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

Appellant: [appellant’s name]

Agency classification: Supervisory Fish and Wildlife Biologist GS-401-14

Organization: [organization]
[organization]
Region [#]
U.S. Fish and Wildlife Service
U.S. Department of the Interior
[location]

OPM decision: GS-401-14
title at agency discretion

OPM decision number: C-0401-14-02

________________________________________
Marta Brita Pérez
Associate Director
Human Capital Leadership
and Merit System Accountability

June 15, 2004__________________________
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]
[address]
[address]
[location]

[name]
[organization]
U.S. Department of the Interior
U.S. Fish and Wildlife Service
[address]
[address]
[location]

Mr. Kent Baum
Human Resources Officer
U.S. Department of the Interior
U.S. Fish and Wildlife Service
4402 N. Fairfax Drive
Arlington, VA 22203
Introduction

On November 14, 2003, the Atlanta Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. He works as a Supervisory Fish and Wildlife Biologist, GS-401-14, in the [organization], Region [#], U.S. Fish and Wildlife Service (FWS), U.S. Department of the Interior, [location]. The appellant requests that his position be reclassified as Supervisory Fish and Wildlife Biologist, GS-401-15. He believes that his agency did not properly apply the General Schedule Supervisory Guide (GSSG) in evaluating his position. We received the complete appeal administrative report from the agency on January 8, 2004. The appeal has been accepted and processed under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

The appellant appealed to his agency in June 2003 and the agency issued a decision on September 26, 2003, substantiating the position’s existing classification. He subsequently appealed to OPM.

The appellant makes various statements about his agency’s review and evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant’s statements only insofar as they are relevant to making that comparison.

Position information

The [organization] accomplishes its mission to conserve, protect, and enhance fish, wildlife and plants and their habitats through a wide variety of activities including endangered and threatened species and habitat listing, conservation, recovery, and consultation. The appellant serves as the supervisor of the [organization], which has a geographic area of responsibility covering 32 northern and central [location] counties. His primary responsibility involves exercising line management responsibility over the agency’s endangered species, habitat conservation, private lands, and environmental contaminants programs within the geographical area covered by this office. This responsibility includes implementation of the provisions of the Fish and Wildlife Coordination Act, the Endangered Species Act, and other legislation related to the conservation of public fish, wildlife, and plant resources. The appellant oversees major contracts and grants and the preparation of biological evaluations and reports, assesses the effects of development on wetlands and endangered species, and plans and executes habitat restoration and endangered species reintroduction activities. He represents the agency at public meetings to communicate, defend, and negotiate its positions, and negotiates legal settlements and complex resource issues. The [organization] also has regional or national lead responsibility for the recovery of endangered species such as whooping cranes, manatees, bald eagles, [name] panthers, and sea turtles.
The appellant spends 95 percent of his time performing supervisory and managerial work. He personally supervises five positions assigned to the [organization]: two Supervisory Fish and Wildlife Biologists (GS-401-13), one Wildlife Biologist (GS-486-13), one Ecologist (GS-408-12), and one Public Affairs Specialist (GS-1035-12). He is the second level supervisor for 17 Fish and Wildlife Biologists (twelve GS-401-12, three GS-401-11, and two GS-401-9), one Entomologist (GS-441-11), one Information Technology Specialist (GS-2210-11), one Administrative Officer (GS-341-9), and several permanent and temporary clerical and student positions.

The appellant works under the general supervision of the Ecological Services Supervisor [location] who provides very broad guidance and information related to FWS policy, objectives, national legislation, and budgetary and administrative constraints. The appellant independently plans the work of the office and resolves technical problems and conflicts that arise. He develops and makes technically authoritative recommendations to cooperating stakeholders in Federal, state, and local governmental agencies, private sector and public groups, and FWS Regional Office management officials on matters related to FWS activities and programs. Review of the appellant’s work is in terms of effectiveness in meeting program goals, conformance with overall policy, or budgetary limitations. The appellant is expected to consult or coordinate with his supervisor when he encounters issues that exceed or modify existing policy and program limitations. Matters elevated to higher levels for decisions are typically only those involving complex policy issues, major changes in objectives, or initiation of new or expanded programs and policies.

The appellant is assigned to position description number [#]. He and his supervisor certified the accuracy of the position description. In deciding this appeal, we carefully reviewed all information furnished by the appellant and the agency, including information obtained from telephone interviews with the appellant and his immediate supervisor. The position description of record contains more information about how the position functions and we incorporate it by reference into this decision.

**Series, title and standard determination**

The agency classified the appellant’s position in the General Biology Series, GS-401, with the title Supervisory Fish and Wildlife Biologist, and graded it by application of the GSSG, with which the appellant agrees. We concur with the agency’s series and evaluation standard determinations. Since there are no titles specified for the GS-401 series, agencies may construct titles consistent with guidance in the *Introduction to the Position Classification Standards* which must include a supervisory designation.

**Grade determination**

The GSSG uses a point-factor approach with six evaluation factors designed specifically for supervisory positions. To grade a position, each factor is evaluated by comparing the position to the factor level definitions for that factor and crediting the points designated for the highest factor level which is met in accordance with the instructions specified for the factor being evaluated. The GSSG is a threshold position classification standard. A defined level must be
fully met before it can be credited. The total points accumulated under all factors are then converted to a grade using the point to grade conversion chart in the GSSG.

The appellant believes that his position should be credited at Levels 1-4 or 1-5, 2-2, and 4B-4 and concurs with the agency’s crediting of Levels 3-3, 4A-4, 5-7, and 6-6. After careful review of the appeal record, we concur with the crediting of Levels 3-3 and 5-7. Our analysis of the factors contested by the appellant and those with which we do not agree follows.

**Factor 1 - Program scope and effect**

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To credit a particular factor level, the criteria for both scope and effect must be met. The agency credited this factor at Level 1-3. The appellant believes that this factor should be credited at Level 1-5, or no less than Level 1-4. He believes that his position is responsible for several “programs” rather than “program segments” as determined by his agency. The appellant believes that the program segments that he is responsible for receive the frequent or continuing congressional or media attention cited at Level 1-4.

A program, as defined by the GSSG, is the mission, functions, projects, activities, laws, rules, and regulations which an agency is authorized and funded by statute to administer and enforce. Most programs have an impact or effect, which is external to the administering agency. Typically, programs involve broad objectives such as national defense; law enforcement; public health, safety, and well-being; etc. Specialized programs may be considerably narrower in scope, e.g., merit systems protection; nuclear safety; and agency budget programs. Programs are usually of such magnitude that they must be carried out through a combination of line and staff functions. A program segment is a generic term referring to any subdivision of a program.

**Scope**

The element *Scope* addresses the general complexity and breadth of the program directed, the work directed, or the services delivered. The geographic and organizational coverage of the program within the agency structure is included under this element.

At Level 1-3, the supervisor directs a program segment performing technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage which encompasses a major metropolitan area, a State, or a small region of several States.

Comparable to Level 1-3, the appellant supervises an organization whose geographical area of coverage consists of the 32 counties of [geographic location], and has national or regional coordinating responsibilities for agency activities involving sea turtles, manatees, [name] panthers, other endangered animal and plant species, and their habitats. These responsibilities involve projects and studies carried out to assess endangered species populations and the impact of human activities on their habitat, to study movements throughout their range, etc. Each field
office has responsibility for certain aspects of these projects and studies and must coordinate its activities with other offices within its region or with those in other regions. For example, the organization has lead responsibility for the overall name panther recovery program that is a segment of the national panther program and part of the endangered species program. Its activities require coordination with the organization which administers all regulatory aspects of the Endangered Species Act for this animal. The appellant’s office does have overall national lead for the sea turtle which is primarily located in the appellant’s geographic area of responsibility, but it does not have full responsibility for establishing policies, identifying resources, and other staff functions related to it. The area for the activities that the organization is engaged in does not exceed that specified for this level (e.g., a major metropolitan area, a state, or a small multi-state region).

At Level 1-4, the supervisor directs a segment of a professional, highly technical, or complex administrative program which involves the development of major aspects of key agency scientific, medical, legal, administrative, regulatory, policy development or comparable, highly technical programs; or that includes major, highly technical operations at the Government’s largest, most complex industrial installations. An illustration for work similar to the appellant’s identifies direction of a program segment which includes major aspects of a regulatory, social service, or major revenue producing program covering a major segment of the Nation or numerous States. The program segments directed directly affect large segments of the Nation’s population or businesses.

Level 1-4 is not met. The work supervised by the appellant does not directly involve developing major aspects of the agency’s key scientific, legal, regulatory, or policy development. While certain of the appellant’s activities, particularly relative to assigned species, affect ongoing conservation efforts in other states and FWS regions, these activities may influence agency policies and programs, but do not directly involve development of major aspects of the agency’s key scientific, regulatory, or policy development. The appellant provided information on projects carried out by his organization (Status Survey and Ecology of the Eastern Arogos Skipper, Wood Stork Satellite Tagging Project, Panther Habitat Evaluation Project, and Whooping Crane Migratory Reintroduction Outreach) which covered all or portions of several states and portions of other FWS Regions where the assigned species exist. The appellant is responsible for implementing programs and policies developed at higher levels of his agency. However, the appellant’s organization does not actually develop the major aspects of the policies used by the agency to conserve and protect these species.

Level 1-3 is credited for Scope.

Effect

The element Effect addresses the impact of the work on the mission and programs of the customers, the activity, the agency, other agencies, the general public, or others.

At Level 1-3, activities, functions, or services accomplished directly and significantly impact a wide range of agency activities, the work of other agencies, or the operations of outside interests (e.g., a segment of a regulated industry), or the general public. At the field activity level
involving a very large serviced population the work directly involves or substantially impacts the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions. Illustrative of providing services to the general public is furnishing a significant portion of an agency’s line program to a moderate-sized population of clients equivalent to a group of citizens and/or businesses in several rural counties, a small city, or a portion of a larger metropolitan area. Depending on the total population serviced by the agency and the complexity and intensity of the service itself, the serviced population may be concentrated in one specific geographic area or involve a significant portion of a multi-state population, or be composed of a comparable group.

Level 1-3 is met. The appellant’s position has line management responsibility for the direction of a wide range of activities related to the conservation and preservation of endangered species and their habitat. The work directly and significantly affects activities of his agency, those of other Federal (U.S. Geological Survey, Department of Agriculture, Environmental Protection Agency, etc.) and state agencies ([location] Fish and Wildlife Conservation Commission), county and local governmental organizations, business and industries, conservation and ecology groups and organizations, private land owners, the general public, etc. Comparable to this level, the appellant is responsible for furnishing a significant portion of the agency's line program primarily to a moderate-sized population of clients equivalent to a specific geographic area.

At Level 1-4, activities impact an agency's headquarters operations, several bureau wide programs, or most of an agency's entire field establishment; or facilitates the agency's accomplishment of its primary mission or programs of national significance; or impacts large segments of the Nation's population or segments of one or a few large industries; or receives frequent or continuing congressional or media attention.

Level 1-4 is not met. The appellant’s activities do not significantly impact the agency's headquarters operations, several FWS programs, or most of the agency's entire field establishment. While the program segments that the appellant has responsibility for are important as they relate to the conservation and protection of endangered species and habitats, they do not facilitate accomplishment of the agency’s primary mission or programs of national significance. They also do not significantly impact large segments of the nation's population, or segments of one or a few large industries. The appellant’s congressional contacts typically are inquiries from elected representatives on behalf of constituents on issues and matters related to the impact of the agency’s activities within the office’s geographical area of coverage. This is not comparable to the direct congressional interest in programs or activities as intended at this level. Media attention is primarily on a local basis and relates to local activities rather than significant activities affecting the agency’s primary mission.

Both Scope and Effect are evaluated at Level 1-3. In the FES system, a lower level must be met before the next higher level can be considered. Since Level 1-4 is not met, the next higher level, Level 1-5, cannot be considered.

This factor is credited at Level 1-3 for 550 points.
Factor 2, Organizational setting

This factor considers the organizational situation of the supervisory position in relation to higher levels of management. The agency credited Level 2-1. The appellant believes that this factor should be credited at Level 2-2.

At Level 2-1, the position is accountable to a position that is two or more levels below the first (i.e., lowest in the chain of command) Senior Executive Service (SES), flag or general officer, equivalent or higher level position in the direct supervisory chain.

At Level 2-2, the position is accountable to a position that is one reporting level below the first SES, flag or general officer, or equivalent or higher level position in the direct supervisory chain.

Level 2-1 is met. Comparable to this level, the appellant’s position is accountable to a position that is two or more levels below the first SES, flag or general officer, equivalent or higher level position in the direct supervisory chain. The appellant’s immediate supervisor is the Ecological Services Program Supervisor [location], GS-401-14, who reports to the Assistant Regional Director, Ecological Services, GS-480-15. This individual, in turn, reports to the Deputy Regional Director, GS-480-15, who reports to the Regional Director, the first SES position in the supervisory chain.

Level 2-1 is credited for 100 points.

Factor 4, Personal contacts

This is a two-part factor which assesses the nature and purpose of the personal contacts related to supervisory and managerial responsibilities. The nature of the contacts, credited under Subfactor 4A, and the purpose of those contacts, credited under Subfactor 4B, must be based on the same contacts.

Subfactor 4A, Nature of contacts

This subfactor covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with the personal contacts. The agency credited this factor at Level 4A-4, the highest level described for this subfactor, and the appellant agrees.

At Level 4A-3, frequent contacts are with high ranking military or civilian managers, supervisors, and technical staff at bureau and major organization levels of the agency; with agency headquarters administrative support staff; or with comparable personnel in other Federal agencies. Contacts at this level are also with journalists representing influential city or county newspapers or comparable radio or television coverage, State and local government managers doing business with the agency, and congressional committee and subcommittee staff assistants below staff director or chief. These contacts normally take place during meetings and conferences. Some contacts are unplanned and result from the employee’s designation as a point of contact by higher management. They often require extensive preparation of briefing materials or up-to-date technical familiarity with complex subject.
Level 4A-3 is met. The appellant has frequent and recurring contacts with managers, supervisors, and technical staff at major organizational levels of his agency, and with agency headquarters administrative support staff. He has contacts with officials and staff of Federal, state, and local governmental agencies and organizations, and Indian tribal officials. The appellant also has frequent and numerous contacts with members of the business community, officials of agricultural and industrial interests and organizations representing them, local representatives of conservation and environmental groups, and local news media. Since these contacts typically involve issues pertinent to the appellant’s area of assignment but may relate to the agency’s larger activities, extensive preparation of briefing materials and up-to-date technical familiarity with complex issues related to the agency’s activities is normally required.

At Level 4A-4, frequent contacts are with influential individuals or organized groups from outside the employing agency; regional or national officers or comparable representatives of trade associations, public action groups, or professional organizations of national stature; key staff of congressional committees; elected or appointed representatives of State and local governments; journalists of major metropolitan, regional, or national newspapers, magazines, television, or radio media; or SES, flag or general officer, or Executive Level heads of bureaus and higher level organizations in other Federal agencies. These contacts may take place in meetings, conferences, briefings, speeches, presentations, or oversight hearings and may require extemporaneous response to unexpected or hostile questioning. Preparation typically includes briefing packages or similar presentation materials, requires extensive analytical input by the employee and subordinates, and/or involves the assistance of a support staff.

The appellant’s contacts do not meet Level 4A-4. He does not typically have contacts with the heads of bureaus or higher level organizations in other Federal agencies or other types of individuals or groups and in the settings found at this level. Contacts with congressional members typically involve informational correspondence relating to constituents’ interests and do not typically involve face-to-face or telephone contacts directly with them as is required in applying this factor. Additionally, the appellant’s contacts do not routinely involve the preparation of briefing materials requiring extensive analytical input by subordinates. Although the appellant may be questioned about the agency’s actions, he is not routinely subjected to the unexpected or hostile questioning typical of this level.

Level 4A-3 is credited for 75 points.

Subfactor 4B, Purpose of Contacts

This subfactor covers the purpose of the personal contacts credited, including the advisory, representational, negotiating, and commitment making responsibilities. The agency credited Level 4B-3 for this subfactor. The appellant believes that this subfactor should be credited at Level 4B-4.

At Level 4B-3, the purpose of contacts is to justify, defend, or negotiate in representing the project, program segment(s), or organizational unit(s) directed, in obtaining or committing resources, and in gaining compliance with established policies, regulations, or contracts.
Contacts at this level usually involve active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance to the program or program segment(s) managed.

Level 4B-3 is met. The appellant’s contacts are principally for the purpose of representing the FWS in exchanging and coordinating information with the various parties and organizations interested in the agency’s activities, acting as an advocate for and defending agency positions, gaining compliance with established policies and regulations, and negotiating legal agreements and settlements involving complex resource issues. His contacts are also for the purpose of establishing and maintaining working relationships with parties and organizations outside the agency that are involved in or cooperating on matters of mutual interest, and for reporting on the status and progress of agency activities.

At Level 4B-4, the purpose of contacts is to influence, motivate, or persuade persons or groups to accept opinions or take actions related to advancing the fundamental goals and objectives of the program or segments directed, or involving the commitment or distribution of major resources, when intense opposition or resistance is encountered due to significant organizational or philosophical conflict, competing objectives, major resource limitations or reductions, or comparable issues. The persons contacted are sufficiently fearful, skeptical, or uncooperative that highly developed communication, negotiation, conflict resolution, leadership, and similar skills must be used to obtain the desired results.

Level 4B-4 is not met. The appellant’s contacts are primarily to gain cooperation of parties and groups to support the agency’s actions. However, the appellant is not routinely involved in situations requiring highly developed communication, negotiation, or conflict resolution skills to deal with parties who are fearful, skeptical, or uncooperative to the degree described at this level. The appellant is not regularly required to persuade persons or groups to take actions to advance fundamental program goals, or encounter the intense resistance resulting from organizational or philosophical conflict related to competing objectives, or major issues involving resources within the agency. The responsibility for dealing with matter such as these is retained by management officials at the regional and higher organizational levels.

Level 4B-3 is credited for 100 points.

**Factor 6, Other conditions**

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. Conditions affecting work for which the supervisor is responsible may be considered if they increase the difficulty of carrying out assigned supervisory or managerial duties and authorities. Factor 6 is linked to previous factors in the GSSG. The difficulty of work is measured primarily by the base level work credited under Factor 5. The agency credited Level 6-6 for this factor, and the appellant agrees.

Level 6-6 identifies two conditions. If either of the two conditions is met, the level may be credited.
At Level 6-6a, supervision and oversight require exceptional coordination and integration of a number of very important and complex program segments or programs of professional, scientific, technical, managerial, or administrative work comparable in difficulty to the GS-13 or higher level. Supervision and resource management at this level involves major decisions and actions which have a direct and substantial effect on the organizations and programs managed. Unlike this level, the appellant does not coordinate and integrate program work comparable in difficulty to the GS-13 or higher level. The work supervised by the appellant is comparable to the GS-12 level.

At Level 6-6b, employees manage through subordinate supervisors and/or contractors who each direct substantial work comparable to the GS-12 or higher level. Such base work requires similar coordination as that described at Factor Level 6-5a for first line supervisors.

Coordination at Level 6-5a is characterized by major recommendations which have a direct and substantial effect on the organization and projects managed. To be credited with this level, supervisors must make major recommendations or final decisions in at least three of the management areas listed under Factor Level 6-5a, or in other comparable areas. The agency credited areas 1, 4, and 5. Our assessment follows.

1. Significant internal and external program and policy issues affecting the overall organization, such as those involving political, social, technological, and economic conditions, as well as those factors cited in the first item of Factor Level 6-4a.

This area is not credited. The record indicates that the appellant, as a field level supervisor, is principally concerned with implementing and carrying out policies relating to his immediate areas of responsibility rather than internal and external program and policy issues affecting the overall organization. These functions are retained at higher levels in the organization.

2. Restructuring, reorienting, recasting immediate and long range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, and/or funding.

This area is not credited. The appellant provides comments, but does not make major recommendations or final decisions involving goals, objectives, plans, and schedules based on major changes in legislation, program authority, funding, etc. Major recommendations and decisions are made by the regional or national offices. The appellant is primarily responsible for implementation and accomplishment of the goals, objectives and plans recommended or established at these higher level organizations.

3. Determinations of projects or program segments to be initiated, dropped, or curtailed.

This area is not credited. The appellant is primarily involved with implementing and carrying out policies relating to his area of responsibility. Major recommendations and decisions regarding initiating, dropping, or curtailing programs are the responsibility of higher level organizations in the agency.
4. Changes in organizational structure, including the particular changes to be effected.

This area is not credited. The appellant can make recommendations related to his organization’s staffing (number of positions, series, program in which they will work, whether permanent, term, or temporary, etc.). Major recommendations related to organizational structure would involve matters such as the location of new or closure of existing field offices under the [organization] office, major changes in the structure of the [organization] itself, etc. The recommendations made by the appellant regarding his immediate organization do not meet the scope envisioned for this level.

5. The optimum mix of reduced operating costs and assurance of program effectiveness, including introduction of labor saving devices, automated processes, methods improvements, and similar.

This area is credited. The regional office staff handles the budget and contracts for office services and the appellant has a limited budget ($5,000 to $10,000) for office needs. However, the appellant has responsibility and makes recommendations to ensure that his organization operates in a manner that controls and reduces costs while maintaining program effectiveness.

6. The resources to devote to particular programs (especially when staff-years and a significant portion of an organization's budget are involved)

This area is not credited. Recommendations regarding program staffing and funding priorities are developed at agency levels above the appellant. For example, the appellant’s supervisor is responsible for recommending distribution of Endangered Species program funds.

7. Policy formulation and long range planning in connection with prospective changes in functions and programs.

This area is not credited. Recommendations in these areas are developed at the regional office level and forwarded to the agency level.

Level 6-6b is not met since the appellant makes recommendations in one rather than three of the areas listed at Level 6-5a. Neither Level 6-6a nor 6-6b, the two possible conditions for Level 6-6 credit, is met.

Level 6-5 is met. At Level 6-5, three conditions are described. The level may be credited if any one of the three conditions is met.

Level 6-5a is not met as discussed above. Likewise, Level 6-5b is not met. This level involves supervision of highly technical, professional, administrative, or comparable work at GS-13 or above involving extreme urgency, unusual controversy, or other, comparable demands. Unlike this level, the appellant supervises GS-12 level work.
At Level 6-5c, the employee manages work through subordinate supervisors and/or contractors who each direct substantial workloads comparable to the GS-11 level. Such base work requires similar coordination as that described at Factor Level 6-4a for first line supervisors.

Level 6-5c is met. The appellant supervises two subordinate supervisors who, in turn, supervise substantial work that is professional, scientific, technical, or administrative in nature, and is comparable in difficulty to the GS-11 level. Like Level 6-5c, his base work requires identifying and integrating internal and external program issues affecting the immediate organization, integrating the work of the groups, and recommending resources to devote to particular projects, reviewing work documents.

Level 6-5c is credited for 1225 points.

Summary

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The total of points falls within the GS-14 range (3605-4050) on the grade conversion table provided in the GSSG.

Decision

This position is properly classified as GS-401-14, with a title at the agency’s discretion. The title must include a supervisory designation.