



United States Office of Personnel Management

Office of Merit Systems Oversight and Effectiveness
Digest of Significant Classification Decisions and Opinions
October 1997
No. 20-04

Standard: [General Schedule Supervisory Guide](#) (April 1993)
Factor: Factor 1, Program Scope and Effect
Issue: Distinguishing between Levels 1-2 and 1-3

Identification of the Classification Issue

This issue arose in an Office of Personnel Management oversight division's adjudication of an appeal. The appellant was a second-level supervisor in charge of a telephone service center (Center) providing line program services to the general public. Most of the work performed by the subordinate Contact Representative, GS-0962-8, workforce involved helping beneficiaries and inquirers by telephone and screening callers for potential benefits. The staff made claim referrals and scheduled appointments for interviews at field offices having full claim adjudication and authorization authority. They provided information about community services, services of other agencies, and referred callers to other agencies when appropriate. The staff handled entitlement issues for related programs administered by a related agency. They also processed a limited range of claims actions, e.g., resolving benefit overpayments, including waivers up to \$500, and issuing critical payments to beneficiaries in dire need.

The appellant claimed her position met Level 1-3 for Scope because the Center served the general population of two States with a total population of 26 million individuals, practically all of whom have at some point had business with the agency. The toll-free 1-800 telephone number system also routed calls to the Center from elsewhere in the nation. The appellant claimed the Center averaged 29,000 calls each month, for a total of almost 350,000 calls each year, and concluded the population she serviced compared favorably with "small, moderate sized, and even large cities in the U.S.," meeting Level 1-3 for Scope. In addition, the appellant claimed her position met Level 1-3 for Scope because the Center supported other agency field offices by providing more than 4,000 leads for client appointments.

The appellant also claimed the Center met Level 1-3 for Effect because many or most of the calls received were complex, intricate, difficult, and multifaceted; were line program services essential to the basic mission of the agency besides providing administrative support to other agency elements (i.e., developing field office leads); and, the impact of Center services to its clientele are both direct and significant. The appellant claimed the Center, through her position, managed “multi-million dollar accounts,” and committed program funds of that magnitude annually without higher level review. It also impacted directly a wide range of interests, including governmental, corporate, and individual.

The appellant claimed the General Schedule Supervisory Guide was internally disparate, stating it would be patently unfair to hold some positions in an individual agency responsible for *literally* having to provide a measurable, complex service to a population the equivalent of a small city while allowing another group of positions to claim a *theoretically* serviced employee-equivalent population of only 4,000. As an example, she claimed the Office of Personnel Management has never attempted to learn the *actual* number of complex personnel actions processed in a given year by a field Staffing Office or even a Personnel Office to decide whether a supervisory position being evaluated under the General Schedule Supervisory Guide reached a threshold of 4,000 direct, significant and complex action. The appellant also claimed the Office of Personnel Management had never *suggested* in any of its appeal decisions nor in any general guidance to agencies that they should determine actual counts of “complex” actions accomplished in a given time frame, much less discount a portion as noncomplex. If this were required, she claimed departments and agencies would have an enormous burden to classify supervisory positions.

Resolution

Scope

Level 1-3 includes providing complex administrative, technical, or professional services having coverage that encompasses a major metropolitan area, State, or a small region of several States; or, when most of the area's taxpayers or businesses are covered, coverage comparable to a small city. Illustrative of such work is providing services directly to the general public by furnishing a significant portion of the agency's line program to a moderate sized population of clients. The size of the serviced population is *the equivalent* of 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, however, the serviced population may be concentrated in one specific geographic area, or involve a significant portion of a multistate population, or be composed of a comparable group. Level 1-3 definition for internally focused support work is described within a Department of Defense setting, i.e., "Providing complex administrative or technical or professional services directly affecting a large or complex multimission military installation also falls at this level." The third illustration for Level 1-3 expands upon the factor level definition: "Directs administrative services (personnel, supply management, budget, facilities management, or similar) which support and directly affect the operations of a bureau or a major military command headquarters; a large or

complex multimission military installation; an organization of similar magnitude; or a group of organizations which, as a whole, are comparable."

The oversight division found the geographic area of responsibility met Level 1-3. Scope, however, also considers the nature of services provided, i.e., the population directly and significantly serviced by a program, and not the total population serviced even if it has provided some degree of service at some point in time, e.g., how to replace a lost document. It is this population that has a major and direct effect on the difficulty and complexity of a supervisor's work. The oversight division concluded providing a person with no services or a few clerical services does not constitute a major and direct effect as established in previous Office of Personnel Management appeal decisions and advisory opinions from the Office of Personnel Management's Office of Classification.

Responding to the appellant's comments regarding the processing of personnel actions by Federal personnel offices, the oversight division found those functions would not exceed the complex clerical and equivalent technical services covered at Level 1-2 given the circumscribed purpose and nature of the work. Federal personnel functions contemplated at Level 1-3 involve complex advisory services, such as recruitment strategies, major organizational position management and classification issues, establishing positions on significant labor management relations issues, and program matters of equivalent direct and major effect. Thus, the oversight division also rejected the appellant's claim the General Schedule Supervisory Guide was internally inconsistent.

The oversight division found lead work, i.e., 32,400 leads per year entailing preliminary case research and documentation, supporting more than 4,000 other agency field personnel, a preliminary process. Full case review for these leads was work assigned to and performed by other field offices. Crediting both the Center and the final adjudicating office with these cases would be tantamount to double-crediting the same workload, violating established classification principles and practices. The oversight division found that case leads are not complex administrative or technical services within the meaning of the General Schedule Supervisory Guide. Rather, it concluded other field offices performed complex administrative work in reviewing and authorizing claims for benefits typically subject only to the claimant's right to formal reconsideration or appeal. It also concluded other field offices performed complex technical work in making final determinations on the full range of post-adjudicative actions, entitlement and nonentitlement to benefits, and continuing entitlement to benefits.

The oversight division found a significant portion of the work performed in the Center did have a substantial impact on benefits. Contrary to the appellant's claim, sufficient workload data must be available for agencies to apply classification standards properly as required under section 5107 of title 5, United States Code. The record showed the agency's decision to upgrade the Center's base level positions from GS-7 to GS-8 was based on a transfer of sufficient GS-8 workload, identified by duty type to meet the 25 percent work time threshold for grade level control purposes. Reviewing workload data, the oversight division found the Center handled less than 16,000 complex cases each year. This could not be construed as equivalent to serving the

population of a small city. In addition, the technical complexity of the work was more circumscribed than envisioned at Level 1-3 as reflected in its allocation to the GS-8 grade level. Although the Center was integral to providing much of agency's line program to the public, the agency's complex technical and administrative field work was vested in other field operating components. The quasi-adjudicative work performed at the Center was much more limited than similar work performed within the other field components. Given the clear line of demarcation between the Center and the other field components, the oversight division found the Center provided less than a significant portion of the agency's line functions as discussed at Level 1-3 because much of it is preliminary in nature and is not complex administrative, technical or professional service within the meaning of the General Schedule Supervisory Guide.

The oversight division found the base level work was single-grade interval technical in nature, and found it was not "complex administrative or technical or professional" support services as discussed at Level 1-3. The GS-7 grade level is considered an advanced trainee level for administrative professional occupations. In turn, the GS-9 grade level is considered the first full performance level for administrative and professional work. Technical work within the meaning of the General Schedule Supervisory Guide parallels this structure as evidenced by the parallel construction between professional engineering position classification standards and engineering technician position classification standards. Therefore, the oversight division found the work did not fully meet Level 1-3 complexity for both external program and internal support services. Finding the position met Level 1-3 only for geographic coverage, but not for other aspects of Scope, the oversight division credited the position at Level 1-2.

Effect

At Level 1-3, the 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 large, complex multimission organization or very large serviced populations, the work directly involves or substantially impacts the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions.

The oversight division found that because the Center provided services to a population failing to meet the population definition of a small city, it also failed to have the direct and significant impact on the general public comparable to a small city. It noted again that client lead work was not complex administrative or technical services within the meaning of the General Schedule classification system. In addition, the leads did not affect a "wide range of agency activities"; they were *preliminary* to higher level, more complex line agency functions. The Center did not independently control millions of dollars released directly to "governmental, corporate, and individual" interests. Center waiver, critical payment, and similar delegated authorities were limited in amounts and were released on a case-by-case basis. The oversight division found the Center provided technical services to a population of clients comparable to a portion of a small city, and technical services to other components of the agency that both met Level 1-2.

Thus, the Office of Personnel Management found that both *Scope* and *Effect* were evaluated properly at Level 1-2.