



United States  
Office of Personnel Management

**Office of Merit Systems Oversight and Effectiveness**  
*Digest of Significant Classification Decisions and Opinions*  
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No. 05-05

**Standard:** [Equal Employment Opportunity, GS-0260](#), (November 1980)  
**Factor:** N/A  
**Issue:** Coverage of series

### **Identification of the Classification Issue**

This issue arose in the reconsideration of a classification appeal decision issued by the Office of Personnel Management. The appellant was the Chief EEO (equal employment opportunity) Counselor at a sizeable installation. The position supervised a few full-time EEO Counselors, and technically supervised a larger number of persons who were assigned counseling duties on a collateral basis.

The original appeal decision had certified the position to the Equal Opportunity Assistant series, GS-0361. The appellant and the employing agency believed it should be classified to the Equal Employment Opportunity Series, GS-0260.

### **Resolution**

The Equal Employment Opportunity series, GS-0260, includes positions primarily concerned with developing, administering, evaluating or advising on the Federal Government's internal EEO program within Federal agencies. These positions require knowledge of Federal EEO regulations and principles; compliance and enforcement skills; administrative management and consulting skills; and knowledge of Federal personnel administration.

The Equal Opportunity Assistance series, GS-0361, includes positions which supervise or perform technical and substantive clerical work in support of equal opportunity and civil rights programs. However, these positions do not require the broad knowledge of equal opportunity principles, nor

the depth of skill in analysis, interpretation, and decision making that characterizes the GS-0260 series.

The appellant, as Chief EEO Counselor, managed the counseling and complaints program for the local installation and several field activities. This included responsibility for pre-complaint counseling, reviewing formal complaints for sufficiency, coordinating complaint processing, reviewing investigative reports and recommendations, and recommending action for adjudicating complaints. The appellant advised the head of the installation as well as lower-level managers and supervisors on the disposition of complaints and related EEO matters.

Much of the work related to complaint processing is procedural, and primarily requires knowledge of specific rules, regulations and procedures. For example, counselors make sure the correct chain of command and timetables are followed, and advise complainants of proper procedures. However, the Chief EEO Counselor also performed substantive work, such as reviewing internal regulations and instructions, developing policies and procedures for counseling and complaint processing, and advising managers on the resolution of potential EEO problems. The appellant developed long- and short-range plans, set goals and objectives, developed budget estimates to achieve these goals, and conducted orientations to increase managers' awareness of their EEO responsibilities. The appellant evaluated the effectiveness of the complaints program by reviewing trends in personnel actions and recruitment efforts, and negotiated with management officials to change employment practices that could hamper opportunities for minorities or women.

In resolving formal complaints, the appellant reviewed investigators' reports, analyzed findings and recommendations, coordinated with the Civilian Personnel Office, Staff Judge Advocate, and other office(s) concerned. The appellant recommended action to resolve the case, identified and evaluated alternatives, and prepared a proposed letter of decision or settlement. Completed cases were forwarded to the Commander for decision, but the appellant answered any questions, defended the position, and commented on counter-proposals from other officials.

These tasks were found to be classifiable to the GS-0260 series. They involve administering, evaluating and advising on an internal EEO program, and cannot effectively be accomplished by mechanical application of well-established rules, regulations and procedures. Rather, they require a knowledge of the principles and practices of equal employment opportunity and Federal personnel management, as well as of general management principles.

The initial appeal decision excluded the position from the GS-0260 series because it was concerned with only a *part* of an EEO program (discrimination complaints) rather than a total program. However, positions restricted to a complaint resolution function are not necessarily excluded from the GS-0260 occupation. Rather their inclusion or exclusion depends on the scope and depth of qualifications required to perform the duties. If such work primarily involves duties which require knowledge of Federal equal employment opportunity regulations and principles; compliance and enforcement skills; administrative, management and consulting skills; and

knowledge of Federal personnel administration; then the position is classifiable to the GS-0260 series.