

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

Chicago Field Services Group  
230 S. Dearborn Street, DPN-30-6  
Chicago, IL 60604-1687

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

**Appellant:** [appellant]

**Agency classification:** Center Director  
GS-340-13

**Organization:** [name] Job Corps  
Civilian Conservation Center  
U.S. Forest Service  
U.S. Department of Agriculture  
[city and state]

**OPM decision:** (Title at agency discretion)  
GS-340-13

**OPM decision number:** C-0340-13-02

/s/ Manuela Martinez

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Manuela Martinez  
Classification Appeals Officer

May 16, 2003

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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:**

[appellant]  
[name] Job Corps  
Civilian Conservation Center  
U.S. Forest Service  
U.S. Department of Agriculture  
[address]  
[city and state]

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## **Introduction**

On November 25, 2002, the Chicago Field Services Group, formerly the Chicago Oversight Division, of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. On December 23, 2002, we received the agency's administrative report concerning the appeal. We requested additional course and other program information from the appellant and received the last of that information on February 24, 2003. The appellant's position is currently classified as Center Director, GS-340-13. The appellant believes that her position be classified as Center Director, GS-340-14. The position is located at the [name] Job Corps, Civilian Conservation Center, U.S. Forest Service, U.S. Department of the Agriculture (USDA), in [city and state] in the [U.S.] National Forest. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

## **Background information**

This decision is based on a thorough review of all information submitted by the appellant and her agency. In addition, a representative of the Chicago Field Services Group conducted a telephone audit with the appellant and a separate telephone interview with her immediate supervisor. In deciding this appeal, we reviewed the findings from the audit, the interview, and all information of record furnished by the appellant and her agency, including her official position description (PD) and work examples provided by the appellant. Both the appellant and her supervisor have certified to the accuracy of the appellant's official PD, number [xxxxxx].

## **General issues**

The appellant believes that she is performing new duties stemming from the Workforce Investment Act (WIA) of 1998 that support upgrading her position to the GS-14 level. The appellant also points to three National Director's Awards that were awarded to the Center and its ranking among other Centers. She made various statements about the agency's evaluation of her position, and believes her duties are similar to those performed by other Job Corps Center Directors whose positions are graded at the GS-14 level. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellant's position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding her appeal. The quality of work is not germane to the position classification process. It is an issue covered by the performance management and recognition systems.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers her position so similar to others that they all warrant the same classification, she may pursue the matter in writing to her agency's personnel headquarters. In doing so, she should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same, the agency must correct the

classification to be consistent with this appeal decision. Otherwise, the agency should explain the differences between her position and the others.

### **Position information**

The primary purpose of the Center Director's position is to manage the [location] Job Corps Civilian Conservation Center. The Center is a residential facility wherein economically disadvantaged young men and women, under the age of 25, participate in intensive programs of education, social, and vocational skills training and other activities so they might become employable and productive citizens. The Center operates 24-hours a day, seven days a week and provides a safe living and learning environment for an average of 180 students within the standards established by the Department of Labor and the Job Corps.

The Center Director is responsible for managing a staff of 65 employees who provide or support the training and education programs and the social development of the students. The appellant also provides program management guidance directly to six employees, including, Administrative Officer, GS 341-11; Teacher Supervisor, GS-1710-11; Work Programs Administrator, GS-301-11; Supervisory Social Services Assistant, GS-186-11; Counseling Specialist, GS-1740-11; and the Center Standards Officer, GS-186-7. The appellant is responsible for developing and implementing short-term and long range plans, policies, and objectives. As Center Director, she is responsible for the allocation of resources, evaluation of the Center's accomplishments, implementation of programs and activities required by the Workforce Investment Act (WIA) of 1998.

### **Series and title determination**

The agency has classified the appellant's position in the GS-340 series and titled it Center Director with which the appellant agrees. Based on our review of the record, we concur with the allocation of the position to the GS-340 Program Management Series. Since there are no prescribed titles for positions in this series, the agency may construct a title consistent with the guidance in the *Introduction to Position Classification Standards*.

### **Guide determination**

The appellant is responsible for managing and directing the overall education and training programs at the [location] Job Corps Center. This work is directly covered by Grade Evaluation Guide for Positions of Managers of Operating Education Programs (Guide) which is used in determining the grade level of positions having primary managerial responsibility for planning, developing, directing, and conducting operating education and training programs that provide for the educational development of the students enrolled. The position is a direct match with the Guide example of an education program manager in a residential facility providing education and job training for disadvantaged youths.

### **Grade determination**

The Guide utilizes three factors for determining the grade level: student load, variety and complexity of instructional activity, and level of responsibility. For each factor (and sub-factor) there are four degrees (A, B, C, and D) that reflect significant differences in difficulty and responsibility. Point values are assigned to each degree level which as specified in the standard. The appellant disagrees with factors 2 and 3. We have reviewed Factor 1 and agree with the agency determination. Our decision will discuss only those factors contested by the appellant.

*Factor 2, Variety and complexity of instructional activity*

The purpose of this factor is to evaluate the scope and difficulty of program management in terms of the amount and diversity of instructional activity provided by the education or training facility. This instructional activity is measured in terms of the variety and complexity of courses and goal-oriented programs that have resulted from the active efforts of the education program manager. Factor 2 is comprised of two sub-factors:

- (a) Course Range and Variety; and
- (b) Program Complexity.

*Factor 2 (a), Course range and variety*

Factor 2 (a) provides a table which contains specific criteria for measuring the number and variety of courses provided through an education or training facility that have resulted from the active efforts of the education manager. Courses that are different in subject or level are creditable (e.g., French I, French II, Spanish I, Spanish II are all creditable). In computing the number of courses offered, duplicates, repeats, or slight variations or modifications of courses are not creditable. Courses that are designed for individual rather than group study are not counted as individual discrete courses (e.g., correspondence courses, on-the-job training courses) unless the program manager was actively involved in developing the course content, training materials, etc. Courses given at outside institutions that are a part of a broader instructional program and which have not, individually, resulted from active efforts of the program manager, are not credited under this factor. In this situation, the overall instructional program may be credited as one course. Creditable courses given at the facility are counted, even though they are part of an instructional program.

The agency credited the appellant's position with providing a total of 45 instructional courses for students including 34 courses in the Education Program, eight courses in the Vocational Skills Training Program, and three courses in the Social Skills Training Program. The appellant believes that 92 courses should be credited.

OPM interpretive guidance cautions that careful consideration should be given to vocational and enrichment programs (social skills training) when determining what constitutes a creditable course. The guidance advises that individual topics covered in a particular vocational trades training program (e.g., a limited segment of elementary algebra) are not courses as defined in the Guide. Also, enrichment programs such as social skills training for disadvantaged students can only match the definition of a course if the contents meet the same degree of intensity as the illustrations in the Guide (i.e., Spanish I, Spanish II, French I, French II).

The Center offers instructional programs in Education, Social Skills Training, and Vocational Skills Training. The education programs include:

The GED Program at the Center includes 16 discrete courses: English I, English II, English III, English IV, U.S. History, Economics, Government, World Geography, World Civilization, Algebra I, Geometry, Life Science, Physical Science, Earth and Space Science, Arts and Humanities, and Physical Education/Health. Work Based Learning is not considered to meet the intent of a course since it is on-the-job training. According to the Guide, courses that are designed for individual rather than group study are not counted as individual discrete courses (e.g. correspondence courses, on-the-job training courses) unless the program manager was actively involved in developing the course content and training materials. When counting creditable courses offered at the Center, we did not include two courses in Spanish and Psychology since students are not enrolled and classes have not begun. Our count of discrete educational courses includes those offered through the [name] County and [name] County curriculum.

The courses offered in the Sullivan Program for Non-readers, designed as a transitional learning experience for those students whose scores in mathematics and reading do not qualify them for entry into the General Education Development (GED) program, and the Graded Reading Program (pre-GED) are not included in our count of courses since these courses closely resemble those in the GED Program. The record shows that those pre-GED courses use many of the same books and much of the same materials as the GED Program in order to enhance students' ability to successfully obtain a GED certificate. In computing the number of courses offered at the Center, we cannot credit duplicates or slight variations of courses.

The Center provides all students with Social Skills training, where students learn to set personal goals and then become responsible for attaining those goals. Our fact-finding disclosed that there are 45 social skills topics which cannot be counted as meeting the intent of creditable courses as described in the Guide. Each of the social skills topics is presented once a week in one hour which does not match the intensity of discrete courses. Broad generic topics such as dealing with change and creating a positive environment do not meet the same degree of intensity as the clear illustrations (i.e., Spanish I, Spanish II). There are also no prerequisites required for any of the social skills topics. In computing the number of courses offered at Frenchburg, we cannot credit the 45 social skills topics since they are training modules which do not meet the same degree of intensity as the illustrations for creditable courses (i.e., Spanish I, Spanish II) that are referenced in the Guide. This training is credited as another discrete course.

The Center has eight Vocational Skills training programs. The Vocational Skills training programs account for 18 more creditable courses, including the seven elective courses described in the appeal record. Each course mentioned below is equivalent in intensity to the illustrations of discrete courses described in the Guide.

Offerings include:

- Painter, Pre-Apprentice Level I
- Painter, Pre-Apprentice Level II

- Brick Layer, Mason Tender
- Brick Layer, Brick Layer Apprentice
- Automotive Repair, Service Apprentice
- Automotive Repair, HVAC Technician
- Automotive Repair, Engine Performance/Emissions Technician
- Automotive Repair, Brake Technician
- Automotive Repair, Suspension and Steering Technician
- Facilities Maintenance, Maintenance Helper
- Facilities Maintenance, Maintenance Technician
- Food Service, Pantry Cook
- Food Service, Station Cook
- Food Service, Hotel/Restaurant
- Carpentry, Helper, Level I
- Carpentry, Helper, Level II
- Clerical Occupations, Receptionist
- Clerical Occupations, Word Processor

This results in a total of 35 courses which falls in between the Degree A range of 10-30 courses and the Degree B range of 40-70 creditable courses. Although the job exceeds the Degree A range, it does not closely approach Degree B as to warrant the crediting of that level as “the most nearly appropriate degree level.” Accordingly, subfactor 2 (a) is allocated properly to Degree A and assigned 2 points.

*Factor 2 (b), Instructional program complexity*

Factor 2 (b) measures the extent to which the nature and variety of goal-oriented instructional programs add to the difficulty of the overall instructional activity. Goal-oriented programs are defined as collections or groups of courses combined into integrated curricula to accomplish specific education or training goals.

Instructional programs have added complexity when they include courses that are neither prepackaged nor standardized. Such courses require substantial participation by the program manager in the individualized development, redesign, or updating of curricula and/or instructional methodology to meet the needs of students with special learning problems (e.g., adults who are functionally illiterate, or children whose cultural background is greatly different or who are educationally disadvantaged or otherwise handicapped). The complexity of instructional activity is also enhanced when the facility provides programs at several learning levels, each of which has resulted from the active efforts of the program manager.

The appellant’s Center offers a total of 11 educational and vocational programs. There are eight vocational programs offered at the Center which include Carpentry, Building Maintenance, Painting, Business Clerical, Culinary Arts, Cement Mason, Automotive Repair, and Bricklaying. The Center also has the Sullivan Program for non-readers, the Graded Reading Program, and the GED Program. There are four learning levels which include elementary, intermediate, secondary, and occupational (vocational).

At Degree B, the program coverage for adults typically includes 5 to 8 goal-oriented instructional programs for students at 3 to 4 learning levels, several of which are provided at the facility. Illustrative of such work is the program manager at a facility responsible for providing an education and training program for disadvantaged young adults. At a minimum, the overall program includes basic education, GED, and vocational training programs, and may also include one or two basic college level courses (e.g., first year mathematics). The instructional programs are generally standardized; however the instructional approaches must be specifically geared to meet the special needs of these disadvantaged students.

At Degree C, programs for adults typically involve 10 to 15 different creditable goal-oriented instructional programs encompassing 4 to 5 learning levels. A significant number of these instructional programs are non-standardized and involve problems of program development and updating. They may also require the instructional approaches to be tailored to accommodate individual student needs. The guide offers the following example of an assignment that is illustrative of this degree of complexity: The director of an adult education program for disadvantaged adults that provides for education and training involving 10-15 different instructional programs for students at 4 or more learning levels. Several of the programs involve 1 and 2 year certificates programs for post-secondary training in technical/vocational fields.

The appellant's position meets Degree C. The adult education programs offered at the Center involve 11 different creditable goal-oriented instructional programs covering 4 learning levels. The record shows that the appellant provides leadership in developing programs to meet student needs and improve the student's chances for a successful placement out of the Program. Since most students are visual learners, various courses have been modified to the needs of the students. Since a significant number of the student population has some type of learning problem (e.g., Attention Deficit Disorder), the Center has added self-paced aspects to accommodate the particular learning problems of the students. The vocational programs are also kept current to match technology and market demands. Typically, the vocational training programs are 1 to 2 years long.

Degree D is not met. Program manager positions at this level provide instructional program activity that is exceptionally broad in coverage, in terms of both variety and complexity. At least half of the instructional programs are non-standardized or special-problem oriented and has required an exceptional degree of participation by the program manager in course curriculum development and/or redesign and innovative development of instructional methodology. Illustrative of such work is the director of an adult education program that provide education and training involving 20 or more instructional programs in academic, technical, and vocational fields, ranging from basic education through graduate levels as well as vocational training at post-high school levels. At least half of the programs have been developed specifically for the special needs of the facility with substantial involvement of the program manager or their staff. The appellant's position is not responsible for managing this number of instructional programs, number of learning levels, and the specially developed programs required to credit this level. Therefore, subfactor 2 (b) is allocated properly to Degree C and assigned 2 points.

*Factor 3, Level of Responsibility*



This factor measures the nature and extent of initiative and originality required; the extent of the authority and freedom permitted the program manager by higher authority; and the difficulty and responsibility of work contacts and relationships, other than with supervisors and subordinates, within and outside the agency with which the program manager is personally involved or has been instrumental in promoting through their subordinate staff. It takes into consideration significant contributions made by the program manager, and approved by higher authority as necessary in the way changes and innovations are made to improve and advance the education program. It considers the degree of acceptance of the program manager's recommendations by higher authority. The contacts are considered in terms of purpose, extent, and impact of those contacts and the difficulty involved in participating in productive discussions.

At Degree B, the program managers frequently modify and improve existing program activities by updating course content and instructional methodology and/or provide additional program or course activity within broad guidelines established by higher authority. In either case, the changes are largely based on, or adapted from, similar activities and models developed elsewhere. Initiative and judgment are required to determine the need for change, adapt existing models to the local situation, and implement the new or revised programs. Typically, the contacts involve a substantial variety of individuals and groups. The contacts have the following characteristics:

- Recurring contacts with other schools or training facilities similar to those of the program manager's own facility to discuss common problems and ways to solve them;
- Numerous contacts with education and training institutions for the purpose of negotiating agreements for participating in established programs;
- Numerous contacts with students' parents or guardians to discuss difficult student problems;
- Regular continuing contacts with outside individuals and local civic groups to improve the usefulness of community facilities for educational and recreational purposes.

At Degree C, the program manager makes significant creative contributions towards program advancement and improvement in aspects of individual programs; for example, developing new major courses or program activities from models and precedents that are only vaguely applicable to the relatively complex needs of the facility. Contacts typically involve a wide variety of individuals and groups for the purpose of obtaining cooperation in establishing and implementing programs that are new or different in significant respects from existing programs. New or revised programs have significant aspects that are controversial or otherwise require a substantial amount of persuasion to obtain cooperation or approval. This degree involves contact activity having characteristics equivalent to the following illustrative examples:

- Initiating and carrying out exploratory surveys in an Indian community to identify education and training interests and needs;
- Establishing and maintaining contacts with education and training institutions, business groups, and individual specialists to obtain support in establishing new programs and staffing them with people who can contribute to the success of the programs;

- Serving as liaison with the Indian Tribal Council, local public school officials, and PTA's to interpret the children's educational and cultural needs and the school's and Tribe's programs, and to assure that the public schools attended give the special attention needed to meet the unique problems and educational needs of students;
- Maintaining contacts with civic, business, and other groups and organizations of the community to convince business groups to provide part-time work and on-the-job training for students and full-time employment after graduation;
- Negotiating a variety of special-purpose education and training contacts with colleges and vocational training institutions or industrial companies in the area, often requiring considerable persuasion to overcome apathy and reluctance to change traditional practices;
- Initiating and following through on contacts with local and state departments of education and regional education associations to obtain acceptance of certain program coverage and to secure recognition for accreditation of certificate requirements.

Like Degree B, the appellant frequently modifies and improves existing program activities by updating course content and instructional methodology and/or provide additional program or course activity within broad guidelines established by higher authority. While some courses have involved significant changes in methods of presentation to meet the needs of the students, they have been developed elsewhere. This is in contrast to Degree C where new major courses or program activities are based on vaguely applicable precedents and models. The various Job Corps Centers nationwide operate within parameters and under limitations established in laws and applicable regulations issued by the Department of Labor, USDA, and the Forest Service. Although the appellant points to her involvement in promoting changes and innovations to improve and advance the programs at the Center, her efforts are constrained by the regulatory and programmatic parameters discussed above. Similar to Degree B, the appellant also maintains contacts with local civic groups (i.e., Workforce Investment Board, Youth Council Board, One Stop Boards, and Chamber of Commerce).

Unlike Degree C, the appellant is not required to regularly make contacts with a wide variety of individuals and groups for the purpose of obtaining cooperation in establishing and implementing programs that are new or different in significant aspects from existing programs. Although cooperative agreements have been implemented, negotiating them did not require the appellant to exercise considerable persuasion to overcome apathy or reluctance to change traditional practices as described in the Guide. The contacts made by the appellant do not equate to the complexity and controversy as described at Degree C. Accordingly, this factor is assigned Degree B and credited 4 points.

### *Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Student Load	Degree A	2 points
2. (a) Course Range and Variety	Degree A	2 points
2. (b) Instructional Program Complexity	Degree C	6 points
3. Level of Responsibility	Degree B	4 points

*Total*

14 points

According to the grade-level determination table in the Guide, positions credited within the range of 14-20 points equate to GS-12.

The Guide acknowledges there may be positions that have patterns of program characteristics, delegations of responsibility, or other special characteristics that differ from the criteria and examples provided. Occasionally, a position will have particular features that may influence the grade-level evaluation upward or downward. In order to affect the grade-level evaluation, the special characteristics must meet all of the following conditions:

- a. They are inherent in the position as regular and recurring situations;
- b. The basic evaluation factors do not take them into account
- c. They significantly increase or decrease the position's total responsibility and complexity ;  
and
- d. Their impact causes the total position clearly and substantially to exceed or fall short of the grade level provided in the conversion chart.

Included among the kinds of significant special characteristics that may be considered is responsibility for the housing care, welfare, and social adjustment of students on a 24-hour per day basis at a residential (boarding) school. The appellant's position meets these conditions. The appellant is responsible for the operation of the Center, a comprehensive residential facility, 24-hours a day and seven days per week that provides a safe and secure living environment for approximately 180 students in order for them to learn the necessary education, vocational skills, and social skills necessary to enable them to graduate. Accordingly, the final grade of the position is GS-13.

### **Decision**

The appellant's position is properly classified as GS-340-13 and titled at the agency's discretion.