, therefore, is not a foundation of the position. The appellant stated in his interview that [location],

will be implementing a new PPVP sometime next year. He will revise the PPVP policies for [location], based on his experience with the first PPVP. The appellant's supervisor will seek approval for the PPVP revisions from the Commander, [region], [department]. In addition, as part of the PPVP, the Navy has established the differential lease payment program which establishes that military members will not have to pay any out-of-pocket costs for housing. Rather, the Government covers the expense, and the appellant's office is responsible for tracking all of the variables affecting the differential lease payment each month. The appellant states that since the PPVP is already established, most of his related duties are in general oversight of the program.

The appellant believes that his position description (PD) compares favorably with GS-12 and GS-13 level position descriptions at other Department of the Navy sites. 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). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's PD to others as a basis for deciding his appeal.

Position Information

The appellant is assigned to position description (PD) number QK93082001. The appellant and agency have certified the accuracy of the position description. The appellant's supervisor did not certify the accuracy of the position description and indicated that the duties of the position have changed. In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official position description. We found the PD to be adequate for classification evaluation.

The appellant directs the housing management program for all family housing assets under the jurisdiction and control of [location]. The appellant is responsible for overseeing and/or carrying out the full range of housing management functions including the following: formulating, developing and implementing local policies, procedures, and instructions that govern the housing program for the station, in accordance with Department of the Navy policies and procedures; conducting continuing review of housing eligibility, assignment priorities, and utilization policies; interpreting instructions and publications of higher commands; resolving complaints and grievances of military personnel assigned to or eligible for housing; developing and implementing a comprehensive housing inspection program; developing plans for maintenance and repairs of the units; overseeing the execution of maintenance projects; developing and justifying the annual family housing program budget; ensuring vacancies are kept to a minimum by decreasing time that units are vacant between customers; assigning housing units to eligible military personnel in accordance with Navy policies and procedures; and providing housing referral services (this includes set-aside agreements with local property managers, the appellant having developed local guidelines for the set-aside program.) The appellant receives direction from the Regional Family Housing Program Manager, GS-301-13, who assigns work in terms of broadly defined functions.

The appellant is also responsible for exercising administrative and technical supervision over eight subordinate personnel, consisting of one Housing Coordinator (GS-9), four Housing Assistants (GS-

7), one Budget Assistant (GS-6), and two clerical employees. Supervisory duties comprise approximately 15 percent of the appellant's duty time.

Series, Title, and Standard Determination

The Housing Management Series, GS-1173, covers positions whose duties involve either managing or assisting in managing one or more family housing projects, billeting facilities, or other accommodations such as transient or permanent individual and family living quarters, dormitory facilities, and restricted occupancy buildings including adjacent service facilities and surrounding grounds. Positions in this occupation require a variety of housing management and administrative knowledges and related practical skills and abilities in a number of housing-related activities. The appellant's position involves the management, operation, and maintenance of family housing units, grounds, streets, and utility distribution systems. The appellant's position is properly placed in the GS-1173 series. The authorized title for positions at GS-9 and above is *Housing Manager*. The appropriate standard is Housing Management Series, GS-1173, dated September 1981.

Grade Determination

Since supervisory duties account for less than 25 percent of the appellant's time, the position cannot be evaluated using the General Schedule Supervisory Guide.

The GS-1173 standard is written in the Factor Evaluation System (FES) format. Under the FES, positions are placed in grades on the basis of their duties and responsibilities and the qualifications required as evaluated in terms of nine factors common to nonsupervisory General Schedule positions.

A point value is assigned to each factor based on a comparison of the position's duties with the factor-level descriptions in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position factor 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 in the standard, 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. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

The appellant disagrees with factors 2 and 3. We have reviewed the agency determination for factors 1, 4, 5, 6, 7, 8, and 9 and concur with its findings. Therefore, our evaluation will address only those factors with which the appellant disagrees.

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 extent to which completed work is reviewed.

At Level 2-4, the housing supervisor sets the overall objectives and establishes the resources available. The employee and the supervisor jointly establish project deadlines, the scope, and level of work to be accomplished. The employee is responsible for planning and carrying out assignments, resolving the majority of the conflicts that arise, coordinating the work with others as needed, and interpreting policy on own initiative in terms of established objectives. Completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting objectives or achieving expected results.

At Level 2-5, the supervisor provides administrative direction with assignments in terms of broadly defined missions or functions. The employee is responsible for independently planning, designing, and carrying out programs, projects, studies, or other work. The results of the work are considered technically authoritative and normally accepted without significant change. If the work is reviewed, the review concerns such matters as fulfillment of program objectives, effect of advice and influence of the overall program, or the contribution to the advancement of technology. Recommendations for new projects and alteration of objectives are reviewed in terms of the availability of funds and other resources, broad program goals, or national priorities.

Level 2-4 is met. The appellant is responsible for planning and accomplishing work related to the application of housing management program objectives and policies at his installation. Although the appellant works very independently and is the technical expert in his field for [location], his assignments consist of more than broadly defined mission statements. He conducts his program within the policies, procedures, and objectives established by Navy for administering its housing program. While the published policies and procedures may not completely apply to all situations, the existence of these published program policies, as well as the existence of the [region], [department], which has responsibility for approving policy changes and providing advice and assistance, supports Level 2-4. Level 2-4 fully recognizes the level of expertise, independence, and policy interpretation that are typical of the appellant's position.

The appealed position does not meet Level 2-5. The appellant does not independently plan and design the agency's, i.e., Department of the Navy's, housing program and policies. He interprets and determines the application of policies and independently plans and manages the housing program for his local installation. While the appellant exercises a high degree of independence in managing the housing program, the mission and function of the organizational unit is well-defined, as opposed to broadly defined, and is subject to review by the supervisor. The PPVP is a new undertaking by [location], and is not well-defined. However, guidance is available from the real estate office at the Southwest Division Naval Facilities Engineering Command and NAVFAC Headquarters, which has responsibility for guidance and policy implementation concerning the PPVP. This and the extent to which the program objectives and policies are established at a higher level keep the appellant's position from meeting the full intent of Level 2-5.

Level 2-4 and 450 points are credited.

Factor 3, Guidelines

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

At Level 3-3, the employee is provided a number of agencywide regulations, standards, handbooks, guides, and other materials related to major housing activity areas. These materials do not normally directly address specific work assignments or unusual issues that may arise, or they lack sufficient detail on many elements of housing management operations on which to base management decisions and actions. The employee is required to use judgment and initiative in selecting, interpreting, and applying the guides and, where necessary, make compromises and adaptations within the intent of the guides to meet established housing objectives. The employee must also evaluate the impact of the application of standard agency practices and procedures on housing operations and recommend changes to address new or unique situations or correct deficiencies.

At Level 3-4, the work is characterized by the availability of agency policies, program management guides, legal opinions, and precedents covering the management, use, and operation of housing projects and facilities. These guides are normally inadequate for contending with the unusually difficult problems related to the broad management planning typically encountered at this level. The employee is required to select, adapt, and apply housing policies and principles to assignments where precedents are not directly applicable to the coordination of work forces and resources or the negotiation of major issues and conflicts where available precedents are generally not applicable. Work at this level also requires the development of new operating techniques and selection of approaches in evaluating management programs, housing trends, or developments.

Level 3-3 is met. The appellant uses a variety of Federal regulations, agency general policy, and program guides applicable to the major aspects of administering the installation housing management program. These materials do not address all of the possible situations that the appellant may routinely encounter in managing the housing program. The appellant uses judgment, initiative, and experience in selecting, interpreting, and applying the available guidance and making compromises and adaptations, where warranted, to resolve unusual problems encountered during the course of his work. The guidance permits a sufficient degree of flexibility for adaptation and interpretation to resolve problems encountered at the installation level. The appellant provides input and recommends changes to policies and reviews proposed changes to policies and procedures.

The appealed position does not meet Level 3-4 in that the guidelines used by the appellant cover most situations and are not subject to *significant* interpretation or adaptation. Complex questions are elevated to the appellant's supervisor. Although the appellant states that there were no clearly established guidelines or policies in place concerning implementation of the PPVP, our fact-finding indicates that guidance was available from the Southwest Division Naval Facilities Engineering Command. Because the PPVP is a housing program, related regulations, policies, and procedures could be adapted to meet the needs of the new initiative. Further, the development of policy associated with the implementation of the PPVP is not considered regular and recurring and, therefore, cannot affect the grade of the position. Finally, the appellant is not responsible for the development of new operating techniques which is a requirement of Level 3-4.

Level 3-3 and 275 points are credited.

Summary

In summary, we have evaluated the appellant's position as follows:

	Factor	Level	Points
1	Knowledge Required by the Position	1-7	1250
2	Supervisory Controls	2-4	450
3	Guidelines	3-3	275
4	Complexity	4-4	225
5	Scope and Effect	5-3	150
6	Personal Contacts	6-3	60
7	Purpose of Contacts	7-3	120
8	Physical Demands	8-1	5
9	Work Environment	9-1	5
TOTAL POINTS			2540

The appellant's position warrants 2540 points. Therefore, in accordance with the grade conversion table in the GS-1173 standard, the position is properly graded at GS-11.

Decision

The appellant's position is properly classified as Housing Manager, GS-1173-11.