

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

Chicago Oversight Division
230 South Dearborn Street, DPN 30-6
Chicago, Illinois 60604

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

Appellants: [Appellant + 9]

Representative: [Name]

Agency classification: Processor
GS-1101-7

Organization: U.S. Department of Agriculture
Rural Housing Service
[Center]
[Branch]
[Section]
[Unit]
[City and State]

OPM decision: GS-1101-7
Title at discretion of the agency

OPM decision number: C-1101-07-02

RECONSIDERATION

This decision reopened, reconsidered, and superseded OPM decision number C-1101-07-01, dated 6/27/01.

/s/ (Phyllis M. Stabbe)

Phyllis M. Stabbe
Acting Assistant Director
Office of Merit Systems Oversight

October 29, 2001

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[Appellants names
and addresses]

[Name and address of
appellants' servicing personnel
office]

Ms. Donna Beecher, Director
Office of Human Resources Management
U.S. Department of Agriculture
J. L. Whitten Building, Room 316W
1400 Independence Avenue, SW
Washington, DC 20250

Introduction

The Chicago Oversight Division of the Office of Personnel Management (OPM) accepted a classification appeal from the appellants on June 20, 2000. The appellants are employed as Processors, GS-1101-7 with the [Name] Unit, [Name] Section, [Name] Branch, [Name] Center, Rural Housing Service, U.S. Department of Agriculture, [city and state]. The appellants state that their position description accurately reflects their major duties, but believe their positions should be classified as Investigator, GS-1810 Series. If that classification is not found to be appropriate, the appellants request that their position be classified higher than the current GS-7 grade level in the GS-1101 Series. We have accepted and decided the appeal under section 5112 of title 5, United States Code (USC).

General Issues

The agency's servicing of the types of loans processed by the appellants was nationally centralized to the [Name] Center] as part of a 1977 reorganization. Three Processors (who are also three of the ten appellants - [appellants names] were assigned to begin working on unauthorized assistance cases in June of that year, and their positions were officially classified as Processor, GS-1101-7, on February 22, 2000.

OPM is required by law to classify positions on the basis of their duties, responsibilities, and qualification requirements by comparison to the criteria specified in the appropriate classification standard or guide. Other methods of evaluation, such as comparisons to other positions, are not permitted. Similarly, factors such as volume of work, quality of work, level of performance, length of service, or difficulty in recruiting for the position, are not considered in determining grade level. The classification of a position is determined by comparing the duties and responsibilities in the official position description to appropriate classification standards.

Position Information

The primary responsibility of the appellants' position is to respond to allegations of unauthorized assistance (UA) and process the necessary transaction(s) to remedy accounts. Their principal duties include reviewing the allegation for validity; researching, collecting and analyzing data to determine the extent of UA; determining if the UA was due to inaccurate information (which may result in a loan reamortization) or false information (which may result in a loan acceleration). If the Processor determines that there is a basis to charge the borrower with fraud, he or she manually composes a cover letter and submits a package containing relevant documents and investigative data to the Unit Supervisor and the Section Chief for review. If the supervisor concurs, the Processor sends the package to the Office of the Inspector General (OIG). However, the appellants do not have direct contact with the office. The Unit Supervisor is listed as the point-of-contact for all cases sent to the OIG. Approximately 25 percent of all UA cases are referred to the OIG. Fewer than 1 in 10 cases result in a finding of fraud by the OIG. The other 90 percent are returned to the [Name] Unit to apply whatever administrative remedy is deemed appropriate by the unit.

When allegations are received in the unit, the appellants do a preliminary review to determine whether the allegations are genuine instances of UA (unauthorized loan, grant or subsidy). Overall, about 30 percent of the allegations received are determined to be unfounded (not warranting further action, including subsidies of less than \$120). These allegations are dismissed relatively quickly, and are not entered into the database as cases to be resolved. Of the legitimate UA cases, approximately 75 percent are unauthorized subsidies. To resolve a legitimate case, the appellant determines the status of the account, and uses his or her judgment to select those sources which will be most helpful in determining the nature and extent of UA for this account. If the Processor has to reconstruct the original loan, he or she must use the income guidelines in effect at the time of loan origination. A typical UA case will involve a variety of activities, such as a search of automated systems to review the history of the loan and to locate other relevant documents, a review of income statements and tax returns to verify income or discover unreported income, a request for a credit check to obtain residential addresses, a postal tracer to get the names of everyone receiving mail at the borrower's listed address, an internet search to identify neighbors who may be able to provide useful observations, a review of utility bills to ascertain customer name and dates of service, and contacts with a variety of other potential sources of information (e.g., Department of Motor Vehicles, child support agencies, mental health facilities, VA hospitals, hearing officers). Because the borrower must sign a release when approved for a loan, the Processor can fax the release to any source who may initially be reluctant to provide or verify information. The appellant sends the borrower a letter requesting information, and also a follow-up letter if a timely response is not received from the borrower. Depending on the complexity of the case, the Processor will also be in phone contact with the borrower from several times (typically) to several dozen times (rarely, only in an unusually complex case).

When the appellant has gathered enough information to make a determination in the case, he or she develops a spreadsheet using an Excel template, and calculates the accounting adjustment. The Processor requests an administrative adjustment to the account by the Borrower Assistance Branch Accountant. When notified that the adjustment has been made, the appellant checks it and makes corrections, if necessary. The spreadsheet and accounting adjustments are usually reviewed by the appellant's Unit Supervisor. The Processor notifies the borrower in writing of the determination that has been made, indicating the amount owed, the reason, and when the amount must be paid (if this letter does not resolve the matter, a letter requesting payment is sent). Unless the borrower successfully shows that the appellant's findings are incorrect, the account is adjusted to remove the UA when the money is received or the appeal period has expired. If the borrower raises no objection, the Processor submits case documentation and a case summary, explaining what was done to resolve the case, and the case is then closed. After the adjustment has been made, the Processor is responsible for verifying that the account is correct, and ensuring that reamortizations and accelerations have occurred according to applicable regulations.

Processors typically carry a workload of 50 to 120 cases, and close out an average of 15 cases per month.

Series and Title Determination

The appellants contend that they should be classified in the General Investigative Series, GS-1810. This series includes positions that involve planning and conducting investigations covering the character, practices, suitability or qualifications of persons or organizations seeking, claiming, or receiving Federal benefits, permits, or employment when the results of the investigation are used to make or involve administrative judgments, sanctions, or penalties. While there is a wide range of work assignments and the corresponding variations in agency programs, investigations throughout the Federal Service have in common the application of a number of techniques such as: interviewing or interrogating suspects and witnesses, searching for physical or documentary evidence or clues, using evidence to substantiate findings or conclusions, examining records to detect links in a chain of evidence or information, using cameras and photostatic machines to record evidence and documents, doing undercover work assignments, developing and using informants to get leads to information, maintaining surveillances, and preparing reports of investigations. These techniques are not required in the appellants' positions, and their positions therefore are not representative of the GS-1810 Series.

The General Business and Industry Series, GS-1101, covers work like that of the appellants, which include combinations of work not specifically covered by another series. The Business and Industry Group includes positions which perform work requiring a knowledge of business practices and the administration of regulatory provisions and controls. The appellants perform a number of administrative, technical, and clerical functions requiring knowledge of information management and administrative procedures, instructions, regulations, and directives as they relate to unauthorized assistance programs.

There are no published standards for the GS-1101 series. According to the "Introduction to Position Classification Standards," agencies may designate the official title of positions in occupational series for which OPM has not prescribed titles. Since there are no prescribed titles for this series, the agency has the discretion to designate the official title of the position.

Grade Determination

The GS-1101 series has no grade level criteria for the evaluation of positions. Another series standard must be used to determine the grade of the position. The Job Family Standard for Clerical and Technical Accounting and Budget Work, GS-0500C, describes work requiring a broad knowledge of accounting at the nonprofessional level. Positions in this series require a knowledge of existing accounting systems, standard accounting codes, classifications, and terminology and an understanding of agency accounting policies, procedures and requirements. Since the work compares favorably to technical single-grade interval work rather than two-grade interval administrative work, it is appropriate to apply the GS-0500C standard for grade determination. GS-0500C is a Factor Evaluation System (FES) format series. FES identifies nine different factors typical of all positions. The standard assigns different levels for each factor equating to differences in complexity or difficulty. Each level has a corresponding point value assigned, and the final grade of the position is determined by comparing the sum of factor level points to a grade conversion chart in the standard. We have compared the appellants' position to all nine factors in the standard.

Factor 1: Knowledge Required by the Position

This factor assesses the nature and extent of information or facts that employees must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills needed to apply those knowledges.

To properly research and investigate allegations of unauthorized assistance, this position requires a solid knowledge of the payment assistance process, guidelines and methodology; the loan or grant application/loan making process; and relevant Agency policies and regulations. This closely matches Level 1-4, which calls for an in-depth or broad knowledge of a body of accounting, budget, or other financial management regulations, practices, procedures, and policies related to the specific financial management functions.

The appellants' work does not meet Level 1-5, which calls for a broad in-depth practical knowledge of accounting or other financial management technical methods, techniques, precedent cases, and procedures to resolve especially difficult or sensitive problems. Further, at Level 1-5 employees typically have: knowledge of accounting methods, procedures, and techniques to conduct difficult and responsible analysis and determinations within a complete accounting system to validate transactions and to perform research to resolve inconsistencies; knowledge of interrelationships of various accounting systems applications and computer file systems and content to resolve problems of processed transactions; and knowledge of related financial regulations and rulings covering diverse types of transactions to typically function as a technical authority for the resolution of an extensive range of issues or problems. The appellants do not utilize this level of knowledge. They primarily gather information relevant to a report of unauthorized assistance, and must have knowledge of payment assistance and various sources of information which will assist in making a determination regarding whether assistance is unauthorized, and if so, whether the basis is inaccurate information or false information. We evaluate this factor at Level 1-4, and credit 550 points.

Factor 2: Supervisory Controls

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review, e.g., close and detailed review of each phase of the assignment, detailed review of the finished assignment, spot-check of finished work for accuracy, or review only for adherence to policy.

As at Level 2-3 of the standard, the appellants independently process the most difficult procedural and technical tasks or actions and handle problems and deviations in accordance with instructions, policies, previous training, or accepted practices. The supervisor or designated employee (the Workflow Coordinator) assigns work with standing instructions on objectives,

priorities and deadlines, and provides guidance for unusually involved situations. Cases are assigned by the Workflow Coordinator according to a defined structure, as indicated at Level 2-3, and the appellants consult their supervisor for guidance in only rare instances, possibly regarding a borrower appeal. Consistent with Level 2-3, the supervisor or designated employee evaluates completed work for overall technical soundness and conformance to agency policies, legal, or system requirements. Employees' work is spot checked for results and conformity to established requirements. The appellants' supervisor generally reviews the spreadsheets submitted for each case for accuracy, and checks random cases for performance appraisal purposes. The appellants are already credited at the highest level defined for Factor 2 in the GS-0500C standard. There is no indication that they exceed this defined level. We evaluate this factor at Level 2-3, and credit 275 points.

Factor 3: Guidelines

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

Although comprehensive, the guidelines available to the appellant meet Level 3-3 because they frequently change, and may lack specificity or may not be completely applicable to the requirements, circumstances, or problems related to the case at hand. For example, the UA Desk Procedures handbook incorporates updates and changes virtually monthly. Most guidelines, including the [name] Center handbook, are subject to changes in Federal and State laws and regulations. The 7CFR3550 is referenced for legal citations used in letters to borrowers.

As at Level 3-3 of the standard, the appellants use judgment to interpret these guidelines, adapt procedures, decide approaches, and resolve specific problems. Appellants are credited at the highest level defined for Factor 3 in the GS-0500C standard. We evaluate this factor at Level 3-3, and credit 275 points.

Factor 4: Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

The appellants ascertain what type of unauthorized assistance has occurred (loan, grant, or subsidy), and identify the sources most likely to yield the information needed to resolve the allegation. They then access records and contact individuals to obtain the information. While the approach used for particular types of unauthorized assistance may be similar, no two cases are identical, and the approach is not completely standardized for any one type of case.

The appellants' work matches Level 4-3, in that they decide what needs to be done by identifying the nature of the problem, question, or issue, and determining the need for and obtaining additional information through oral or written contacts or by reviewing regulations and manuals. They may have to consider previous actions and understand how these actions differ from or are similar to the issue at hand before deciding on an approach. Their work further matches Level 4-3, which calls for work involving the performance of various accounting, budget, or

financial management support related duties or assignments that use different and unrelated processes, procedures, or methods, because transactions are not completely standardized.

The work of the appellants does not meet Level 4-4, which is distinguished from the previous level by (1) the variety and complexity of examinations, transactions, or systems involved; (2) the nature and variety of problems encountered and resolved; and (3) the nature of independent decisions made by the employee. Typically at this level the work may require analysis, development or testing of a variety of established techniques and methods to evaluate alternatives and arrive at decisions, conclusions, or recommendations.

Factor 5: Scope and Effect

This factor covers the relationship between the nature of the work (i.e., the purpose, breadth, and depth of the assignment) and the effect of work products or services both within and outside the organization. Only the effect of properly performed work is considered.

Consistent with Level 5-3, the appellants apply conventional practices to treat a variety of problems in accounting, budget or financial transactions, in that the causal factors of unauthorized assistance can take various forms (e.g., unreported income, not inhabiting the property, others inhabiting the property, program ineligibility, etc.). The appellants approach these issues in conformance with established procedures. Also matching Level 5-3, the work of the appellants affects the quality, quantity, and accuracy of the [Name] Center's records, program operations, and service to clients. Appellants input data directly into the Fasteller system, which is accessible to the other units in the center. The appellants are credited at the highest level defined for Factor 5 in the GS-0500C standard. We evaluate Scope and Effect at Level 5-3 and credit 150 points for this factor.

Factor 6: Personal Contacts and Factor 7: Purpose of Contacts

The standard treats Factors 6 and 7 together. Contacts credited under Factor 6 must be the same contacts considered under Factor 7. Factor 6 (Levels 1 to 3) includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain. Levels of this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place (e.g., the degree to which the employee and those contacted recognize their relative roles and authorities). Factor 7 (Levels a to c) addresses the purpose of personal contacts, which may range from factual exchange of information to situations involving significant or controversial issues and differing viewpoints or objectives.

Persons Contacted

At Level 2 of the GS-0500C standard, contacts are with members of the general public in a moderately structured setting. For example, contacts may be with individuals who are explaining reasons for delays in making payment or those who are attempting to expedite transactions.

In addition to the contacts described above, the appellants have infrequent but regular contacts with the types described at Level 3. Specifically, they have telephone contact with representatives of the agency's Office of the Inspector General, lawyers from the Justice Department, and attorneys representing loan customers. These contacts are not recurring or routine and the purpose, role and authority of each party must be established each time in order for the appellants to determine the nature and extent of information that can be discussed or released. This compares favorably to Level 3.

Purpose of Contacts

At Level b, the purpose of contacts is to plan and coordinate actions to correct or prevent errors, delays, or other complications occurring during the transaction cycle. This may involve obtaining a customer's cooperation in submitting paperwork or other information, requesting other personnel to correct errors in documentation or data entry, or assisting others in locating information. This closely matches the work of the appellants, who spend the bulk of their time gathering data and obtaining information from borrowers and other sources.

Although the appellants encounter borrowers who are concerned about negative impact on their financial situation and may tend to be uncooperative, and occasionally irate, Level c is not met. Unlike that level the appellants do not routinely have to persuade individuals who are fearful, skeptical, uncooperative or threatening to provide information, take corrective action, and accept findings to gain compliance with established laws and regulations. Though helpful, persuading the borrower to cooperate is not of critical importance in resolution of the allegation of unauthorized assistance (ultimately, the agency has the authority to cancel or reduce the monetary unauthorized assistance). Furthermore, most borrowers accept the appellants' determinations when presented with the facts. Of the 1281 cases closed in the first seven months of FY 2001, only 1.5 percent of the borrowers filed appeals. Of the 19 appeals filed, just 2 were reversed by the National Appeals Division. This element is rated at Level b.

We evaluate these combined factors at Level 3b and credit 110 points.

Factor 8: Physical Demands

This factor covers the requirements and physical demands placed upon the employee by the work assignment. This includes physical characteristics and abilities and physical exertion involved in the work.

Consistent with Level 8-1, the appellants' work may require some physical effort, such as standing, walking, bending, or sitting, but there are no special physical demands. We evaluate this factor at Level 8-1 and credit 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.

As at Level 9-1, the appellants work in an office setting involving everyday risks or discomforts where normal safety precautions are required. We evaluate this factor at Level 9-1 and credit 5 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1	1-4	550
2	2-3	275
3	3-3	275
4	4-3	150
5	5-3	150
6 & 7	3b	110
8	8-1	5
9	9-1	5
	<i>Total</i>	1520

The table above summarizes our evaluation of the appellant's work. As shown on page 28 of the standard, a total of 1520 points falls within the GS-7 grade range (1355-1600) on the Grade Conversion Table.

Decision

The position is properly classified as GS-1101-7 with the title at the discretion of the agency.

Ms. Linda D. Weseloh, et al
USDA Rural Housing Service
Centralized Servicing Center
Appeals, Audits, and Unauthorized
Assistance Section
1520 Market Street, FC-244
St. Louis, MO 63103

Dear Ms. Weseloh:

In response to your letter of July 13, 2001, I have reconsidered OPM's classification appeal decision, No. C-1101-07-01, of June 27, 2001. I have carefully reviewed the information and arguments in your letter and the material you provided and compared it to the information in the initial appeal file.

I find that your argument for crediting Factors 6 and 7 has merit. Our subsequent inquiry shows that the contacts that you claim are at a higher level and are indeed a responsibility of your position. Specifically, you speak with representatives of the Office of the Inspector General, attorneys with the Justice Department, and attorneys representing loan customers. The purpose, role, and authority of these individual contacts must be established each time in order for you and your fellow appellants to determine the nature and extent of information that can be discussed or released. These contacts compare favorably to Level 3 of the standard for *Persons Contacted*. However, they continue to meet Level b for *Purpose of Contacts*. A change in Factor 6 provides an additional 35 points, which still falls within the GS-7 level for classification purposes.

Therefore, while the final classification of your position remains the same, we will adjust the points assigned for *Persons Contacted* in the decision. If you have any questions, you may contact me or Mr. Douglas Schauer at (312) 353-0387.

Sincerely,

Phyllis M. Stabbe
Acting Assistant Director
Office of Merit Systems Oversight

Enclosure