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Office of Personnel Management

DIGEST OF SIGNIFICANT CLASSIFICATION DECISIONS AND OPINIONS

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Note to Readers

The guidance in this issue is still applicable and useful in classifying positions in the Federal government. However, there may be references to names and addresses of organizations within the U.S. Office of Personnel Management that have changed, names of individuals no longer employed at the Office of Personnel Management, or documents such as the Federal Personnel Manual that no longer exist.

For the December 1997 HRCD-4 release, the Office of Classification Appeals and Fair Labor Standards Act Programs made minor, nonsubstantive edits to Digest issues 1 through 19. For example, acronyms and abbreviations were spelled out in many places, references to law and regulation were expanded, typographical errors were corrected, leading zeros were added to 3-digit series numbers, outdated prefaces have been deleted, and the issuance date were added to the header of each page. Because of the change from the original paper version to an electronic format, the page numbers in Digest issues 1 through 19 and other references, such as the General Schedule classification standards and Federal Wage System job grading standards, now available electronically may have changed. In issues 1 through 19, where there is a reference to a page, we either eliminated the page reference or updated the page number with the page number of the electronic version. Beginning with issue 20, pages references are to the electronic version only. Please note that pages numbers may change when a file is printed depending on the format and printer used.

The Office of Classification Appeals and Fair Labor Standards Act Programs is responsible for the content of the Digest. We be reached by telephone at 202-606-2990, by fax at 202-606-2663, or by email at adomsoe@opm.gov fedclass_appeals@opm.gov.

Digest issues are also available on the Office of Personnel Management's website and electronic bulletin board. The website address is <http://www.opm.gov/classapp> and the ~~electronic bulletin board is OPM ONLINE. Using a modem, dial OPM ONLINE at 202-606-4800. Long distance telephone charges may apply.~~ [OPM ONLINE was discontinued July 1999. The *Digest* can also be found on OPM's CD-ROM entitled General Schedule Position Classification and Federal Wage System Job Grading Standards, which is issued by OPM's Classification Programs Division.]

Standard: [Grade Level Guides for Classifying Investigator Positions, GS-1810/1811](#)

Factor: N/A

Issue: Determining representative period (work cycle)

Identification of the Classification Issue

The Office of Personnel Management centralized and decided appeals from several GS-11 and GS-12 Criminal Investigators from various regions of an agency. All requested a higher grade.

The appeals posed a broad classification question extending beyond specific grade criteria in the Grade Level Guides for Classifying Investigator Positions, GS-1810/1811. The question may arise regarding many types of positions, but it is particularly important in the classification of Criminal Investigator positions, as shown in the following section. The question was:

What period of time should be examined to identify the investigative cases that are to be regarded as representative of the positions for the purpose of grading? (An underlying principle is that actual duties take precedence over a position description and case summaries; therefore, they should be carefully ascertained.)

It should be noted that the "cycle of work" can vary from agency to agency, or even within a given agency. Classifiers must therefore exercise judgment in determining the "cycle of work" for a given position.

Resolution

Regarding the representative period for determining the nature of duties and responsibilities for classification purposes, there is no specific or categorical answer. Recognizing this, the Office of Personnel Management proceeded to identify the significant aspects of the appealed positions and apply general classification principles to develop an answer.

Some cases are protracted, sometimes requiring more than a year, and many of these require substantially full-time effort. As a result, it is not uncommon for one or two cases to occupy virtually all of an Investigator's work time for several months, a year, or even more. Also,

cases which appear to be of a level of complexity appropriate for the positions at the time of their assignment frequently become more complex or less complex because of unpredictable variables largely beyond the agency's control or other variables peculiar to the Investigator and his development of the cases (usually the level of responsibility varies correspondingly). Sometimes cases known to be above or below the level of complexity appropriate for the positions are assigned to meet organizational objectives and needs, and to fully utilize the available investigator staff. As a result, the level of complexity and responsibility, i.e., grade level, of cases being handled is sometimes above and sometimes below the grade level of the positions.

Because of the variations or fluctuations in the grade level of assigned cases, it would not be feasible or reasonable to base the grade of the positions on the grade of the case or cases assigned at the time of the classification examination or assigned for only a limited period in the past. In view of the above, the Office of Personnel Management determined that a sufficient period of time to yield adequate information about the representative nature of cases assigned to the appeal positions is substantially more than one year.

Standard: N/A

Factor: N/A

Issue: What constitutes an official agency classification action

Identification of Issues

The revised regulations on the implementation of classification decisions (section 511.701 of title 5, Code of Federal Regulations) have had an impact on the manner in which position changes are documented, particularly time limits now imposed for effecting position reclassification actions, and time limits for effecting personnel actions. This issue pertains to position reclassification actions taken by an agency, e.g., originating from SF-52's [Request for Personnel Action] or annual classification maintenance reviews.

Resolution

Federal Personnel Manual Letter 511-9, dated March 20, 1981, transmitted advance copies of Federal Personnel Manual Chapter 511, subchapters 6 and 7. Subchapter 7-1a addresses effective dates of position classification decisions made by an agency.

The purpose of the time limits is to establish a uniform procedure for effecting classification and personnel actions so that both types of actions can be processed within a reasonable period of time. This procedure also established a starting time for the two-year grade and pay retention provision prescribed in sections 5362 and 5363 of title 5, United States Code. Three questions are posed and answers provided to give further insight into this procedure:

1. When does a classification decision become an official position action? An agency classification decision takes effect on the date an agency official with properly delegated authority approves the title, series, grade and pay system determination. This is normally the date when the official signs the allocated position description, i.e., block 21 on an Optional Form 8 [Position Description], or an equivalent certification.
2. What is the effective date for a personnel action (SF-50 [Notification of Personnel Action]) resulting from a position classification decision? As indicated in subchapter 7-1a, the agency's classification decision must be implemented by a personnel action within a reasonable period of time, which is not earlier than the date of the decision nor later than the beginning of the fourth pay period following that date. However, if the agency cannot effect the personnel action within this time frame, permission for any

delay must be obtained from the Office of Personnel Management (Assistant Director, Agency Compliance and Evaluation for positions located in the central office's geographic jurisdiction or the appropriate Regional Director for positions in the Region's geographic jurisdiction). The agency may not make a classification action effective retroactively.

3. Why is there a special provision in section 511.701(a)(1)(ii) of title 5, Code of Federal Regulations (and in Federal Personnel Manual Chapter 511, Subchapter 7-1c) for delaying the effective date of a classification decision which changes a position to a lower grade or pay level (with or without a change in duties) when the incumbent is eligible for grade retention?

The provision was necessary under the interim grade and pay retention regulations because they required the retention period to begin on "the date of the reduction in grade," which was interpreted as the date the classification decision was made. Obviously, it would not be feasible to take the grade retention action on the same date. Thus, the classification regulations provided for delaying the date of classification decision to coincide with the date of the beginning of the retention period.

However, the final grade and pay retention regulations changed the date of the beginning of the grade retention period to "the date the employee is placed in the lower graded position." Thus, there is no longer any need to delay the date of the classification decision, because the grade retention period may begin on an appropriate subsequent date, just as any other personnel action, such as a reassignment or promotion.

The time limits for effecting classification and personnel actions resulting from reclassification decisions will possibly require a more organized and disciplined approach to program administration than in the past. Such approach should result in fewer employee grievances and complaints, a minimum number of back pay claims, and improved internal agency classification consistency.

NOTE: Position classification downgrades resulting from material changes in duties and responsibilities, e.g., the content of the official position description is materially more than the actual position (duties assigned and performed on a regular and recurring basis), are not reclassification actions, but rather, are caused by position changes and are processed by reduction-in-force procedures.

Standard: N/A

Factor: N/A

Issue: Use of the [Miscellaneous Clerical and Assistant Series, GS-0303](#)

Identification of the Classification Issue

In adjudicating several position classification appeals and responding to agency requests for clarification or guidance, the Office of Personnel Management issued several decisions and opinions dealing with the use of the GS-0303 series. It appears that several agency classifiers whose work was reviewed by the Office of Personnel Management used the GS-0303 series simply because the position was formerly classified in the GS-0301 series. This item represents the findings of several appellate decisions and advice given to agencies in response to specific questions concerning the use of the GS-0303 series. The GS-0303 series may be appropriate for a given position, but this conclusion can be made only after a careful analysis of all of the significant aspects of the position.

Resolution

Appellate Decision

In the adjudication of a representative classification appeal, an Office of Personnel Management region evaluated a position with the following characteristics:

- Appellant was responsible for purchasing parts and services used to maintain a fleet of government-owned vehicles;
- Appellant performed a variety of accounting duties related to the work of a vehicle repair shop and was responsible for portions of the accounting system and the Working Capital Fund; and
- Appellant performed a variety of miscellaneous clerical duties in support of the shop.

In evaluating these duties, the region found that the purchasing duties were properly classified in the Purchasing Series, GS-1105, and that they represented about 50 percent of the appellant's work time. The accounting duties were found to be classified in the Accounting Technician Series, GS-0525, and they represented about 30 percent of the appellant's time.

Both the purchasing and accounting duties were found to be properly graded at the GS-4 level. The clerical duties were found to be lower-graded and a detailed evaluation of time was not provided in the region's decision. Rather than placing the position in the GS-0303 series, the region concluded that either the GS-1105 series or the GS-0525 series would be appropriate. However, the appellate record did not contain sufficient information on either career progression or recruiting considerations for the region to determine the series. The appeal was returned to the agency for a decision as to which of the two series would be assigned.

Advisory Opinion

Responding to an agency request for additional guidance on the use of the GS-0303 series, the Office of Personnel Management Standards Development Center provided specific responses to several questions. The Standards Development Center's response to these questions may be useful to classifiers in deciding if the GS-0303 series is appropriate in a given situation. We have provided the agency's specific questions so that the Standards Development Center's responses can be read in the proper context.

"OPM SEEMS TO FOLLOW THE RULE THAT THE GRADE CONTROLLING DUTIES OF SUCH POSITIONS, i.e., Mixed-grade, Mixed-series, DRIVE THE SERIES."

This is not a "rule" but rather a general principle which must be applied using sound classification judgment and only after considering such factors as the paramount qualifications required, the sources of recruitment and lines of progression, the reasons for the position's existence, and the background knowledge required.

"THE GS-0303 SERIES STATES A 'GENERAL' RULE THAT MIXED SERIES POSITIONS SHOULD BE CLASSIFIED IN THE SERIES APPROPRIATE FOR THE PARAMOUNT QUALIFICATIONS REQUIRED, AND IT'S DIFFICULT TO ARGUE THAT THE HIGHER GRADE LEVEL ISN'T PARAMOUNT."

In most cases the series which represents the highest level of work performed will also identify the paramount qualifications required to do the work. However, careful analysis of some positions will show, for example, that the line of promotion for these positions is represented by a series appropriate for work which is at a lower level. In cases such as this, the position should be classified to the series of the lower level work. The paramount qualifications required by a position are not always represented by the series of the highest level of work performed.

"THE GS-0303 SERIES APPEARS TO BE A SERIES OF LAST RESORT . . ."

The series determination information in the standard for the GS-0303 series is intended to set forth guidance to be used by classifiers in determining the appropriate series for positions being considered for classification in that series. There are many clerical, assistant, and technical positions in the Federal service which are correctly classified to the GS-0303 series. The guidance, however, should serve to caution classifiers against classifying positions to the series (i.e., GS-0303) before making a careful analysis of the various factors which impact on the positions as a whole.

"THE STANDARD CAUTION(S) AGAINST THE USE OF THE WORD
'ADMINISTRATIVE' IN TITLING POSITIONS . . ."

The guidance in the series coverage standard for the GS-0303 series does not preclude the use of the word "administrative" in titles for positions classified to that series. However, it suggests that use of that word might lead to confusion with the Administrative Officer Series, GS-0341. If the use of the word "administrative" results in the most meaningful title, then construct the title of the position accordingly, as long as it does not conflict with titles prescribed for the GS-0341 series.

" 'CLASSIFICATION PRINCIPLES AND POLICIES' GUIDANCE HASN'T BEEN
MODIFIED OR RESCINDED CONCERNING THE STATEMENT THAT 'THE SERIES OF
THE GRADE CONTROLLING DUTIES MAY NOT BE THE MOST APPROPRIATE
SERIES FOR THE POSITION' ."

There is no basis for rescinding or modifying this principle since the guidance is valid and useful. Consider, for example, a position classified as Secretary (Stenography), GS-0318-5. The secretarial duties are at the GS-4 level, and the stenography duties are at GS-5. In this case the position is not classified in the series of the grade controlling duties, but in the Secretary Series, which best represents the main purpose of the position and the total knowledges required.

Standard: Factor Evaluation System (FES) standards in general

Factor: N/A

Issue: Describing a position with mixed-grade or mixed-series duties in Factor Evaluation System format

Identification of the Classification Issue

An agency wrote to the Office of Personnel Management asking for an advisory opinion on a position the agency proposed to classify as Clerk-Typist, GS-0322-5. The position was located in a word processing center in a hospital. Based on the information submitted by the agency, the Office of Personnel Management concluded that the position consisted of two distinct kinds of work:

1. typing and related general clerical work in support of the typing; and
2. other specialized clerical work that appeared to fall within the Medical Record Technician Series, GS-0675, or, possibly, the Coding Series, GS-0357.

However, the agency failed to separate the different kinds of work in the factor level descriptions in the official position description. This situation created problems in both the agency's and the Office of Personnel Management's position analysis.

Resolution

In the position analysis, the Office of Personnel Management noted that the two distinct kinds of work were not described separately within the factor characteristics in the position description, e.g., one sentence referred to the typing and related clerical duties and the next sentence referred to the specialized clerical duties, but this fact was not readily apparent. This indiscriminate mix created problems for the agency when it tried to evaluate the position using Factor Evaluation System standards. As a result, the Office of Personnel Management found that the agency's evaluation of Factor 1, Knowledge Required By the Position, appeared to be based solely on the typing and other clerical duties, while its evaluation of Factor V, Scope and Effect, appeared to be based solely on the specialized clerical duties.

The Office of Personnel Management first separated the two kinds of work within each factor description. It then evaluated the typing and closely related clerical work using the Typing and

Stenography Grade Evaluation Guide. The Office of Personnel Management concluded that such work was properly classified at the GS-4 level.

Concerning the other specialized clerical work, the Office of Personnel Management did not evaluate it since the information provided by the agency failed to distinguish the skills, knowledges, and abilities required to perform it and was otherwise insufficient.

In returning the case to the agency, the Office of Personnel Management noted that the typing and related clerical work were covered by a Factor Evaluation System position classification standard; therefore, the position description must be written in the Factor Evaluation System format. If however, the specialized clerical work were found to be classified in the Medical Record Technician Series, GS-0675, or the Coding Series, GS-0357, the controlling standard would be one written in the narrative format. The Office of Personnel Management suggested that in order to distinguish between these two kinds of work, the agency should describe the specialized clerical work in distinct paragraphs in the Factor Evaluation System format. In any case, the Office of Personnel Management concluded that the agency would have to evaluate each kind of work separately, using the appropriate Office of Personnel Management standard. The agency would have to apply the Office of Personnel Management's mixed-series instructions to determine the series for the position. If the two sets of duties were found to be properly graded at two different grade levels, the agency would have to follow the instructions for grading mixed-grade positions.

Standard: Supervisory Grade-Evaluation Guide

Factor: N/A

Issue: Distinguishing substantive from support positions for titling purposes GS-0460

This article was deleted in August 1994 because of the issuance of the General Schedule Supervisory Guide (TS-123, dated April 1993), which superseded the Supervisory Grade-Evaluation Guide, issued in January 1976 (TS-23) and the Draft Grade Evaluation Guide for White Collar Supervisors, issued in 1991.

Standard: Supervisory Grade-Evaluation Guide Level

Factor: Factor I -- Base Level

Issue: Determining the Base Level of Work
Supervised under Part II, SGEF GS-0460

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