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Merit System Accountability and Compliance

Preface

This is the thirtieth issue of the *DIGEST OF SIGNIFICANT CLASSIFICATION DECISIONS AND OPINIONS (Digest)*. In it we present summaries of decisions and opinions that we believe have Governmentwide applicability. It is designed to aid classifiers and others with delegated classification authority in exercising their judgment. For this reason, we have included some articles that address basic principles of position classification and, when possible, provided links to actual decisions.

Digest articles summarize significant interpretations that clarify the underlying intent of the classification or job grading standards. However, these articles must be read in context with the standard as a whole, rather than in isolation. Because the *Digest* synopses may not reflect all relevant information bearing on a decision, good judgment in their application is necessary. Some *Digest* synopses draw from several cases and/or related issues. In those instances, the facts in cases linked to the article may not coincide completely. For these reasons, *Digest* items do not supersede or supplement classification standards and do not constitute “case law.” Some articles, which refer to since-superseded standards that were in place when the case was adjudicated, are included since the basic classification principles and practices addressed in the article remain in force.

Suggestions for improving future issues of the *Digest* may be made via e-mail to fedclass_appeals@opm.gov or by writing to the Classification and Pay Claims Program Manager, Agency Compliance and Evaluation (ACE), Merit System Accountability and Compliance, U.S. Office of Personnel Management, Room 6484, 1900 E Street, NW., Washington, DC 20415-0001.

Digest issues are available on the U.S. Office of Personnel Management’s (OPM’s) website. The website address is <http://www.opm.gov/policy-data-oversight/classification-qualifications/appeals-decisions/#url=Digests>.

This issue of the *Digest* was edited by Mr. Carlos Torrico (ACE San Francisco). Contributions were provided by current and former staff members including Ms. Bonnie Brandon (ACE Dallas), Ms. Linda Kazinetz (ACE), Ms. Virginia Magnuson (ACE Atlanta), and Mr. Robert Hendler (ACE). Staff of the Classification and Assessment Policy Group provided technical review and assistance.

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Article No. 30-01

Standards: Environmental Protection Specialist Series, GS-028 (March 1995)
Environmental Engineering Series, GS-819 (April 1978)

Factor: N/A

Issue: Professional series determination

Identification of the Classification Issue

The agency had classified the appellant's position to the Environmental Protection Specialist Series, GS-028, because his responsibilities were primarily to ensure environmental compliance. The appellant disagreed and pointed to the agency's use of work products he had signed using his professional engineering seal and to State requirements for professional registration to perform and submit this work. He believed his position was covered by the Environmental Engineering Series, GS-819.

Resolution

The appellant placed his professional engineer seal on project documents, but OPM found the projects were intermittent and could not be construed as regular and recurring work. OPM also found that although the processes performed for these projects were performed by professional engineers, they could also be performed by other technically trained personnel using conventional methods and techniques. Agency instructions and State law did not require that the projects cited by the appellant be signed by a registered professional engineer. OPM concluded the appellant's position did not require the regular and recurring application of professional engineering qualifications and found it was excluded from the Environmental Engineering Series, GS-819.

“Back to the Basics”

Some types of work are performed by positions in multiple occupations. A position can be placed in a professional series only if the work requires application of professional knowledge and ability. Those qualifications must be a continuing requirement of the work; i.e., work that is regular and recurring. The desirability of professional qualifications or the employee's possession of them does not control this determination.

Link to C-0028-09-01 [\[PDF\]](#) [\[TXT\]](#)

Article No. 30-02

Standards: Environmental Protection Specialist, GS-028 (March 1995)
Grade Level Guide for Instructional Work

Factor: N/A

Issue: Selection of appropriate standard for grading the position

Identification of the Classification Issue

The appellant's position was classified as Environmental Protection Specialist, GS-028-12. The appellant served as the course director and senior instructor for a curriculum of environmental courses at a naval school. Due to the complexity and scope of his work, he believed his position should be classified at the GS-13 level by application of the grading criteria in the standard for the Environmental Protection Specialist Series, GS-028.

Resolution

The appellant prepared, developed, and maintained a series of courses in the environmental protection field. OPM determined that classification to the GS-028 series was appropriate because in developing courses and instructing students, the work required application of specialized knowledge of the principles and methods of administering environmental protection programs and the laws and regulations related to environmental protection activities. However, because the appellant did not perform duties typical of an operating environmental protection specialist, the grading criteria in the GS-028 standard could not be applied to his position.

As discussed in the *Introduction to the Position Classification Standards*, when work assigned to a position is covered by grading criteria in a standard for a specific occupational series, the grade level should be evaluated using that standard. Otherwise, the work should be evaluated using an appropriate general classification guide or a standard for related kinds of work. Because the GS-028 standard did not contain grade level criteria useful for evaluating instructional work, OPM evaluated the grade of the appellant's position by application of Part I of the Grade Level Guide for Instructional Work (GLGIW), sustaining the current grade of the position.

"Back to the Basics"

When the grading criteria in a standard for a particular occupational series is not applicable to a covered position, cross reference must be made to other guides or standards containing criteria appropriate to evaluate the work performed. The standard or guide selected should cover work sufficiently similar to the duties of the position under review to accurately evaluate the primary work of the position.

Link to C-0028-12-01 [\[PDF\]](#) [\[TXT\]](#)

Article No. 30-03

Standards: Medical Support Assistance Series, GS-679
Job Family Standard (JFS) for Assistance and Technical Work in the
Medical, Hospital, Dental, and Public Health Group, GS-600

Factor: Factor 9, Work environment

Issue: Appropriate use of a standard position description

Identification of the Classification Issue

The appellant was one of approximately 20 medical support assistants assigned to a standard position description (SPD). The SPD stated the incumbents would rotate through a variety of units. It described personal contacts with patients to explain test preparation, handling psychiatric patients, and noted exposure to infectious disease. The appellant sought a higher grade.

Resolution

The appellant and her supervisor certified the accuracy of the SPD. However, OPM found the appellant did not rotate through a variety of units. She worked in the surgery unit and performed medical records management from admission to discharge, receptionist duties, and administrative tasks associated with the activities of the unit. As a minor duty, the appellant answered the nurse call system when free to do so. At times she assisted the nursing staff in incidental tasks, such as providing a patient with water. Both the appellant and the supervisor stated the appellant had very little contact with patients and did not wear protective clothing or gear.

The SPD supported Level 9-2 based on the work described. However, OPM found the appellant's assignment in the surgery unit did not have a comparable work environment. The appellant did not regularly encounter Level 9-2 moderate risks or discomforts requiring special precautions; e.g., exposure to infectious diseases for which employees may have to wear protective clothing or gear. The appellant had limited contact with patients, did not routinely work with psychiatric patients, and was not required to use protective clothing or gear. OPM evaluated the factor at Level 9-1.

“Back to the Basics”

An SPD is appropriately used when all employees assigned to it perform the work described. Because the appellant did not perform the full range of work described, she should not have been placed on the SPD.

Link to C-0679-04-03 [\[PDF\]](#) [\[TXT\]](#)

Article No. 30-04

Standard: Metal Processing Family, 3701

Factor: N/A

Issue: Determination of occupational code
Using intervening grade levels

Identification of the Classification Issue

The appellants' job was graded as Aircraft Mechanical Parts Worker, WG-8840-7. The duties involved Activated Diffusion Healing (ADH), a very specialized process used to repair internal jet engine components. The appellants contended their job included aspects of welding, brazing, inspection, and quality assurance work and believed it should be placed in the 3700 Metal Processing Family at the grade 11 level.

Resolution

The ADH process involves preparing parts; mixing of metal powders, alloys, and binders; special handling, fitting, and cleaning processes; brazing and resistance welding; and mavigraph inspection procedures. The knowledge and skills used in the 8840 occupation do not fully cover this process. OPM determined the job's primary duties required knowledge, skill, and use of resistance welding and vacuum furnace brazing processes covered by a cancelled occupation in the 3700 Metal Processing Family. Based on instructions in the *Handbook of Occupational Groups and Families* for jobs covered by cancelled occupations, OPM placed the job in the 3701 occupation.

OPM evaluated the 3700 family aspect of the job at the grade 8 level using the 3703 Welder standard. The mixing of metallic compounds and preparation of individual parts for brazing was graded using the 4352 Plastic Fabricator standard, and the visual examination of parts performed prior to preparation and the microscopic inspection using fiber optic equipment after completion was graded by comparison to the 8840 Aircraft Mechanical Parts Repairer standard. OPM found those aspects graded using the 4352 and 8840 standards exceeded the 7 level but did not fully meet the 9 level. Thus, the decision credited all aspects of the work at the intervening grade 8 level.

"Back to the Basics"

Although the job supported 8800 Aircraft Overhaul family mission and functions, the primary work required the application of 3700 family skill and knowledge. The skill and knowledge required to perform the primary work of a job control occupational allocation. Because the work performed fell between defined grade levels in two of the standards applied, the intervening grade was credited for the work covered by those standards.

Link to C-3701-08-01[\[PDF\]](#) [\[TXT\]](#)

Article No. 30-05

Standard: General Schedule Supervisory Guide (GSSG, June 1998)

Factor: Factor 1, Program Scope and Effect

Issue: Organizational size in determining scope
Alignment as a classification consideration

Identification of the Classification Issue

The appellant's position was classified as Supervisory Park Ranger, GS-025-13. He was a functional chief for one of the agency's seven regional offices. The appellant's region covered a relatively limited geographic area. The other six regions, in contrast, encompassed large multi-state areas of the country. The agency assigned Level 1-2 based on the rationale that because of the limited geographic coverage of the organization, its scope was more comparable to an "area office" as described at that level rather than a "major metropolitan area, a State, or a small region of several States" described at Level 1-3. The appellant contended his position was that of a regional chief with all of the attendant responsibilities, and that his position operated in the same manner as the counterpart positions in the other regions that were credited with Level 1-3 and classified at the GS-14 level.

Resolution

The purpose of the element "scope" as defined in the GSSG is to measure geographic and organizational coverage *as it affects the "general complexity and breadth" of the program directed*. Thus, the size of the geographic area covered is not, in and of itself, a determinant of program scope. Level 1-3 allows for a broad range of geographic coverage ranging from "a major metropolitan area" to "a small region of several States." This underscores that the geographic subdivisions of an organization are usually a function of the complexity and breadth of the work conducted. A very large geographic area may encompass a few limited and widely dispersed activities, or conversely, a small area may encompass many varied, intensive, or high impact activities.

The appellant's region, in terms of its programmatic responsibilities, management structure, and placement in the organizational hierarchy, functioned in the same manner as the other regions. His division mirrored the counterpart divisions in the other regions, with common functional responsibilities and staff specializations. There were some obvious programmatic disparities, such as staffing levels, budgets, and number of field units. However, the intent of this factor is not to evaluate a given position *relative to* other similarly situated positions in the organization. The scope of the appellant's work within the agency structure, from both an organizational and management standpoint, as well as the fact that it covered a major metropolitan area, warranted assignment of Level 1-3. The position was consequently upgraded to the GS-14 level.

"Back to the Basics"

Alignment is not a basis for classifying a supervisory position. However, it may serve to reinforce a grade under certain conditions. In the appellant's case, the agency was decentralized in the sense that considerable latitude was afforded the regional offices in their respective program operations. Regional staffs were expected to provide significant input to policy and program development matters and were periodically assigned to agency-level task forces for special initiatives. The appellant participated equally in these activities with his regional counterparts. Thus, the individual differences among these counterpart positions were not as significant as were the common demands and responsibilities inherent to the regional chief role.

Link to C-0025-14-02 [\[PDF\]](#) [\[TXT\]](#)

Article No. 30-06

Standard: General Schedule Supervisory Guide (June 1998)

Factor: Factor 3, Supervisory & Managerial Authority Exercised

Issue: Crediting Level 3-3b

Identification of the Classification Issue

The appellant's position was classified as Supervisory Soil Scientist, GS-470-13, and was located in the state office of a natural resource agency. The agency assigned Level 3-2 to the appellant's position, but he claimed that because he directed the work of five subordinate project/team leaders, the position met the requirements for assignment of Level 3-3b.

Resolution

To meet Level 3-3b, a position must exercise all or nearly all of the delegated authorities and responsibilities described at Level 3-2c and, in addition, at least 8 of the 15 responsibilities listed under Level 3-3b. OPM found the position fully met Level 3-2c, but credited it with only three responsibilities under Level 3-3b. In particular, the position did not meet responsibilities 1, 3, 5, 6, and 8, which are intended to credit only supervisors who direct two or more subordinate supervisors, team leaders, or comparable personnel. To meet those responsibilities, the subordinate personnel must spend 25 percent or more of their time on a regular and recurring basis performing supervisory, lead, or comparable functions.

OPM found that while the appellant had designated five subordinate project leaders to oversee the work of temporary/seasonal employees, the leadership responsibilities fell substantially short of the 25 percent threshold. They were performed for no more than five months of each fiscal year during the soil survey season, and no more than one or two employees were led by each leader at any one time. Most of the leaders' time was devoted to personally doing soil surveys. Responsibilities 1, 3, 5, 6, and 8 can only be credited in situations where the leadership duties are performed on a regular and recurring basis, and where the subordinate organization is so large and its work so complex that it *requires* managing through these types of subordinate positions. Given the small number of employees directed by the five project leaders, and the short period and percentage of time they were tasked to lead, OPM concluded the workload of the organization was not so large and complex that it warranted and supported the establishment of leader positions.

"Back to the Basics"

When considering assignment of a particular factor level in the GSSG, it is important to consider the actual demands placed on the supervisor and the organizational relationship of subordinate positions to the position under evaluation. In this case, the demands placed on the project leaders by the organization were insufficient to merit credit as team leaders within the intent and context of Factor 3 in the GSSG or the General Schedule Leader Grade Evaluation Guide. If the

team leader positions had been warranted, the impact of the positions led would have to be explored in the evaluation of base level under Factor 5, Difficulty of Typical Work Directed, of the GSSG.

Link to C-0470-13-02 [\[PDF\]](#) [\[TXT\]](#)

Article No. 30-07

Standard: General Schedule Supervisory Guide (GSSG, June 1998)

Factor: Factor 5, Difficulty of Typical Work Directed

Issue: Crediting work performed under detail
Excluding lower-level support work

Identification of the Classification Issue

The appellant's position was classified as Supervisory Park Ranger, GS-025-13. He supervised a staff of 22 subordinates, including 6 General Schedule and 15 Federal Wage System (FWS) employees. The General Schedule staff was engaged in professional work and included one permanent GS-13 Architect and one GS-13 Engineer on a three-year detail from another organization. The FWS staff was comprised of higher-level masonry and preservation workers, but also included a unit of grade 3 and grade 5 maintenance employees.

The agency *excluded* the GS-13 Engineer from base level consideration because the position was officially assigned to another organization; the head of that organization was the supervisor of record and was credited with supervising the GS-13 Engineer under the GSSG. The agency reasoned that the position could not be credited in the base level of two separate organizations. The agency *included* the maintenance unit in the base level determination. The resulting base level was GS-11.

The appellant contended that the GS-13 Engineer work should be included under Factor 5, but that the low-graded maintenance work should be excluded.

Resolution

Factor 5 is intended to credit *workload* supervised, not positions or employees, regardless of how this workload is accomplished; e.g., by using contractors, volunteers, or other temporary workers. The fact that the GS-13 engineering work was being performed by a detailed employee did not preclude crediting of the work. In this case, for the period of the detail, the appellant had assumed full technical and administrative supervision over the employee. This did not impact the classification of the supervisory position in the organization to which the employee was permanently assigned, since the detailed employee's workload in his organization of record remained in that unit and was being accomplished by other means (primarily contractors). Conversely, the engineering project workload in the appellant's organization was ongoing and had been carried out by a succession of detailed employees for the preceding few years for budgetary reasons. Therefore, the GS-13 Engineer work was properly included in the base level determination.

The GSSG instructs that lower level positions which primarily support or facilitate the basic work of the unit be excluded from base level consideration. The purpose of the maintenance unit

was to perform basic cleaning. This was auxiliary to the mission of the appellant's unit, which was to carry out *preservation* activities. The lower-graded maintenance functions occupied virtually none of the appellant's attention and were removed from him by two layers of FWS supervision. They were not directly related to the primary functional responsibilities of the unit, nor did they constitute any aspect of the knowledge requirements associated with the appellant's position. Therefore, the lower-graded FWS work was treated as support work properly excluded from the base level determination.

These adjustments in the creditable staff raised the base level to GS-12, and the appellant's position was consequently upgraded to the GS-14 level.

“Back to the Basics”

In deriving a base level determination under Factor 5, it is important to consider the work supervised within the broader context of the unit's mission. Lower-level support work that places minimal demands on the supervisory position, either in terms of time or in terms of the skills required for review, should be excluded from the base level computation.

Link to C-0025-14-03 [\[PDF\]](#) [\[TXT\]](#)

Article No. 30-08

Standard: Job Grading Standard for Federal Wage System Supervisors (December 1992)

Factor: Factor I, Nature of Supervisory Responsibility

Issue: Crediting project planning work performed by Federal Wage System (FWS) supervisors

Identification of the Classification Issue

The appellant supervised an FWS workforce that controlled and coordinated the maintenance of building facilities including construction, building repairs, and new installations. His staff also coordinated maintenance and repair of equipment that supplied major utilities used in both building maintenance and industrial operations. The appellant claimed that most bullets descriptive of Situation #3 in the Job Grading Standard (JGS) for FWS Supervisors should be credited to his job. He and his first- and second-level supervisors emphasized the appellant's planning duties and the nature of his participation with management officials and subject-matter experts on major projects to support crediting his job with Situation #3.

Resolution

The JGS for FWS Supervisors is used to set the proper pay relationship between FWS supervisory jobs and the FWS functions technically and administratively supervised. Factor I considers the nature of the supervisory duties performed and the type and degree of responsibility for control over the work directly supervised. Situation #3 bullets are linked to the scope, volume, and complexity of work operations directed at that level. For example, Situation #3 quarterly or longer work planning responsibilities refer to the volume of work for planning and accomplishing long-range projects by the staff directly supervised. OPM found that most of the appellant's advice and assistance pertained to major projects performed by contractors with limited involvement by his own staff. The appellant's directly supervised staff performed smaller work projects typical of Situation #2. OPM concluded that the appellant supervised work operations that did not provide the opportunity for or require the more extensive work planning and direction functions found in Situation #3.

Link to C-4742-10-01 [\[PDF\]](#) [\[TXT\]](#)

Article No. 30-09

Standards: Introduction to the Position Classification Standards (August 1991)
Job Grading Standard for Federal Wage System Supervisors (December 1992)

Factor: N/A

Issue: Evaluating General Schedule (GS) work performed by Federal Wage System (FWS) jobs

Identification of the Classification Issue

The appellant supervised employees who processed used, not current, and mutilated coins sent in by vendors. The staff sorted and weighed the coins and recorded information that was used to determine the amount of money each vendor received. The appellant was responsible for entering new vendors and updating existing vendor information in an automated information system, and entering settlement data into the system to generate vendor payments for the coins processed by his staff. Although the appellant did not question the pay category placement of his job, he pointed to his performing vendor information entry and settlement work previously assigned to GS employees as grade enhancing work that should be considered in evaluating his job.

Resolution

The appellant's primary and paramount duties required FWS knowledge and experience. Some FWS and GS occupations share common duties. For example, employees who occupy GS-2005 Supply Clerical and Technician positions and 6907 Materials Handler jobs regularly input data into and extract data from automated supply systems. The appellant's vendor data input and related duties documented and completed the work performed by his staff and were properly evaluated under Factor I, Nature of Supervisory Responsibility, in the Job Grading Standard (JGS) for FWS Supervisors.

“Back to the Basics”

A pay category determination is the first decision made in the classification process. Once a decision is made that the job is excluded from the GS and covered by the FWS, only FWS job JGSs may be applied to evaluate the work.

Link to C-5424-04-01 [\[PDF\]](#) [\[TXT\]](#)