

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

San Francisco Field Services Group
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [Appellant's name]

Agency classification: Supervisory Human Resources Specialist
GS-201-13

Organization: Employee and Labor Relations Section
Personnel Branch
[Appellant's organization/location]
Internal Revenue Service
U. S. Department of the Treasury

OPM decision: Supervisory Human Resources Specialist
GS-201-13

OPM decision number: C-0201-13-04

Carlos A. Torrico
Classification Appeals Officer

June 6, 2003
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[The appellant's address]

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Introduction

On January 23, 2003, the San Francisco Oversight Division, now the San Francisco Field Services Group, of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. On February 14, 2003, the Division received the agency's administrative report regarding the appeal. The appellant's position is currently classified as Supervisory Human Resources Specialist, GS-201-13, but he believes it should be classified at the GS-14 grade level. The appellant works in the Employee and Labor Relations Section, Personnel Branch, [appellant's organization/location], Internal Revenue Service (IRS), U.S. Department of the Treasury. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

This decision is based on a thorough review of all information submitted by the appellant and his agency. In addition, an OPM representative conducted separate telephone interviews with the appellant and his immediate supervisor, the Personnel Branch Chief, to gather more information about the position.

General issues

The appellant contends that his standard position description (PD) [number] does not adequately describe his duties and responsibilities, and commented on the classification review process conducted by his agency. A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. This decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

The appellant compares his position to higher graded ones in his organization that he believes are similar to his but classified at the GS-14 level. Therefore, he contends his position warrants that grade level. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal, and have considered his statements only insofar as they are relevant to making that comparison. The appellant also discusses the large amount of work he performs. However, volume of work cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5).

The appellant's agency has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to his

agency's personnel headquarters. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as his, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

Position information

As Chief of the Employee and Labor Relations Section, the appellant spends all of his time supervising a staff of human resources specialists and support personnel. His section consists of thirteen positions (excluding his own): two HR Specialists (Employee and Labor Relations-E&LR), GS-0201-13, eight HR Specialists (E&LR), GS-0201-12, [locations of GS-12 staff], two HR Assistants, GS-0203-7 and one HR Assistant, GS-0203-5. The primary mission of the section is to support the operations of the [name of unit] consisting of approximately 6,000 employees dispersed over a geographic area covering three [location] states. His unit provides the full realm of advice and technical assistance in two specialized human resources management functions (employee and labor relations). Services offered range from answering questions about basic obligations and responsibilities to representing management in labor management negotiations and acting as management representative or technical assistant in third party proceedings before arbitrators, the Federal Labor Relations Authority, the Merit Systems Protection Board, and others. Related to his managerial responsibilities, the appellant is also designated as Primary Point of Contact (PPOC) for the [city] metropolitan area. PPOC's are designated the primary contact for communications with Senior Commissioners' Representatives (SCR's), local executives and managers, and various union officials, regarding site-specific, cross-functional issues affecting more than one business unit.

The results of our interviews and other material of record provide more information about the appellant's duties and responsibilities, and how they are performed.

Series, title, and standard determination

The agency has assigned this position to the Human Resources Management Series, GS-0201, titling it Supervisory Human Resources Specialist, and the appellant does not disagree. We concur with the agency's title and series determination. The GS-0201 series is covered by the Job Family Position Classification Standard (JFS) for Administrative Work in the Human Resources Management Group, GS-0200. The GS-0201 series covers two-grade interval positions that manage, supervise, administer, advise on or deliver human resources management products or services.

Because the appellant's position fully meets the coverage requirements for evaluation as a supervisor specified in the General Schedule Supervisory Guide (GSSG), we have evaluated the grade of his position by application of the grading criteria contained in the guide as discussed below.

Grade determination

The GSSG is a cross-series guide used to determine the grade level of supervisory positions in the General Schedule. The GSSG has six evaluation factors, each with several factor level definitions and corresponding point values. Positions are evaluated by crediting the points designated for the highest level met under each factor, and converting the total to a grade by using the grade conversion table provided in the guide.

In his appeal the appellant does not dispute his agency's assignment of Level 1-3 for Factor 1, Program Scope and Effect, and Level 2-1 for Factor 2, Organizational Setting. After careful review, we concur with the agency's crediting of Factor 2, but disagree with the level assigned for Factor 1. Our analysis of five of the six factors follows.

Factor 1, Program Scope and Effect

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To assign a factor level, the criteria dealing with both scope and effect, as defined below, must be met.

Scope

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

At Level 1-2a the program segment or work directed is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within agency program segments.

Level 1-3a discusses directing a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage which encompasses a major metropolitan area, a State, or a small region of several States; or, when most of an area's taxpayers or businesses are covered, coverage comparable to a small city. Providing complex administrative or technical or professional services directly affecting a large or complex multi-mission military installation also falls at this level.

The appellant's position meets Level 1-2a but falls short of fully meeting Level 1-3a. While his administrative support work covers approximately 6,000 employees dispersed over several States, he supports the work of a typical IRS field or area office. Although at times the work can be complex, it does not directly affect a large or complex multi-mission military installation (or the equivalent) as defined in the GSSG. The position is similar to the first work illustration under Level 1-2, which describes positions directing budget, staffing, supply services, etc., for an

agency field office. In the appellant's case he directs employee and labor relations which is one component of a broad human resources management program, comparable and at the same level as a staffing function in a human resources office. This is in contrast to the third illustration under Level 1-3 where a position directs a variety of administrative services (including all personnel functions) which support and directly affect the operations of a bureau, a major military command, or a large or complex multi-mission military installation.

Level 1-2a is credited for scope.

Effect

Effect addresses the impact of the work, the products, and/or the programs described under scope on the mission and programs of the customer, the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

At Level 1-2b, the services or products support and significantly affect installation level, area office level, or field office operations and objectives, or comparable program segments; or provide services to a moderate local or limited population of clients or users comparable to a major portion of a small city or rural county.

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

The appellant's position meets Level 1-2b, but not Level 1-3b. Like Level 1-2b, the support services in employee and labor relations that his position provides significantly affect the operations of his field office. Unlike Level 1-3b, the services and functions provided do not impact a wide range of agency activities, the work of other agencies or the operations of outside interests, or the general public. Although the position is located at a field activity, it does not involve large, complex, multi-mission organizations, where the work directly impacts essential support services within that organizational environment, such as the impact of managing the entire human resources program.

Level 1-2b is credited for effect.

As both subfactors under Factor 1 are credited at Level 1-2, that level is credited and 350 points are assigned. *Factor 3, Supervisory and Managerial Authority Exercised*

This factor covers the delegated supervisory and managerial authorities that are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the extent described for the specific level. The agency awarded Level 3-2 to the appellant's position, but he believes his position meets Level 3-3. Level 3-2 requires that the position must meet one of the paragraphs a, b, or c. Paragraph a discusses production-

oriented work and b describes situations where work is contracted out. Neither is appropriate for this position. At Level 3-2c, the position must have responsibility for carrying out at least three of the first four and a total of six or more of the ten authorities and responsibilities listed in the guide. The appellant's position fully meets the criteria for Level 3-2c.

To be credited at Level 3-3, paragraph a or b must be met.

Level 3-3a describes positions exercising delegated managerial authority to set a series of long-range work plans and schedules, assuring implementation of goals and objectives by subordinate organizations. They determine goals and objectives that need additional emphasis, determine the best approach for resolving budget shortages, and plan for long-range staffing needs. The positions are closely involved with high-level program officials in development of overall goals and objectives for assigned functions or programs. For example, they direct development of data, provision of expertise and insights, securing of legal opinions, preparation of position papers or legislative proposals, and execution of comparable activities that support development of goals and objectives of high levels of program management and development or formulation. The appellant's position does not meet Level 3-3a. Although he develops annual work plans, he is not delegated managerial authority for developing and determining overall program goals and objectives. Such authority rests with higher level management officials within the agency.

Level 3-3b may be credited when the position exercises all or nearly all of the delegated supervisory authorities and responsibilities described at Level 3-2c and, in addition, at least eight of the fifteen responsibilities discussed under Level 3-3b. While the appellant meets Level 3-2c, his position does not fully meet Level 3-3b. Our review disclosed that he meets only one of the fifteen authorities listed. The position meets number 2 in that he exercises significant responsibilities in dealing with officials of other units or organizations, including heads of IRS business units and union officials, and advises higher ranking management officials on labor relations negotiations and the impact of arbitration decisions. Our analysis of the remaining responsibilities follows.

Responsibilities 1, 3, 5, 6, and 8 are intended to credit only supervisors who direct two or more subordinate supervisors, team leaders, or comparable personnel. To support these designations they must perform those duties on a regular and recurring basis. There are two senior workforce relations consultants (GS-201-13) assigned to the appellant's section. One is primarily concerned with project work, and serving as an additional resource for advice and assistance to field managers and staff. The other is the official time coordinator concerned with all matters relating to the use of official time by union officials and bargaining unit employees, and also serves as a senior negotiator. Neither position meets the intent for assignment of the five responsibilities noted above, and there are no team leaders or comparable personnel.

Responsibility 4 is not met as the appellant does not direct a major program segment at the multimillion dollar level of annual resources. Responsibility 7 is not met as the appellant recommends but does not approve selections for subordinate non-supervisory positions.

Responsibilities 9, 10, 11, and 13 are not met because those authorities and responsibilities are exercised by the Personnel Branch Chief or higher level managers. Responsibility 12 is not met as there is no contractor performed work under the appellant's jurisdiction.

Responsibility 14 is not credited because, although he can recommend awards for subordinate non-supervisory personnel, the agency's positions are described on standard PDs and the opportunity to recommend changes and the likelihood of his recommendations being accepted and leading to changes in the classification of those positions is minimal.

Responsibility 15 applies to supervisory and managerial positions that oversee organizations with workloads that are so large and complex as to require attention to team building, reducing barriers to production, or improving business practices. The appellant does not oversee a workload of that magnitude and complexity. His efforts to improve office operations meet the demands of finding ways to improve production or increase the quality of work directed described at Level 3-2c.

In summary, we have credited the position with responsibility 2. Because the position is not credited with 8 or more of the listed responsibilities, it fails to meet Level 3-3b and must be credited at Level 3-2c with 450 points assigned.

Factor 4, Personal Contacts

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

Subfactor 4A-Nature of contacts

This subfactor covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work. To be credited, the level of contacts must contribute to the successful performance of the work, be a recurring requirement, have a demonstrable impact on the difficulty and responsibility of the position, and require direct contact.

The appellant's position exceeds Level 4A-2, and meets Level 4A-3. Like Level 4A-2, the appellant has contacts with higher ranking managers, supervisors, and staff of program, administrative, and other work units and activities throughout his field activity. His contacts may be informal, occur in conferences or meetings, or take place through telephone or similar methods. Such contacts may require nonroutine or special preparation on occasion. Like those described at level 4A-2, the appellant has frequent contacts with managers, supervisors, and staff, including the Personnel Branch, [names of units], the National Office, and the [name of unit]. However, like Level 4A-3, as part of his supervisory related managerial responsibilities, he is the primary point of contact (PPOC) for the [name of city] metropolitan area for responding to questions and inquiries from IRS Senior Commissioners Representatives (SCR's) at bureau headquarters, various national officials and representatives of the exclusive representative National Treasury Employees' Union, and other executives and managers regarding cross functional issues affecting more than one business unit. Similar to Level 4A-3, these contacts are sometimes unanticipated, and because the PPOC is designated by higher management as the

technical expert from his section for senior level management officials' inquiries, the appellant maintains up-to-date technical familiarity with complex subject matter.

This subfactor is evaluated at Level 4A-3 and 75 points are assigned.

Subfactor 4B-Purpose of contacts

This subfactor covers the purpose of the personal contacts credited in Subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities *related to supervision and management*.

At Level 4B-2 the purpose of contacts is to ensure that information provided is accurate and consistent; to plan and coordinate the work directed with that of others outside the subordinate organization; and/or to resolve differences of opinion among managers, supervisors, employees, contractors, or others.

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

The appellant's position meets Level 4B-2 but falls short of Level 4B-3. Like Level 4B-2 he ensures that employee and labor relations information provided to others both within and outside his organization is accurate and consistent; plans and coordinates his work with sections outside his immediate unit; and resolves differences of opinion among managers, supervisors, and others, particularly relating to interpretation of the labor contract, and employee and labor relations case law and precedents.

The appellant's position does not meet Level 4B-3. That level requires justifying, defending, or negotiating on behalf of the organization with the necessary level of authority to commit resources and gain compliance with established policies of the organization (in the appellant's case, the Employee and Labor Relations Section of the Personnel Branch). In order to represent the organization in program defense or negotiations, a supervisor must have the requisite control over resources and the authority necessary to gain support and compliance on policy matters. In short, all three of the conditions listed under factor level 4B-3 must be present in a position to award credit for this level. The appellant does not have the responsibility and authority to obtain or commit resources for his section. That responsibility resides at higher management levels. Moreover, his contacts do not involve justifying, defending, or negotiating matters when representing his unit.

This subfactor is evaluated at Level 4B-2 and 75 points are credited.

Factor 5, Difficulty of Typical Work Directed

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others. The level is determined by determining the highest grade which best characterizes the nature of the basic (mission oriented) nonsupervisory work performed or overseen by the organization directed; and which constitutes 25 percent or more of the workload of the organization. Certain positions are excluded from consideration in making the determination. These include work of lower level positions that primarily support or facilitate the basic work of the unit; any subordinate work graded based on criteria in the GSSG or the General Schedule Leader Grade-Evaluation Guide; work that is graded based on an extraordinary degree of independence from supervision, or personal research accomplishments; and work for which the supervisor or a subordinate does not have the responsibilities defined under Factor 3. The agency credited this factor at Level 5-7, but because he has two subordinate GS-13s in his section, the appellant believes it should be credited at Level 5-8

As previously discussed under "Position Information", the appellant supervises thirteen positions. We have excluded from base level consideration both of the HR Specialist (E&LR), GS-0201-13 because each functions with an extraordinary degree of independence from supervision. Although the GS-0201-13 (Official Time Coordinator) receives administrative supervision from the appellant, the position maintains full and final authority in all decisions relating to his particular area of expertise, lending more to a consultative relationship (as opposed to a subordinate one) with the appellant in terms of the technical aspects of his primary area of responsibility. The other HR Specialist (E&LR), GS-0201-13 also receives only administrative supervision, operating with an extraordinary degree of independence from supervision in the two HR specialties of employee relations and labor management relations. She is considered to be a top senior expert and an authoritative resource to top-level management for all phases of the employee and labor relations programs. The Human Resources Assistant, GS-0203-5 position is excluded as it primarily supports or facilitates the basic work of the unit. All other positions are included, and for purposes of this decision we are accepting the agency's classification of the subordinate positions.

Based on our review, the highest grade which best characterizes the nature of the basic (mission oriented) non-supervisory work performed in the appellant's section, and constitutes 25 percent or more of the workload of the organization is GS-12. Using the conversion chart in the GSSG for Factor 5, that base level equates to Level 5-7 and 930 points are credited.

Factor 6, Other Conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. The agency credited this factor at Level 6-5 but the appellant believes Level 6-6 is appropriate.

Level 6-5 describes three sublevels; assignment of any one of them warrants crediting a position at Level 6-5. Supervision and oversight at Level 6-5a requires significant and extensive coordination and integration of a number of important projects or program segments of professional, scientific, technical, managerial, or administrative work comparable in difficulty to the GS-12 level. Supervision at this level involves major recommendations which have a direct and substantial effect on the organization and projects managed; including in at least three of the following areas or comparable ones: (a) significant internal and external program policy issues affecting the overall organization, (b) restructuring, reorienting, recasting immediate and long range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, and/or funding, (c) determinations of projects or program segment to be initiated, dropped, or curtailed, (d) changes in organizational structure, including the particular changes to be effected, (e) the optimum mix of reduced operating costs and assurance of program effectiveness, (f) the resources to devote to particular programs, (g) policy formulation, and long range planning in connection with prospective changes in functions and programs.

Level 6-5b involves supervision of highly technical, professional, administrative, or comparable work at GS-13 or above involving extreme urgency, unusual controversy, or other comparable demands due to research, development, test and evaluation, design, policy analysis, public safety, public health, medical, regulatory, or comparable implications.

Level 6-5c involves managing work through subordinate supervisors and/or contractors who each direct substantial workloads comparable to the GS-11 level.

Level 6-6 describes two sublevels; assignment of either one warrants crediting Level 6-6. Level 6-6a requires exceptional coordination and integration of a number of very important and complex program segments or programs of professional, scientific, technical, managerial, or administrative work comparable in difficulty to the GS-13 or higher level. Supervision and resource management at this level involves major decisions and actions that have a direct and substantial effect on the organizations and programs managed. For instance, supervisors at this level make recommendations and/or final decisions about many of the management areas listed under Factor Level 6-5a. At Level 6-6b the position manages through subordinate supervisors and/or contractors who each direct substantial workloads comparable to the GS-12 or higher level.

The appellant's position meets Level 6-5a. Similar to that level he supervises administrative work at the GS-12 level, and makes major recommendations in three of the areas listed involving major recommendations impacting the organization and projects managed. For example, he makes recommendations on significant labor relations program policy issues based on changes in laws, precedent court decisions, and arbitration decisions, impacting on program initiatives and issues explained by his staff, and affecting the IRS workforce in the overall organization and geographic area covered. He makes recommendations on changes in his unit's organizational structure and functions to better respond to the installation's employee and labor relations needs, and recommends changes in policy and long range planning in connection with prospective changes in employee and labor relations functions and programs administered by his section, including those related to the IRS Restructuring Agreement. Unlike Level 6-6 his position does not require exceptional coordination and integration of administrative work comparable in

difficulty to a GS-13 or higher base level, and he does not manage through subordinate supervisors who each direct substantial workloads comparable to the GS-12 or higher level.

Factor 6 is evaluated at Level 6-5 and 1,225 points are credited.

Summary

By application of the GSSG, we have evaluated the appellant's supervisory duties as follows:

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-1	100
3. Supervisory and Managerial Authority Exercised	3-2	450
4. Personal Contacts		
4A Nature of contacts	4A-3	75
4B Purpose of contacts	4B-2	75
5. Difficulty of Typical Work Directed	5-7	930
6. Other Conditions	6-5	<u>1,225</u>
<i>Total</i>		3,205

A total of 3,205 points falls into the GS-13 range (3,155-3,600) by reference to the point-to-grade conversion chart in the GSSG. Therefore the appellant's supervisory duties are graded at the GS-13 level.

Decision

The appellant's position is properly classified as Supervisory Human Resources Specialist, GS-201-13.