



United States
**Office of
Personnel Management**

Philadelphia Oversight Division
William J. Green, Jr. Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106-1596

In Reply Refer To:

Your Reference:

OPM Decision Number: C-0962-12-01, 9/24/97

PH:OD:96-27

PERSONAL

[appellant's name]

SSA/TSC

[activity address]

[activity location]

Dear [appellant's name]:

This is our decision on the position classification appeal that you filed with our office and that we accepted under the authority contained in section 5112(b) of title 5, United States Code (U.S.C.).

This appellate decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. It is the final administrative decision on the classification of this position, and is not subject to further appeal. It is subject to review only under the limited conditions and time limits specified in title 5 of the Code of Federal Regulations (CFR) 511.603 and 511.613 and the Introduction to the Position Classification Standards, Appendix 4. It must be implemented according to the provisions contained in 5 CFR 511.612.

Position Information:

Appellant: [appellant's name]

Current Classification: Supervisory Contact Representative, GS-962-12

Position Description No.: 7B066S

Requested Classification: Supervisory Contact Representative, GS-962-13

OPM Decision: Supervisory Contact Representative, GS-962-12

Organizational Information: Social Security Administration (SSA)
Office of the Deputy
Commissioner, Operations
Office of the Regional
Commissioner [location]
Teleservice Center Operations Manager
Teleservice Center (TSC)
[activity location]

ANALYSIS AND DECISION

In considering your appeal, we carefully reviewed all of the information submitted by you or on your behalf; information obtained during telephone audits with you on April 29, and June 1, 1997, and telephone interviews with your supervisor, [name], Teleservice Center Operations Manager, on June 5, 10 and 12, 1997; and, other pertinent position classification information provided by you and your employing agency at our request.

It is our decision that your position is properly classified as Supervisory Contact Representative, GS-962-12. Accordingly, your appeal is denied.

In your initial appeal letter of September 19, 1996, you said your position should be upgraded because your agency had not applied the General Schedule Supervisory Guide (GSSG) correctly to your position. Your GSSG rationale addressed all six GSSG factors, and claimed proper application of the GSSG should result in the crediting of Factor Levels 1-3, 2-2, 3-3b, 4A-2, 5-4, and 6-4 (based on evaluation at 6-3 and the crediting of Special Situations). Your application of Special Situations claimed that Shift Operations (#2), Fluctuating Workforce or Constantly Changing Deadlines (#3), Physical Dispersion (#4), Special Staffing Situations (#5), and Changing Technology (#7) should be credited to your position. In your letter of September 23, 1997, you withdrew your claim that Physical Dispersion should be credited to your position because of the decrease in technical assistance calls received from Program Service Center "Spikes."

In a letter of December 2, 1996, your agency informed us that due to the abolition of the Assistant Regional Commissioner, Field Operations position, the evaluation statement for your position (#4C149S) was changed to reflect the crediting of Level 2-2 rather than Level 2-1, and you were reassigned to a new position with the same classification (#7B066S) effective November 24, 1996. In your letter of January 8, 1997, responding to the appeal administrative report prepared by your agency, you noted your agency had agreed to your rationale regarding certain GSSG factor levels and points that you believe should be credited to your position. Your letter of February 5, 1997, responding to your agency's classification appeal administrative report of December 2, 1996, reiterated your disagreement with your agency's

analysis of Factors 1 and 6, but noted your agency did agree that Special Staffing Situations and Changing Technology were creditable to your position.

Your initial classification rationale, in addition to discussing what you believe to be the proper application of the GSSG to your position, cited: (1) similarities between the program scope and structure of the Internal Revenue Service in applying the concepts of Factor 1 to your position; (2) the priorities placed by the Clinton Administration on providing “services to the public in a competent and effective manner”; (3) and “Several appeal decisions” regarding how Factor 1 of the GSSG should be applied. In your January 8, 1997, letter you stated “Recent OPM decisions in applying the GSSG have come dangerously close to abrogating the “equal pay principle,” without further elucidation.” This statement appears to be linked to how “scope” should be determined under Factor 1, and the need to assure equity in evaluating “scope” under Factor 1 for serving the general public and serving Government employees within agencies. In support of crediting Level 1-3 to your position, you stated “OPM has confirmed this is a valid approach [a population exceeding 4000] in significant appeal decisions, which serve as both guidance and case law for application of standards.” This statement referred to the case discussed on page 1 of the Digest of Significant Classification Decisions and Opinions, (Digest) Number 19, August 1994.

During the telephone audit, you noted that changing technology was addressed in your position description (PD) of record. You and your supervisor certified your PD was accurate except for several recent changes. These changes include: (1) telephone calls are no longer from a “small local area, city/state” but are “routed on at least a Region wide basis and frequently nationwide”; (2) your position now reports to a position one level below the Regional Commissioner, rather than two levels below; and, (3) new delegations of authority include functioning as “the selecting official for subordinate supervisory positions with the TSC Operations Manager as the concurring Official” and “authority to approve awards.”

Your appeal rationale has raised several procedural issues warranting clarification. All positions subject to the Classification Law contained in title 5, U.S.C., must be classified in conformance with published position classification standards (PCS's) of the U.S. Office of Personnel Management (OPM) or, if there are no directly applicable PCS's, consistently with PCS's for related kinds of work. Therefore, other methods or factors of evaluation, such as comparison to other positions that may or may not be classified correctly, e.g., positions in other agencies, are not authorized for use in determining the classification of a position. OPM's Digest contains summaries of appeal decisions and interpretive opinions that provide clarifying guidance to ensure consistency of interpretation with respect to those issues. As stated in each Digest preface, “Digest items do not supersede or supplement standards.” They are not “case law for application of standards” as you claimed. Care must be exercised in interpreting and applying Digest articles. You cited a limited portion of a Digest article in which “scope” was evaluated at Level 1-3; the same article found that “effect” did not meet

Level 1-3 fully, precluding evaluation of Factor 1, as a whole, above Level 1-2. We will address this issue in greater detail in the grade level analysis section of this decision.

We believe there may be some misunderstanding concerning the basis of classifying a position. A PD is the official record of the major duties and responsibilities assigned to a position by a responsible management official, i.e., a person with authority to assign work to a position. A **position** is the combined duties and responsibilities that make up the work performed by an employee. Title 5, U.S.C., section 5106 prescribes the use of these duties and responsibilities, and the qualifications required by these duties and responsibilities, as the basis for determining the classification of a position. The Introduction further provides that "As a rule, a position is classified on the basis of the duties actually performed." Additionally, 5 CFR 511.607(a)(1), in discussing PD accuracy issues, provides that OPM will decide classification appeals on the basis of the actual duties and responsibilities assigned by management **and** performed by the employee. The point here is that it is a real operating position that is classified, and not simply the PD. The duties classified must be assigned to the position and performed by its occupant. The classification appeal process is a de novo review that includes a determination as to the duties and responsibilities assigned to your position and performed by you, and may direct corrections to a PD of record if, while adjudicating the appeal, OPM determines there is an inaccuracy material to the proper classification of the position. Thus, any previous action taken or not taken by your agency is not germane to our de novo review.

Our fact-finding revealed that your official PD contains the major duties and responsibilities that you perform and is hereby incorporated by reference into this decision. It is adequate for classification purposes when supplemented with mission and function statements and other information contained in the appeal record. The record shows you supervise Federal employees in the following positions (we have included their internal organizational acronyms): 4 Supervisory Contact Representatives, GS-962-11 (1 is the Assistant TSC Manager and the other 3 are TSC Supervisors); 4 Lead Contact Representatives, GS-962-9 (Technical Assistants-TA's); approximately 37 Contact Representatives, GS-962-8 (full performance level-TSR's), 5 of whom are part time employees; 7 Contact Representatives, GS-962-7 (mixed tour); and, 1 Secretary, GS-318-6. During heavy periods of telephone traffic, "Spike" employees at the Jamaica Program Service Center (PSC) from TSC functions staff handle calls. In your initial appeal letter, you used the average of 60 technical calls per month from "Spike" employees as evidence of your position warranting credit for "Physical Dispersion" under Factor 6 of the GSSG. In your letter of September 23, 1996, you stated monthly contacts had decreased to an average of three to five calls each month, and stated your position no longer warranted credit for "Physical Dispersion."

The employees you supervise deal with potential claims for benefits under titles II and XVIII retirement, survivors, disability and health insurance (RSDHI) and XVI (supplemental security income-SSI) of the Social Security Act, and the Black Lung Program. Most of the work

performed involves helping beneficiaries and inquirers by telephone, screening callers for potential benefits. They make claim referrals and schedule appointments for interviews at field offices with Social Insurance Specialist, GS-105 employees who have full claim adjudication and authorization authority. They provide information about community services, services of other agencies and refer callers to other agencies when appropriate, e.g., food stamps. The staff also deals with basic health insurance (Medicare) filings and helps another PSC component in processing the non-medical aspects of disability claims; i.e., whether the claimant meets insured status requirements for disability eligibility.

The functions include: (1) explaining technical provisions, eliciting relevant facts, and providing instructions or advice about eligibility and benefits for SSA programs; (2) providing information about work incentive provisions, compliance with various beneficiary reporting requirements, and submitting monthly reports to continue, suspend, or terminate monthly payments; (3) completing SSI abbreviated applications, making determinations of ineligibility to SSI benefits when the reason for denial is clear, considering all nonmedical eligibility requirements including all possible exclusions to income and resources; (4) developing, documenting and resolving SSI overpayments, determining the amount of excess payment and resolving overpayment by recovery, waiver, and/ or determining the overpayment did not exist or is uncollectible and, documenting the file and issuing the appropriate notices; (5) dealing with requests for waivers of SSI overpayments, completing the Request for Waiver and Recovery Questionnaires, verifying allegations as necessary, determining if individuals are without fault in causing overpayments and if other waiver provisions are met, documenting decisions, and generating notices of decision and appeal rights; (6) investigating interruptions in the receipt of monthly benefits, investigating the situation, reconciling discrepancies, deciding when critical payment system (CPS) procedures should be used in sensitive or dire needs situations, completing documentation and making payment authorization, checking for outstanding overpayments, withholding (SMI), computing any underpayment due, determining payment amount, and posting the system; and, (7) providing information and advice on specific retirement options, computing monthly benefits payable at various ages to enable individuals to make retirement decisions.

Other functions include: (1) answering questions and resolving problems concerning Medicare payments, pursuing to completion incidents of dissatisfaction with Medicare reimbursement rates or other practices, assisting in the preparation of Medicare claims and appeals forms; (2) explaining and processing Medicare requests about state buy-in rules and initiating action with State agencies to enroll individuals, explaining options about initial enrollment periods (IEP), general enrollment periods (GEP) and special enrollment periods (SEP), providing information to allow individuals to decide the most advantageous month to enroll; (3) taking and processing enrollment applications and, if necessary, securing evidence for entitlement to an SEP and, making equitable relief and good cause recommendations concerning the month of enrollment and premium surcharges. Additional functions include: (1) initiating contacts with

beneficiaries or others to obtain omitted reports and to clarify inconsistent or incomplete report, investigating and resolving systems-identified discrepancies and questionable situations, making routine as well as complex systems inputs to correct or change records of entitlement and eligibility; (2) identifying the need for social services of people interviewed, referring them to appropriate private, nonprofit or government organizations supplying such services; (3) handling Medicaid eligibility questions, resolving and referring as appropriate; and, (4) identifying situations with public affairs implications or problems and issues of such complexity or magnitude to warrant referral to other organizational components.

Your rationale stressed the more significant and demanding workload contacts, e.g., SSI overpayments. We will deal with the difficulty and complexity of work you supervise, and the impact of that work, in the Grade Level Determination segment of this decision

Series and Title Determination

Your agency has determined that your position is classified properly to the Contact Representative Series, GS-962 with which you have not disagreed. Based on the appeal record, we find that your position is allocated properly as Supervisory Contact Representative, GS-962 according to the titling practices contained in the GS-962 PCS.

Grade Level Determination

Since your position involves the accomplishment of the work of the TSC through the direction of other people, it is properly graded by application of the GSSG. The GSSG is used to grade supervisory work and related managerial responsibilities that require accomplishment of work through the combined technical and administrative direction of others; constitute a major duty occupying at least 25 percent of the position's time; and meet at least the lowest level of Factor 3 in the GSSG based on supervising Federal civilian employees, Federal military or uniformed service employees, volunteers, or other noncontractor personnel. Work performed by contractors is considered in applying the grading criteria within each factor provided the position first meets the coverage requirements described above based on supervision of noncontractor personnel.

GSSG instructions stipulate that supervisory duties are to be evaluated by comparing them with each factor. Points are credited to a position for the highest factor level that is met according to the instructions specific to each factor level. For a position factor to warrant a given point value, it must be **fully** equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description in the Guide, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level. If one level of the factor is exceeded, but the next higher level is not met, credit is to be given for the lower level

involved. The total points are accumulated under all factors and converted to a grade level based on application of the Point-to-Grade Conversion Table.

The basis of your appeal is that your position has not been credited properly for Factors 1 and 6. You did not disagree with your agency's crediting of Levels 2-2, 3-3b, Subfactors 4A-2 and 4B-2, and 5-4. Based on our review of the record, we find that your position is credited properly at Level 2-2, 3-3b, 4A-2, 4B-2 and 5-4, and have so credited your position. Our analysis addresses the remaining factors.

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. In applying this factor, we must consider all program areas, projects, and work assignments the supervisor technically and administratively directs, including those accomplished through subordinate General Schedule employees, Federal Wage System employees, military personnel, contractors, volunteers, and others. To assign a factor level, the criteria dealing with both scope and effect must be met.

Scope

This element addresses the general complexity and breadth of the program (or program segment) directed; and the work directed, the products produced, or the services delivered. The geographic and organizational coverage of the program (or program segment) within the agency structure is included under Scope. OPM guidance indicates that there is a dynamic at work that deals with the interaction of four aspects implicit in the concept of Scope: (1) sweep: the geographic coverage of the program, e.g., city, region, or state; (2) magnitude: the total population serviced directly and significantly by the program; (3) importance: the importance of the program to the agency and its mission (whether line or staff, whether involving service to higher agency levels, other agencies, or the general public); and, (4) complexity: the complexity of the products or services provided (e.g., routine or complicated). In deciding whether a position meets a level, one must consider each of these implicit aspects and how they interact. No one aspect is necessarily predominant. The examples provided in the Factor Level Descriptions are illustrative of the interaction of these four aspects implicit in Scope.

Your rationale follows this OPM guidance in evaluating your position, and you concluded all aspects of Level 1-3 are met. While each of the four aspects helps in explicating the intended coverage of Scope, they are not separate and distinct subelements or subdivisions of a single, unitary factor element. As you observed, some OPM appeal decisions have discussed these four aspects or facets of Scope separately, primarily for explanatory purposes. While we are

doing so, for ease of reference to your appeal rationale, that addressed each aspect separately, we must stress that there is no requirement to address these implicit aspects of Scope separately when applying the GSSG.

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.

In your initial appeal letter, you claimed that the primary TSC area (sweep); i.e., the states of [name] and [name], while shared with other TSC's in the Megasite because of the "sheer volume of calls," have a total population of "26 million individuals, practically all of whom have at some point in time business with the Social Security Administration." The 800 number system operated by SSA also routes calls from elsewhere in the nation. You claimed your TSC averages 29,000 calls each month, for a total of almost 350,000 calls each year, resulting in the conclusion that "the sweep of the position does compare favorably . . . with small, moderate sized, and even large cities in the U.S." You stated SSA "unlike most other Federal agencies and programs [footnote: "the Internal Revenue Service is similar to SSA in this regard], actually services the whole population of a given area [magnitude]." In claiming the population you service is comparable to a small city where most of an area's taxpayers or businesses are covered, you opined the GSSG "does not require that **all** the citizens in a small city be included, even though for Social Security that does constitute the actual client base."

You claimed:

Because of the unique nature of Social Security (and the IRS) the G.S.S.G. means exactly what it says in regard to the population serviced for these agencies. The Guide reiterates the difference in magnitude between Social Security and other agencies which may have a larger geographic reach but a smaller actual client population base when it emphasizes that "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 on a comparable group." Other agencies that provide services to

a far smaller client base over a wide geographic area have an additional burden of proving nexus between the client base and the region covered.

You claimed that another way of determining the nexus of sweep and magnitude in the GSSG is the statement in Level 1-2: "Providing complex administrative or technical . . . services directly affecting a large or complex multi-mission military installation also falls at this level," adding the definition of such an installation discusses a "total serviced or supported employee-equivalent population exceeding 4000." You stated:

Several appeal decisions have reiterated that a large military installation would need to have a **total** serviced employee-equivalent population exceeding 4000. The total population provided actual direct service in a given year by the Teleservice Center approaches 350,000 members of the general public. Actual contacts, routine and otherwise, with the general public total about 29,000 monthly. This figure represents a substantial amount of complex cases. . . . Providing direct, mission-oriented substantive program services to the general public which cover a range of administrative and technical areas surely must compare favorably with providing administrative services to a Federal, often single-agency, employee population on a large military base.

Note that the appeal decisions do not require documentation of the actual provision of services in a given year to every one of the 4000 employee population serviced, merely the potential be there, nor do they require that each contact be complex. The magnitude of the actual Teleservice Center service far outstrips the comparison of a large multi-mission military installation, and even if only a portion of the contacts are complex, the actual/potential population serviced is huge, and definitely compares advantageously to a population moderate in size, as called for in Level 1-3, by any conceivable definition of that term.

There is another, more direct way to approach this, however, since the Teleservice Center actually has two distinct roles:

- the TSC serves as an integral part of the Social Security Administration's direct customer service effort;
- the TSC is also an entity which provides complex administrative support to other elements of the Agency.

Your rationale regarding the second point is that the TSC provides support to other SSA field offices by providing leads for client appointments. Attachment B to your appeal proposed

quantifying these leads, concluding from the two methods used that the 4,000 figure in the GSSG was exceeded, supporting your conclusion that both sweep and magnitude fully meet Level 1-3.

With regard to importance, you claimed your position:

directs the furnishing of a variety of administrative, complex technical, and investigative services to the public. It is a line function, rendering many of the key program services of the agency directly to the serviced population-the general public. . . .considered to be the highest priority of the Clinton Administration. . . .it should be noted that Social Security is an organization with a pervasive impact on the country. This agency, which materially affects the life and livelihood of nearly every citizen, is also a decentralized agency with great responsibility delegated to the incumbent's level It is here at the TSC where the tone and tenor of the perception of the Agency in the mind of the nation's citizens is formed and set.

You provided examples of caller issues, claiming:

many or most of the calls received by Teleservice Center personnel are complex, intricate, difficult, and multifaceted. There is in some quarters a perception that TSC calls are routine and uncomplicated by their very nature. While that is true in some cases, and while some of the complex calls are referred to field offices for ultimate adjudication, much of the telephone work done by TSRs is difficult and complicated, whether the action taken is to refer the caller further or whether the situation is resolved by the TSR. Thus, while not every call logged is complicated to deal with, each call does represent a substantive contact with the public, and many of them can be quite complex.

You described three types of calls portraying the complexity of work: (1) a caller requesting a change of address for SSI benefit payments that may have benefit amount changes or other implications; (2) a caller wishing to file for retirement and claims to be disabled that may require manually computing potential reduced benefits if they are under the age of eligibility, and deciding whether an SSI claim may need to be filed, inputting information into the Claims Lead Referral System and setting up the appointment based on each office's appointment requirements, obtaining extensive information necessary for future claims processing, and explaining the filing process, including the documents, proofs, and other information required to process the claim; and, (3) a caller threatening another SSA facility, involving TSC manager contact with the police. You stated that "While such crisis calls are few in number when compared to the overall volume of calls, they are significant in real terms-several are received

each month,” may entail contact with law enforcement organizations across the country due to the 800 number environment, and require “TSC management to be immediately available.”

In summarizing your rationale after discussing complexity and importance, you state:

While some of the workload statistics which document call volume might capture multiple calls from a single individual, they also do not capture all the workload performed by TSRs that impacts the subject position, nor does it capture much of the management duties which the subject position must handle. For instance, there is the selection of a new site for the Teleservice Center and the negotiations with GSA and the landlord to make sure the space is acceptable for the specialized physical and technical demands on the Teleservice Center location.

In your January 8, 1997, letter responding your agency’s comments on your appeal rationale, you disagreed with its position that “a volume of 2.5% of national calls answered [or, as you calculated, 722,000 actual contacts]” to credit magnitude at Level 1-3, the only aspect of Scope that SSA declined to credit at that level and, thus, refused to evaluate Scope at Level 1-3. You claimed that SSA’s approach “would establish a figure of well over 700,000 in order to be considered comparable to most citizens of a small city. . . . This is an absurdly high figure . . . and a hurdle that managers in no other agency in government are required to meet.” You claimed “No agency has authority to establish criteria that are either more stringent or more lenient than the larger body of grade level criteria in the OPM corpus of standards,” and that to do so “would clearly violate the concept of ‘equal pay for substantially equal work.’” You cited previous OPM appeal decisions and the Digest to support your claim that just processing:

6000 SSI overpayment cases (to cite only one category), which SSA agrees are complex technical cases, is fully comparable to providing administrative or technical services directly affecting more than 4,000 employees at an activity comparable to a large military installation. Any other interpretation flies in the face of logic and common sense, and would establish a grotesque double standard for different groups of managers and supervisors in different parts of the Government.

Further, regarding equal pay considerations, 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 (even using a minimum figure of 125,000) while allowing another group of positions to claim an employee-equivalent population *theoretically* serviced of only 4000. It would be unconscionable to have a standard that worked in such a fashion, as far as anyone associated with this appeal is aware neither SSA nor

OPM have ever attempted to ascertain the **actual** number of complex personnel actions processed in a given year by a field Staffing Office or even a Personnel Office (to choose two examples that have been assigned the Level 1-3 elsewhere) in order to determine whether a supervisory position being evaluated under the GSSG reaches a threshold of 4000 direct, significant and complex action.

In one footnote, you stated: “No first or second echelon supervisor in SSA or elsewhere in the government would be able to achieve this standard [referring to literally providing a measurable, complex service to a population the equivalent of a small city].” In another footnote, you claimed the lack of equitable treatment in your discussion of complex personnel action processing “seems obvious” because:

Personnel actions are not examined, even though many are routine, to reach a threshold number of complex actions, or to verify that each of the 4000 individuals received one complex service from the Personnel Service during the year. Suffice it to say that most federal employees would not think it unusual if they had no significant contact with their personnel office in the course of a year. Indeed, many might possibly prefer that state of affairs.

In the “Appellant’s Response Concerning SSA Evaluation and Comments” attached to your letter of January 8, 1997, you amplified your rationale concerning the proper application of Factor 1 of the GSSG to your position. You referenced an OPM appeal decision pertaining to the La Grande, Oregon SSA District Office, taking issue with the process used by SSA to establish the population serviced:

We would point out that this methodology of reducing the population serviced by those actions which does meet some arbitrary and undefined [Footnote: SSA itself points out: “Many calls received by TSR’s are complex, however, we are not aware of any workload study or report where the number or percentage of calls answered has been analyzed or quantified in terms of complexity.” SSA seeks to impose criteria never countenanced by the GSSG and then implies that the appellant should provide the burden of proof.] criterion has never been authorized in the GSSG, nor sanctioned by OPM. Indeed, OPM has 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 being noncomplex. *If* this were to become the norm throughout the Executive Branch, i.e., that an agency, in order to assign a Level 1-3 to a field or regional position, would have to first define a level of complexity for all actions throughout the agency, and then do workload counts segregating workload into “complex” and

“noncomplex categories, then departments and agencies would have an enormous burden in order to classify supervisory positions. Yet this is what SSA seems to be requiring of the appellant.

We could go on, but we believe that SSA’s arguments are mere sophistry designed to justify an arbitrary decision previously made as to how grades should be cascaded in the SSA hierarchy.

As discussed previously in this decision, position-to-position comparison is not a valid method of classification analysis. Therefore, we will not address your comments regarding the La Grande case. While you may agree with your agency’s crediting of sweep, complexity and importance at Level 1-3, an OPM appeal decision is a de novo review, and may result in the crediting of factor levels to a position different from those agreed to by both the appellant and the employing agency.

In assessing Scope, care must be exercised to assure the full workload of an organization is identified and evaluated properly. Although your primary geographic area of responsibility is the states of New York and New Jersey for 800 number calls, our fact-finding revealed the TSC’s SSI overpayment client base is the states of [name] and [name]. Both these geographic areas meet the sweep of Level 1-3 defined in the GSSG.

We believe the intent of magnitude requires clarification. Given the general use of the SSA 800 number system, we conclude your office may provide some degree of service to much of the population in your assigned geographic area, including other 800 number workload routed to you. We may consider only 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 Social Security Card. The illustrations at different factor levels and the discussions of Effect in the GSSG all indicate that in evaluating magnitude, only the population directly and significantly serviced by program may be considered. It is this population that has a major and direct effect on the difficulty and complexity of a supervisor’s work. Providing a person with no services, or a few clerical services, does not constitute a major and direct effect as established in previous OPM appeal decisions and advisory opinions from OPM’s Office of Classification.

Referencing your rationale, we will discuss the functions of IRS and SSA for further illustration. IRS has two primary field roles; i.e., tax return processing and tax program compliance. Tax return processing is primarily a case processing function performed by lower graded clerical and technician staff members. A significant portion of case-oriented compliance work also is vested in lower level technician positions. Similar to your comments regarding the processing of personnel actions by Federal personnel offices, these functions fall short of the magnitude of work covered at Level 1-3. That is, they do not exceed the complex clerical and

equivalent technical services covered at Level 1-2. With regard to your comments concerning internal support for Federal agencies, supervising personnel action processing at a large, complex multimission organization would not exceed Level 1-2 for magnitude given the circumscribed purpose and nature of the work.

In contrast, IRS's compliance program is an oversight function involving ongoing assessment of tax compliance by the general public and businesses within an assigned geographic area. Case audits are separate and distinct products having a direct and significant impact on the directly affected population. More important, they also are fundamental to tax program compliance, and their results are studied for such purposes as assessing broad population filing and compliance rates. 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.

You claimed the TSC's generating of 32,400 leads per year entailing preliminary case research and documentation supports an SSA employee population of more than 4,000 employees in other SSA field offices. This lead work, however, is a preliminary process. Full case review for these leads is work assigned to and performed by other SSA field offices as you acknowledged in your appeal rationale. Crediting both the TSC and the final adjudicating office with these cases would be tantamount to double-crediting the same workload, violating established classification principles and practices. We find that case leads are not complex administrative or technical services within the meaning of the GSSG. Social Insurance Specialist, GS-105 work in reviewing and authorizing claims for Social Security Act benefits typically subject only to the claimant's right to formal reconsideration or appeal is complex administrative work. Benefit Authorizer, GS-990 work performed in SSA Program Service Centers (PSC's); i.e., making final determinations on the full range of post-adjudicative actions, entitlement and nonentitlement to benefits, and continuing entitlement to benefits, is complex technical work.

The current position structure of the TSC indicates a significant portion of the work performed does have a substantial impact on benefits; e.g., SSI overpayment cases. The record shows the limited GS-8 grade level work performed by TSR's before upgrading to GS-8 grade level was based on: (1) handling protests on penalties for late annual reports; (2) processing Medicare requests for reinstatement of HI/SMI coverage; (3) widow or widower conversions; (4) processing HI/SMI termination requests; (5) determining whether special wage payments count for annual earnings tests requirements; and, (6) completing SSA-L991 and SSA-3462 for informal SSI denials. To support the GS-8 grade level, the following duties were added: (1) processing critical payment system (CPS) payments; (2) processing SSI overpayment/waiver decisions; (3) processing SSI abbreviated applications (ABAPS); and, (4) processing changes in representative payee applications.

Contrary to your claim, sufficient workload data must be available for agencies to apply classification standards properly as required under 5 U.S.C. 5107. The record shows SSA's decision to upgrade TSR positions from GS-7 to GS-8 was based on a transfer of sufficient GS-8 workload, identified by duty type, e.g., SSI overpayment/waiver decisions, to meet the 25 percent work time threshold for grade level control purposes. The workload information you provided at our request shows your TSC processes an average of 6,300 SSI overpayment cases per year, and the data you provided on lead work supports our conclusion that sufficient workload data is available or obtainable in agencies, such as SSA, to apply the GSSG appropriately. Additional workload information provided by Mr. Mc Devitt at our request shows that for the most three-month period of March through May 1997, six CPS's were processed; 30 protests on penalties for late annual reports were handled, and no ABAP's were processed. Rather than a workload of 312,000 or 350,000 direct and significant contacts each year, we find the workload handled by the TSC, falls short of a workload minimally equivalent to a population of several rural counties or a small city. Typical small cities, such as Boise, ID, Albany, NY, and Erie, PA, have populations of approximately 100,000 to 125,000. In contrast, even if we were to include the annual average of SSI overpayment cases, all other readily available GS-8 case statistics (144), assumed an equivalent or larger volume of other GS-8 cases, e.g., widow/widower conversions and Medicare elections (1,000), and a significant portion of the lead cases (8,100 - assuming complicated fact-finding interviews are required), the resultant number of cases (15,544) cannot be construed as equivalent to the population of a small city. In addition, the technical complexity of the work, however, is more circumscribed than envisioned at Level 1-3 as reflected in its allocation to the GS-8 grade level as discussed previously. Accordingly, magnitude is evaluated properly at Level 1-2.

With respect to importance, the work of the TSC fails to meet Level 1-3. Although it is integral to providing much of SSA's line program to the public, SSA's complex technical and administrative work field work, as discussed previously, is vested in other SSA field operating components. The quasi-adjudicative work performed by TSR's is much more limited than similar work performed within the SSA District Office and PSC structure. For example, after determining eligibility for SSI benefits does not exist and the claimant does not wish to file, the TSR is authorized to complete an SSA L-991 protecting the SSI filing date of the potential claimant, and to process a Report of Inquiry (SSA-3462) to document the reason for ineligibility. Processing HI/SMI termination requests entails interviewing the beneficiary, explaining the effects of coverage termination, and explaining all options before obtaining a signed statement from the beneficiary. Processing widow/widower conversions involves explaining choices available for reduced and unreduced benefits, computing all alternatives, and obtaining the certificate of election when a spouse is age 62 to 64 and 11 months. Although calculations may be complex for some of these actions, and the choice made by the claimant or beneficiary may produce a significant financial impact on that person for these and the other more difficult TSR duties, these decisions fall substantially short of the importance of District Office and PSC functions. Given the clear line of demarcation between TSC, District Office,

and PSC line program functions, we find the TSC provides less than a significant portion of SSA's line functions as discussed at Level 1-3. As discussed previously, TSR lead work is preliminary in nature and is not a complex administrative, technical, or professional service within the meaning of the GSSG. Therefore, because importance does not meet Level 1-3 fully, it is evaluated properly at Level 1-2.

We find that the complexity of work in the TSC also fails to meet Level 1-3 fully. A significant portion of TSC work is technical in nature as reflected in its classification to the GS-8 grade level. TSR positions are classified to an occupation that contains both single-grade and two-grade interval work; i.e., the Contact Representative Series, GS-962. The record shows the Legal Instruments Examining Series, GS-963 PCS, covering technical single-grade interval work, also was applied to evaluate the TSR quasi-adjudicative functions. Our review of this analysis, with which you have not disagreed, supports the conclusion that TSR work is single-grade interval technical in nature. It falls short of the complexity contemplated at Level 1-3 in that the TSC furnishes a limited portion of the agency's line work as discussed previously under importance. The work also is not "complex administrative or technical or professional" support services as you also claimed and 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 GSSG parallels this structure as evidenced by the parallel construction between professional engineering PCS's and engineering technician PCs's. Therefore, because complexity fails to meet Level 1-3 fully for both external program and internal support services, it is evaluated properly at Level 1-2.

In summary, we find your position meets Level 1-3 for sweep, but is evaluated properly at Level 1-2 for magnitude, importance, and complexity. Although none of the four aspects of Scope is necessarily predominant, considering how they interact, and the fact that only one of the four meets Level 1-3, your position must be credited at Level 1-2 for Scope.

Effect

This element addresses the impact of the work, the products, and/or the programs described under Scope on the mission and programs of the customer(s), the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

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.

In your initial rationale, you claimed your work meets Level 1-3 because you provide “line program services-which are essential to the basic mission of the agency-to the general public” in addition to providing administrative support to other elements in SSA; i.e., developing field office leads. You claimed the impact of “products and services” provided by the TSC “to its clientele the American public are both direct and significant” and described two cases you believe support your rationale; i.e., “poignantly illustrated by the following cases which are not atypical.”

The first was an SSI overpayment case. The client had been paying off the overpayment for three years. She called the TSC, desperate because of lack of money to pay her oil bill. She was caught in a “Catch 22” because she had been working to meet expenses, and she now had to continue to work to repay the overpayment. Noting a cross-referenced social security number in the record, the TSR investigated and found she was entitled to a higher monthly widow’s benefit. Appropriate action was taken, and the overpayment was almost completely erased by crediting six months of retroactive widow’s benefits. The second case involved a widow who called to ask about SSI benefits. Although the TSR found she was not eligible for SSI, the TSR found the widow’s benefit based on her deceased spouse’s primary insurance amount was incorrect and she was entitled to dual benefits based on her status. The TSR recomputed the benefit, notified the SSA Payment Center, and passed calculations to the Payment Center that the caller would be entitled to more than six years of retroactive benefits.

You stressed TSR work, in developing client leads, “is a vital link in the service-delivery mission of the Agency.” In SSI overpayment cases, you stated the TSR must calculate the “total amount(s) of excess SSI overpayments, then prepare, record and mail a notice to the client.” As a result, they must deal with telephone inquiries from clients “often upset with the notice, and resolve how the overpayment will be discharged.” TSR’s have the authority to administratively waive overpayments of \$500 or less. You illustrated the impact of overpayment cases, describing the waiving of an overpayment for a grandmother who was determined to keep her grandchild but, as a result, has her New York State supplemental SSI reduced. The TSR also “made the appropriate referral for Aid for Dependent Children.”

You also claimed your position:

actually manages multi-million dollar accounts, and is able to commit program funds of that magnitude on a yearly basis without higher level review. It impacts directly a wide range of interests, governmental, corporate, and individual.

A synopsis of your response to the agency’s appeal administrative report is contained under Scope.

You supervise the provision of direct services to a client group within the general public; i.e., social security beneficiaries, to a population, as discussed previously, that fails to meet the population definition of a small city. Therefore, your position fails to have the direct and significant impact on the general public comparable to a small city as discussed earlier. As discussed previously, client lead work is not complex administrative or technical services within the meaning of the GS classification system. In addition, they do not affect a “wide range of agency activities”; are **preliminary** to higher level, more complex line agency functions. You do not independently control millions of dollars that are released directly to “governmental, corporate, and individual” interests. TSC waiver, critical payment, and similar delegated authorities are limited in amount and are released on a case-by-case basis. Based on the foregoing, we find you provide technical services to a population of clients comparable to a portion of a small city, and technical services to other components of SSA that both meet Level 1-2.

Therefore, because your position meets Level 1-2 for both Scope and Effect, your position is evaluated at Level 1-2 (350 points) for Factor 1.

Factor 6 - Other Conditions

This factor measures the extent to which various conditions contribute to the difficulty/complexity of carrying out supervisory duties, authorities, and responsibilities. Conditions affecting work for which the supervisor is responsible (whether performed by Federal employees, assigned military, contractors, volunteers, or others) may be considered if they increase the difficulty of carrying out assigned supervisory or managerial duties and authorities.

To evaluate Factor 6, two steps are used. First, the highest level that a position meets fully is initially credited. Then, if the level selected is either 6-1, 6-2, or 6-3, the Special Situations listed after the factor level definitions are considered. If a position meets three or more of the situations, then a single additional level is added to the level selected in the first step. If the level selected in the first step is either 6-4, 6-5, or 6-6, the Special Situations may not be considered in determining whether a higher factor level is creditable.

Your agency evaluated your position at Level 6-3 and initially credited Situation No. 7, Changing Technology. In response to your appeal rationale, your agency concluded Situation No. 5, Special Staffing Situations also was creditable. In addition to these situations, you initially requested the crediting of Situation No. 4, Physical Dispersion, because of your responsibilities for “spike” operations, but withdrew this request based on the declining amount of time required to support “spike” operations. Your rationale also claims Situation No. 2, Shift Operations; Situation No. 3, Fluctuating Workforce or Constantly Changing Deadlines;

and, Situation No. 8, Special Hazard and Safety Conditions, should be credited to your position.

The GSSG must be applied in an internally consistent manner. In evaluating Factor 6, therefore, we must first locate the factor level description that recognizes the level of work led as credited in Factor 5. Tentatively selecting that factor level, we must assess whether the position performs the full range of coordination and work integration responsibilities found at that level. If both of those requirements are met, then that factor level may be credited to the position.

Your position fully meets Level 6-3b (975 points) since you direct subordinate supervisors over positions in grade GS-8, the full performance level for most TSR positions, and the work requires continuing effort to assure quality and service standards relating to timeliness, form, procedure, accuracy, and quantity. Our analysis of Special Situations as they pertain to your position follows:

2. Shift Operations

This situation is credited when the position supervises an operation carried out on at least two fully staffed shifts.

In your letter of January 8, 1997, you prefaced your discussion of Shift Operations by stating:

It should be noted that *Special Situations* in the *GSSG* do not equate to similar conditions which were found in the previous supervisory guide—the *Supervisory Grade Evaluation Guide*, or *SGEG*. Since partial credit for each condition was allowed under the *SGEG* and no credit for meeting one or two situations under the *GSSG*, OPM made a conscious policy decision at the time the *GSSG* was formulated to make the *Special Situations* in the *GSSG* easier to meet than they were under the *SGEG*. Thus, while the Agency's interpretation might have applicability to *SGEG*, the operative premise under the *GSSG* is whether the condition, if present, makes the work of the supervisor more difficult.

Our fact-finding revealed the TSC operates from 8:00 A.M. to 5:15 P.M. There are two tours for full time permanent and part time personnel. Tour One starts between 7:30 and 8:30 A.M. and ends between 4:00 and 5:00 P.M. Tour Two starts between 7:45 and 8:45 A.M. and ends between 4:15 and 5:15 P.M. Employees may sign in at 15 minute intervals during those tours. The heaviest telephone traffic is between 8:00 A.M. and 4:00 P.M. Mixed tour personnel have a set 9:00 A.M. to 2:00 P.M. tour from April to December and are covered by Tour One or Two when they work full time. Most employees arrive between 8:00 and 8:30 A.M., although some arrive earlier during the summer. You identified only one employee on a compressed

work schedule. You establish vacation schedules on a six-month basis. You must report to SSA headquarters by 2:00 P.M. reporting the number of people expected in two days in the future based on leave projections, and report to the region the number of people available that day between 4:00 and 5:15 P.M. that you determine by checking the sign-in sheet. You also call regarding overtime, asking that you be informed before 1:00 P.M. to allow you to make local arrangements.

Your initial appeal rationale claimed credit for shift operations because “this tremendous variance in shifts, tours, and work schedules plus an additional 70 Spikes put a distinct extra burden” on you in managing the TSC. Responding to the appeal administrative report, you claimed the TSC:

does have two fully staffed eight hour shifts. It doesn't make a scintilla of difference if the shifts start fifteen minutes, one hour, two hours, or eight hours apart. It is in fact materially more difficult to supervise the TSC-type of shift operation, where employees are allowed to start work at any time within the beginning of their shift, than to supervise two widely separated but fixed starting-time shifts. . . . mak[ing] it difficult for management to plan the workday, to determine how many employees will be available to handle the fluctuating volume of calls during the workday, how the pending workload will be distributed, and when to conduct training. . . . This is exacerbated by the mixed tour employees and part-timers, who arrive and leave at various times of the day. . . . [and] is further complicated by the fact that many of these employees are trainees, who require additional guidance, training, and monitoring during their shifts. It should be stressed that this is not a back-office type of situation where some amount of variation in staffing levels can be routinely accommodated, but a real-time, front-line operation dealing directly with the general public.

A shift has traditionally been defined as consisting of a full eight hour tour of duty, e.g., day, evening, and night shifts. The GSSG was developed during a time when compressed work schedules (CWS's), flexitime, and similar work scheduling options were well-established and widely used. Therefore, using the term “shift,” without reference to CWS or flexitime, must be considered a careful and deliberate decision by OPM in its developing of the GSSG. TSC staff operate during a nine-and-three-quarter hour work day, which is three-quarters of an hour longer than a typical Federal eight-and-one-half hour work day. The TSC tour structure is most appropriately considered as a broadened flexitime construct. As in any CWS or flexitime situation, office coverage during hours of operation is a standard, predictable supervisory responsibility. Integral to second level supervisory responsibilities at Level 3-3 is controlling leave, overtime, and similar scheduling issues for the larger workloads managed through

subordinate team leaders, leaders, team chiefs, or comparable personnel as evidenced by your use of four subordinate supervisors to manage the TSC.

Our fact-finding revealed the 800 number system is monitored in Baltimore and moves traffic with the goal of having all calls answered within five minutes. Calls are routed to Jamaica and then to your TSC based on availability. Serious call backups can and are handled by this process as evidenced by the spill over calls the TSC handles from other offices. The record also shows the workload volume issues stressed in your appeal rationale are controlled, in large part, through a sophisticated computerized calling system. In contrast, shift work requires greater attention to planning, coordinating, and integrating work, e.g., by assuring work is successfully passed off from one shift to another, and resources are staged to support the work to be accomplished within each shift. Therefore, we find this situation is not creditable to your position.

3. Fluctuating Work Force or Constantly Changing Deadlines

The GSSG provides for crediting Fluctuating Work Force when the work force supervised by the position has large fluctuations in size (e.g., when there are significant seasonal variations in staff) and these fluctuations impose on the supervisor a substantially greater responsibility for training, adjusting assignments, or maintaining a smooth flow of work while absorbing and releasing employees. Constantly Changing Deadlines may be credited when frequent, abrupt, and unexpected changes in work assignments, goals, and deadlines require the supervisor constantly to adjust operations under the pressure of continuously changing and unpredictable conditions.

You initially claimed the work flow in the TSC; i.e., balancing of daily telephone traffic, heaviest workloads in the beginning of the week, different demands certain days of the month, and heavy traffic the first three months of the year due to new claims, and constantly increasing workload place a heavy demand on your position. You cited the need to use “spike” employees, the unpredictability of a workload increase due to phone system problems, media reports, or similar system problems as continuing workload management difficulties. If the event is severe enough, you may have to redeploy your staff to other offices. You cited the impact of constant program changes, the need for “almost immediate briefings and training on the latest changes,” and the high turnover rate which typically prevents you from achieving your “authorized staffing level,” the significant portion of the workforce in a training status as conditions supporting the crediting of this situation.

Reacting to your agency’s response to your initial rationale, you claimed this situation is creditable based on the work tour structure of the TSC that imposes “a substantially greater responsibility for training, adjusting assignments, and maintaining a smooth flow of work.” You also stated ensuring that “variable schedule employees receive the same training made

available to regular employees” is “especially difficult.” You discussed the impact of the “high attrition rate” for mixed tour and part time employees. You stated the need to assure personnel administrative changes are made when employees are converted from full-time to part-time and vice versa, claiming this constitutes “basically two-separate employment seasons, each with its own characteristics and complications,” adding to the difficulty of supervision. You challenged your agency’s “rather cavalier dismissal” of the workload and its importance to the agency, claiming: “TSC managers *are* aware that their workload is cyclical and they *do* make appropriate plans to deal with it. That isn’t the point. It is whether the workload imposes a substantial additional burden on the supervisor.” You provided additional detail on work planning demands, including refresher training, new procedures to handle workload, the demands of off-telephone overpayment work, the impending impact of Welfare to Work and the change from fixed day monthly check issuance to a system of staggered issuances, the pending installation of new systems equipment and software, claiming they all have an impact on TSC management. You stated:

In summary, the additional burdens placed on the manager by the nature of the TSC work, the makeup of the workforce, the flexibility of employee schedules and the unpredictability of staff available vs. call volume, the cyclical nature of the work, the constantly changing legislative policy, procedural, and technical framework, the continual need for training, the high turnover, the constant pressure to meet an ever-present 5 minute deadline, the requirements for accuracy and world-class customer service, and similar considerations . . . make the TSC manager’s job materially more difficult and significantly add to her responsibilities. Whether this impact on the position is credited under *shift work*, or under *workforce and deadlines*, or both is unimportant—simply stated, this overall situation should be credited to the position.

The position classification process requires that the full intent of a PCS be discerned and applied according to established classification principles and practices that do not permit crediting the same aspects of a position multiple times. For example, we may not credit dealing with the impact of multiple tours, and similar workload control and assignment issues under Shift Operations, Physical Dispersion, and this situation. As a threshold PCS, Special Situations requires that three of eight situations be met fully to add an additional level under Factor 6. The presence of a substantial number of and widely varying alternative situations shows the GSSG recognizes many positions may meet one or two additional demands, but not three and, therefore, will not receive an additional level for this factor.

These situations deal with various conditions not credited fully in applying earlier portions of the GSSG. For example, Factor 3 covers the demands of work planning, scheduling, employee instruction, and similar inherent supervisory duties and responsibilities. In crediting Level 6-3 to your position, we acknowledged the coordinative demands of your position in ensuring

consistency of product, service, interpretation, or advice; conformance with the output of other units, with formal standards, or with agency policy, and coordinating with supervisors of other units to deal with requirements and problems affecting others outside the organization.

The turnover information you provided at our request shows that 19 employees left the TSC from June 1995 to December 1996. Nine of these employees resigned in lieu of termination, four of whom were in the same class of trainees. Two employees transferred to other TSC's, one was promoted, two were fired, one retired, and three left for better jobs. Information you provided shows you had summer aides in 1995 and 1996, and anticipate one in 1997. The appeal record shows turnover is predicable and anticipated based on the nature and conditions of TSR work, but do place a burden of additional training on you and your staff. Primary turnover, however, is among the mixed tour staff due to the limited hours of work. Full time staff turnover is limited and typically is to enter other SSA field offices with greater career potential. These losses, however, fall far short of "large fluctuations" as defined by the GSSG, e.g., large seasonal variations in the staff. These large fluctuations are typified by demanding and concentrated recruitment and related functions, including extensive training or similar preparatory requirements, and planning for and implementing large scale staff losses. The appeal record shows the work force fluctuations in your TSC do not have an equivalent impact on your supervisory demands.

TSC work assignments, goals, and deadline changes are not frequent and abrupt within the meaning of the GSSG. Within the past year, problems shut down the telephones for one day. There was sufficient non-telephone work, however, to continue operations at the TSC. If equipment problems persist beyond one day, you must consider sending your staff to other sites, contacting your supervisor, the Area Director, the union, and the other sites. As discussed previously, TSC workload is entirely locally controlled. Major 800 number system problems are controlled by Baltimore headquarters rerouting, and more limited issues are controlled and monitored at the [location] Virtual Megacenter, through which calls are distributed to your TSC. This multi-layered control network system, and the relatively predictable peaks and valleys of activity based on historical information, fail to meet the frequency, abruptness and unexpected nature of changes required for the crediting of this situation to your position.

4. Physical Dispersion

The GSSG provides for crediting this situation when a substantial portion of the workload for which the supervisor is responsible is regularly carried out at one or more locations that are physically removed from the main unit (as in different buildings, or widely dispersed locations in a large warehouse or factory building), under conditions that make day-to-day supervision difficult to administer.

Although you have since withdrawn your claim for the crediting of this situation, we believe your rationale would benefit from a discussion of this situation. The third exclusion in the GSSG states positions with continuing supervisory responsibility meeting the minimum coverage requirements of the GSSG may be graded by using the GSSG provided “due care is taken to avoid crediting direction of the same work” to supervisors in different chains of command. The example alluded to in the GSSG is of a supervisory position that also oversees project or program management work performed by employees who officially report to and are under the permanent supervision of supervisors in a different chain of command. “Spike” employees performing TSC work are permanently in the PSC chain of command. As such, these employees are precluded from being credited to your position under the GSSG, whether you previously provided training to them or continue to answer their technical questions.

5. Special Staffing Situations

The GSSG permits crediting this situation when: (1) a substantial portion of the work force is regularly involved in special employment programs; or in similar situations that require involvement with employee representatives to resolve difficult or complex human resources management issues and problems; (2) requirements for counseling and motivational activities are regular and recurring; and (3) job assignments, work tasks, working conditions, and/or training must be tailored to fit the special circumstances.

In your initial appeal rationale, you stressed the workload pressure in the TSC, dealing with an often unhappy clientele who:

are usually bolder and more aggressive over the phone than they would be in person, and often have personal problems which may be unrelated to their benefits claim or informational request, but which surface simply because the phone number is toll free and available (for instance, suicide calls are relatively frequent, and bomb and death threats are occurring with more and more regularity).

You stated the “constant changes in legislation, regulations, policies, and procedures” increase the stress level, further accentuated by calls coming in from around the country that require familiarity with “state practices as they pertain to SSA matters.” The stressful and demanding nature of TSC work produces “a great deal of absenteeism” and your “Subordinate managers are continually referring employees for counseling, arranging for sessions either in a group setting or one-on-one.” In addition, many TSC employees “are single parents and have child care problems, and additional cause of absenteeism.” You claimed the “relatively low pay in comparison to many other jobs to which the better TSC employees may aspire,” the “many different cultures and socio-economic levels represented” in the TSC workforce place “additional pressures on management in dealing with workplace issues.” You stated you had

to meet with union representatives on a regular basis “to discuss office problems and try to solve many of the grievances filed by the employees.”

You stated “the TSC employs many blind, deaf, and other physically handicapped employees. Usually there are four totally blind employees out of the overall staff of 50 or more TSRs” which impose “special requirements for counseling and motivation.” In addition, “job assignments, working conditions, and training must be tailored to fit the special circumstances of these employees. To this end, you work with the “Handicapped Coordinator in the New York Regional Office” who is often in contact “with the Handicapped Coordinator in the Baltimore Central Office whenever problems occur with the software or any equipment that blind employees use.” Because the TSC lacks a reader, your TA’s and subordinate supervisors must sit with the blind TSR employees to read names off a list for their overpayment work, prepare special disks for training purposes, know how to operate the special equipment, and prepare handouts and other training material in different formats accessible to those without sight.

Our fact-finding revealed the TSC currently has two blind employees; each reports to a different supervisor. You meet at least weekly with the on-site union representative, who is a member of the local award panel, and deal with a wide range of issues as an integral part of the Partnership process, e.g., employee training, the office relocation to [location name]. You are a management representative on arbitration cases, and have the authority to settle EEO cases; you settled two of the three cases filed against the management staff within the past eight months. Information you provided at our request shows you reprimanded three employees and gave one a sick leave warning in 1995. In 1996, you reprimanded one employee, fired two, gave sick leave warning to two, and one on sick leave restriction. In 1995, you referred 11 employees to counseling, 10 in 1996, and 5 to date in 1997. Some of the employees referred eventually resigned in lieu of termination during their probationary period.

The subject-matter knowledge required in TSR work and the stress integral to TSR client contacts has been credited fully in the evaluation of the TSR positions; i.e., “knowledge of State law relationship with SSA benefits and working with people who May be uncooperative, irate or confused requiring the employee to use tact and diplomacy to persuade and motivate. . . .” These aspects of TSC work have been credited under Factor 5 and may not be credited again as discussed previously in this decision.

The intent of this situation is to recognize the heavy demands on the supervisor’s time in dealing with difficult and complex human resource issues and problems. Two blind employees, or the previous four employees, are not a substantial portion of the work force. The demands on your position are mitigated by the involvement of two immediate supervisors and the TA’s. The number of disciplinary and work performance and counseling problems are issues properly recognized under this situation. The extensive internal training discussed previously for new

mixed tour employees; the need to breakout work and tailor work for the significant number of employees in developmental positions from that performed by full performance level TSR's; and the need to refer employees to counseling, including some trainees who evidence performance problems despite intensive training also are properly considered under this situation. When viewed as a whole, these human resource management issues reflect the difficulty and complexity of staffing and related issues supporting the crediting of this situation to your position.

7. Changing Technology

The GSSG credits this situation when processes and procedures vary constantly because of the impact of changing technology, creating a requirement for extensive training and guidance of the subordinate staff.

Your initial appeal rationale claimed the TSC was "on the cutting edge of telecommunications technology," and:

Constant change in telephone and computer systems, software enhancements, the introduction of new technology, the upgrading of current equipment to handle new requirements, and the auto-mation of manual procedures are habitual. To provide a relatively homely example of systems enhancement, in the near term the Teleservice Center staff will have to be trained on a new electronic version of a Supplemental Security Income procedure which will require different input and a new modified SSA Worksheet.

You provided information on the telephone equipment knowledge you must apply in maintaining the TSC system, and the challenges in moving the system from [location name] to [location name]. You provided information at our request on the pending installation of IWS/LAN technology, including training requirements; provided information on administrative support software updates and enhancements, e.g., MTAS (mainframe time and attendance system) used to process pay and leave for SSA personnel; ABC (administrative budget control) consisting of eight related programs capturing all administrative spending done by SSA offices; PCRS (purchase card activity) automating the process of reporting credit card purchases; CIRP (comprehensive integrity review process) used to review data use by the staff; travel manager used to prepare travel orders and authorize travel expenses; and, the pending FPPS (federal personnel and payroll system) that will replace the HHS IMPACT system. You also provided a list of software releases for March 1996 through March 1997 and the training given as the result of software changes.

Our fact-finding revealed during the months of April through December all TSC's are given one hour on a set day, two to three times a month, to train the entire staff. The nature of TSC

tours, particularly mixed tour and part-time, make it difficult to schedule the training to cover the entire staff and require arrangements for employees who miss the training. The training covers updates on problems and work review issues, observations, and new legislation. Information you provided, dated March 27, 1997, describes the pending SSI claims process changes (MSSICS release 4.4) as “a pivotal release for SSI modernization since it is the first to address PE [posteligibility]. Much of the screen design and data collection currently used in the MSSICS initial claim environment will be extended into the modernized PE system.” You included a planning guide for the system, dated December 6, 1996, included projected training time requirements; i.e., 16-20 hours for TSR’s. One supervisor attended the training in Baltimore and will train supervisory and TA’s from [location name], [location name], and [location name] who, in turn, will train their staffs.

Unlike other SSA components that receive basic and follow-on subject matter training from a regional staff component, the TSC’s perform their own basic and follow-on training. In an effort to place the training demands of your position in context, we requested additional information from your supervisor documenting major training on systems updates in the past five years. The training information supplied ranges from SSI training (40 hours) in August 1990 through 2.8.1 Earnings Modernization Update in October 1996 (2 hours), for a total of approximately 190 hours. Immediate and future training on M Text (SSI overpayment letters - 8 hours) and MSSICS release 4.4 (SSI Inputs-24 hours), add an additional 32 hours for a total of 222 hours for the period of August 1990 through October 1997. This equates to an average of approximately 37 hours of “major training on system updates” per year. Migration to personal computers from dumb terminals (the IWS/LAN migration), the first major equipment change in approximately 10 years, will include 12 non-consecutive hours of mandatory introductory training, with optional components.

We find TSC training, although more intense than typical of some Federal organizations, is not extensive within the meaning of the GSSG. The training on SSI (40 hours) in 1990 and SSI overpayments (40 hours) in 1994 reflect basic program changes flowing from planned management action, and not training emanating from processes and procedures that vary constantly due to the impact of changing technology as covered by this situation. The latter training initiative was part of the agency decision to assign sufficient GS-8 grade level work to the TSC’s to upgrade non-mixed tour TSR positions to GS-8. IWS/LAN training reflects migration from old to current widely used automation technology and cannot be construed as an impact of changing technology within the meaning of the GSSG. Therefore, training caused by SSA process and procedures changes must be construed as substantially less than the 37 hours per year, falling far short of the intent of **constantly** varying processes and procedures due to the impact of changing technology within the meaning of the GSSG. Although a number of new management systems have been added over the past two years, a limited portion of your staff is involved, e.g., subordinate supervisors and/or the secretary, falling short of the broad staff impact specified in the GSSG; i.e., extensive training and guidance of the

subordinate staff. We find the training you described fully covered and credited under Level 3-3b, and the coordinative demands credited under Level 6-3; i.e., training to assure consistency of product, service, and interpretation, and conformance with agency standards and policy. Therefore, your position may not be credited with this situation.

8. Special Hazard and Safety Conditions

The GSSG credits this situation when the supervisory position is regularly made more difficult by the need to make provision for significant unsafe or hazardous conditions occurring during performance of the work of the organization.

In your initial appeal rationale, you claimed you: (1) inform blind employees of any physical office changes; (2) deal with employee concerns regarding the impact of VDT exposure on unborn children; (3) respond to constant headset complaints regarding buzzing and, at times, shocks; (4) deal with the danger of thunderstorms because lightning can damage equipment and “can enter the phone lines providing shocks and deafening noise”; (5) make frequent inspections to assure cables and wiring are shielded and covered and do not cause a tripping hazard; (6) deal with old TAP terminals that, due to age, have shorted out, causing smoke, odor, and the danger of fire; (7) assure critical temperatures in the telephone equipment room are maintained; and, (8) conduct monthly safety meetings, make sure fire extinguishers are working and the staff is trained to use them. You stated you had to assure safety was considered in the design of the new TSC site.

Responding to the appeal administrative report, you stated the GSSG does not “limit it [this situation] to ‘law enforcement, warehouse hazards, [or] exposure to environmental hazards’ as SSA believes.” You restated your claim that the TSC mission “creates an extremely sensitive health and safety environment” because “high stress jobs . . . must be carried out in a constricted area, with repetitive motion and integral part of their function.” You stressed the need to deal with repetitive motion problems by providing time off-line for employees, dealing with “special or complex leave problems, workers’ compensation issues” and issues under the Americans with Disabilities Act. You repeated your rationale regarding headphone hazards, blind employees’ issues, and TAP terminal safety. You referenced the SSA job safety analysis (JSA) project pursued since 1995 regarding TSR positions, and the continuing interest by the union in these issues.

Additional information you submitted at our request, in support of your rationale, included an employee claim to the U.S. Department of Labor, Office of Worker’s Compensation regarding the tearing of an earlobe due to headset pressure on earlobe and earring, and a March 10, 1997, report on an ergonomic workplace survey conducted for SSA. The report reported on medical complaints by TSC employees, and work place discomforts. Our review of the report revealed, however, a higher medical treatment rate, e.g., 37 percent for Claims Representatives, than

TSC employees (34 percent). The report indicated TSC employees reported the highest level of discomfort, primarily consisting of hand/wrist discomfort. We note, however, 68 percent of the respondents who use headsets consider them comfortable.

The GSSG was developed during a time when the ergonomic issues you cite as impacting your employees were well-known and typical of many office operations. Scheduling breaks, assuring that wires and cables too not create a hazard and that blind employees are informed of changes are not significant actions dealing with special safety hazard and safety conditions within the meaning of the GSSG. PC or terminal fires are easily remedied by standard precaution and actions; i.e., cutting off electricity. This situation concerns managing people. It does not pertain to assuring air conditioning is supplied to the telephone equipment room or planning general office ergonomic layout. Therefore, this situation is not creditable to your position.

Our fact-finding revealed office leases generally last for ten years. Therefore, while your work in planning the move was demanding, it is not regular and recurring work within the meaning of the GS classification system as defined in the Introduction (page 23) and, thus, may not control the classification of your position. Similarly, your involvement in the TSC Managers Workshop held every 18 months, participation on the Federal Executive Board, and participation in the "SSA management society" are functions ancillary to your regular and recurring basic TSC management duties and may not control or substantially impact the classification of your position.

Summary

In summary, we have credited your position as follows:

<u>Factor</u>	<u>Level</u>	<u>Points</u>
1	1-2	350
2	2-2	250
3	3-3b	775
4		
A.	4A-2	50
B.	4B-2	75
5	5-4	505
6	6-3b	<u>975</u>
		2,980 Total Points

The total of 2,980 points falls within the GS-12 point range of 2,755-3,150 points in the GSSG Point-to-Grade Conversion Chart. We, therefore, find that your position is evaluated properly

to the GS-12 grade level by application of the GSSG. Based on the above analysis, it is our decision that your position is classified properly as Supervisory Contact Representative, GS-962-12.

Integral to your rationale is your claim regarding magnitude, described previously, that no first or second echelon supervisors in SSA or in other agencies would meet the caseload standard established by OPM in previous SSA appeal decisions. OPM has found that some district manager positions would meet Level 1-3 for this aspect of Scope. OPM has issued decisions for second level field supervisors in other Federal agencies that found Level 1-3 was met in its entirety.

Please be assured that this decision is not intended to reflect on your abilities, qualifications, or the quality of your performance. Rather, it reflects our evaluation of your position based on a comparison of your duties and responsibilities with the appropriate standards.

Sincerely,
/S/ 9/24/97

Robert D. Hendler
Classification Appeals Officer

cc:

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