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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and regulation were expanded, typographical errors were corrected, leading zeros were added to 3-digit series numbers, outdated prefaces have been deleted, and the issuance date were added to the header of each page.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:** [Legal Instruments Examining Series, GS-0963](#), Part II
- Factor:** Factor II, Other Grade-Influencing Factors: Supervision
- Issue:** Whether an extra grade is warranted for the factor "Supervision" alone

Identification of the Classification Issue

This issue arose in a position classification appeal decided by the Office of Personnel Management. The issue was whether the Supervision factor, which pertains to work below the supervision norm, can be used to give extra credit for work above the supervision norm.

Resolution

To facilitate discussion, the entire provisions of the pertinent factors are quoted as follows:

Supervision

Examiners in this series are typified by (a) independence of supervision during the process of examining cases, and (b) review of all recommendations by a supervisor, who retains authority to commit the agency. The above grade-level patterns have been established with these two characteristics in mind. Significant individual variations from either of these norms, therefore, will be considered to be grade-influencing.

Positions whose incumbents receive close and continuing technical supervision during all phases of the examining process (i.e., supervision typically exercised over trainee positions) are clearly less responsible than those whose incumbents are independent operators and will therefore be classified one grade *below* the above-indicated *Base Level of Work Performed*.

Authority

Examiners who are delegated authority to take *final* disposition action, *not* subject to further review, on *all* cases which they are called upon to

examine, will be classified one grade above the grade they would receive *without* such delegated commitment authority.

While the discussion under Supervision refers to the grade influence of deviation from the norm, it states explicitly only that closer-than-normal supervision over the position requires the subtraction of a grade. The possibility of awarding an extra grade for less-than-normal supervision is not mentioned under Supervision; it is mentioned only under Authority. Discussion of the content of these two factors is brief; the factors are discussed together; and the factors are interrelated, composing a continuum representing level of responsibility (a broad factor found in many classification standards). If the standard intended an extra grade solely for less-than-normal supervision, it would have so stated; and such grade is not in any way implied. The Office of Personnel Management found no justification for any deviation from the explicit instructions in the standard and the literal interpretation of them.

There is another reason for concluding that an extra grade cannot be given merely for exceeding the norm for *Supervision*: doing so and then adding another extra grade for *Authority* would exaggerate the effect of these two factors relative to those factors which determine the base level. Few, if any, narrative standards award an extra grade for a high degree of freedom from supervision unless a high degree of authority is also present. For example, the General Grade Evaluation Guide for Non-supervisory Clerical Positions provides an extra grade only if "responsibility for final action is vested in the employee rather than in his supervisor or another employee."

Thus, the Office of Personnel Management concluded that to warrant one extra grade (not two), a position must exceed (or at least satisfy) the norm for *Supervision* and also warrant credit for *Authority*.

Standard: Miscellaneous Clerk and Assistant, [GS-0303](#); Clerk-Stenographer and Reporter, [GS-0312](#); Secretary, [GS-0318](#); Clerk-Typist, [GS-0322](#)

Factor: Series selection for various clerical positions

Issue: Relationship of GS-0303 Series to GS-0312, GS-0318 and GS-0322 Series

Identification of the Classification

An agency provided internal guidance that was inconsistent with instructions in published Office of Personnel Management standards, thereby necessitating the issuance of an Office of Personnel Management advisory opinion. The agency had indicated that placement in the GS-0303 Series is preferred for:

1. Clerk-Typist positions above GS-3 when the grade is based on the clerical work performed; and
2. Clerk-Stenographer positions above GS-4 when the grade is based on the clerical work performed.

Resolution

Concerning 1 above, the standard for the Clerk-Typist Series, GS-0322, provides an extensive discussion related to this issue. Included in the standard's guidance is the following statement:

This series includes positions involving typing combined with clerical duties except when the clerical duties (a) require specialized experience or training and (b) constitute the paramount qualification requirements for the position.

The standard summarizes the discussion by indicating that *any* position that consists of general office work combined with a requirement for a fully qualified typist is to be placed in the Clerk-Typist Series, GS-0322, unless the paramount qualification requirement is best represented by the Clerk-Stenographer and Reporter Series, GS-0312, or the Secretary Series, GS-0318.

The Office of Personnel Management's view is that general office work can, and often does, exist at the GS-4 level. Consistent with the standard, a position consisting of such GS-4 level general office clerical work in combination with a requirement for a fully qualified typist is to be placed in

the Clerk-Typist Series, GS-0322, at grade GS-4, regardless of whether the typing work evaluates at GS-4 or below (unless the position belongs in the GS-0312 or GS-0318 Series).

Another issue was the proper series for a position consisting of GS-5 or GS-6 level clerical work in combination with GS-4 level or below typing work. In commenting on the draft standards for the Clerk-Typist Series, GS-0322, and the Miscellaneous Clerk and Assistant Series, GS-0303, agencies overwhelmingly indicated that they do *not* find nonspecialized clerical work properly evaluated at grade GS-5 or above. The Office of Personnel Management's view is that positions which require a qualified typist and which also involve clerical work properly classified at the GS-5 level or above do not belong in the Clerk-Typist Series, GS-0322. Such positions should be classified to a series covering more specialized clerical work because the clerical work assigned is specialized rather than general clerical in nature.

The agency guidance was consistent with the Office of Personnel Management's view that a mixed qualified typist GS-5 level specialized clerical position should be placed in a clerical series other than GS-0322. However, the Office of Personnel Management strongly disagreed with the implication that such positions should automatically be placed in the GS-0303 Series. Such specialized clerical work must be placed in the appropriate specialized series in accordance with instructions in the GS-0303 Series standard. The decision as to the appropriate specialized series is not always an easy one. The GS-0303 Series standard discusses considerations that may be involved. Federal Personnel Manual Bulletin 511-24, June 4, 1981, provides further guidance on use of the GS-0303 Series for positions including specialized clerical work and requiring a qualified typist.

Concerning 2 above, the agency's guidance was again inconsistent with Office of Personnel Management standards. The standard for the Clerk-Stenographer and Reporter Series, GS-0312, indicates that all positions requiring the services of a fully qualified stenographer, including positions involving a combination of stenography and clerical work, are to be placed in the GS-0312 Series, except when the clerical duties both (a) require specialized experience and training and (b) constitute the paramount qualification requirement for the positions. The standard further indicates, with respect to situations involving combined stenographic/clerical work, that a stenography position should be placed in the GS-0312 Series if it includes a variety of clerical tasks more specialized than answering the telephone, filing, and distributing mail, when no one kind of specialized clerical experience or training constitutes the paramount requirement. Since general, nonspecialized clerical work rarely, if at all, exists at the GS-5 level, positions requiring the performance of GS-4 level stenographic duties combined with clerical duties which are grade-controlling (i.e., GS-5 or above) should be classified in a specialized series rather than in the GS-0312 Series. The GS-0312 Series standard emphasizes the need for careful consideration in determining the paramount qualification requirement where specialized clerical work is involved. By no means is placement of such a position in the GS-0303 Series to be automatic. The GS-0303 Series should be used judiciously, and only after extensive job analysis.

Standard: [Equal Employment Opportunity Series, GS-0260](#)

Factor: Factor I, Knowledge Required by the Position

Issue: Organizational levels where "systematic problems" may be credited

Identification of the Classification Issue

This issue arose in the Office of Personnel Management's processing of a position classification appeal submitted by an Equal Employment Manager, GS-0260-12. The Office of Personnel Management found that although the agency's grade determination was correct based on the evaluation of all of the factors in the classification standard for the GS-0260 series, it had misinterpreted a key criterion in Factor 1, Knowledge Required by the Position. Such misinterpretation could, depending on the circumstances, result in under evaluation of the factor.

The criterion involved, which is one of several found in both Levels 1-8 and 1-9 of both the Factor Level Descriptions and the Benchmarks, indicates that the Equal Employment Manager investigates and resolves "systemic problems." The agency's internal guidelines stated that systemic problems and effective efforts to resolve them could occur only at the department or bureau level, or, in the rare instances, at a large regional or area office level. The Office of Personnel Management disagreed.

Resolution

Systemic problems are far more likely to be subject to resolution at higher level echelons in an agency, i.e., at the agency or bureau level, because at lower levels the organization served is smaller and less diversified and complex and there is less authority to establish or change important policies, practices, and procedures that affect equal employment opportunity. However, organizational level alone is not a valid or reliable determinant of whether systemic problems can exist and be resolved; the nature of the organization is the determinant. Also the agency's restrictive provision in its guidelines is inconsistent with the fact that in GS-14 benchmark 03, Level 1-8 is credited to an Equal Employment Manager responsible for the equal employment opportunity program at an "industrial field activity."

Thus, the Office of Personnel Management concluded that the agency's barrier to crediting Level 1-8 or 1-9 *solely* on the basis that the organization served is below the level of a large regional or area office is not appropriate.

Standard: [Equal Employment Opportunity Series, GS-0260](#) (November 1980)

Factors: (1) Titling (2) Knowledge Required

Issues: (1) Distinguishing between "Specialists" and "Managers" (2) Applicability of Level 1-9

Introduction

An Equal Employment Specialist filed a position classification appeal with the Office of Personnel Management to request that his position be upgraded. Among other things, he believed that (1) his position should be designated as an Equal Employment Manager rather than as an Equal Employment Specialist; and (2) Knowledge Required should have been credited at Level 1-9.

At the agency level, the employee directed the Hispanic employment program for a large, complex and diversified agency which had installations and employees dispersed world-wide. The management structure of the agency provided for policy direction and control through intermediate levels between the headquarters and local installations. The employee planned, directed, reviewed and evaluated his assigned program and advised senior-level agency officials on its development and implementation. He provided expert technical guidance and advice to Equal Employment Managers at subordinate organizations as well as at the agency level.

The employee was assigned to a small staff office where the primary functions were management of the agency's various special emphasis programs, e.g., Hispanic employment, Federal women's program, handicapped employment, and affirmative action. This office was headed by a supervisor with delegated authority and responsibility for the accomplishment of all programs assigned to the office. The supervisor provided leadership for the assigned programs, developed policies and programs to provide optimum emphasis, and determined projects or actions needed to meet overall EEO program objectives.

(1) Managerial Titling

Issue

Equal Employment Managers have primary responsibility for a total equal employment opportunity program or an identifiable part of a program. An "identifiable part" might be a Hispanic employment program, Federal women's program or complaint adjudication program.

The Office of Personnel Management has held that primary responsibility includes accountability for performance of the assigned program, e.g., planning, organizing, directing, staffing,

coordinating, reviewing and evaluating the program. More specifically, seven or all eight of the following program management responsibilities should be included to warrant managerial titling.

1. development of recommendations to management on the level and mix of resources (staff, money, space and equipment) to be assigned to the program;
2. allocation of assigned resources within the program to meet program objectives;
3. assignment, direction, and review of the equal employment opportunity program work of collaterally assigned or subordinate employees;
4. explaining to and gaining the support of the workforce for management's equal employment opportunity policies and goals;
5. coordination of program activities with other staff offices and with line managers to achieve mutual objectives;
6. systematic evaluation of program activities and functions to measure the degree of success of program efforts;
7. recommending changes in program methods and approaches based on evaluation results; and
8. periodic assessment of the applicability of current local equal employment opportunity program objectives and recommending changes.

Resolution

On the surface, managerial titling seemed to apply to the position in question. However, it was determined that the employee's supervisor, rather than the employee himself, had true control of the various special emphasis programs, including the Hispanic employment program. Even though the employee performed a number of management-like functions (coordination, policy recommendations, and program evaluation), he could not be considered to have "primary responsibility" for the program, given the management structure of the office and the authority delegated to the supervisor. Thus, the position did not meet the primary test for managerial titling, and reference to the eight managerial criteria was not necessary.

(2) Applicability of Level 1-9

Issue

In addition to mastery of technical skills, Level 1-9 requires the knowledge and use of broad administrative skills to develop or materially redesign broad and complex national programs. This is characterized by a combination of exceptional depth of program involvement *and* exceptional breadth of program scope, e.g.:

- developing or materially redesigning broad equal employment opportunity *programs* covering large Federal departments;
- developing and advising management on the establishment of equal employment opportunity *programs*, policies, and approaches; and
- proposing *comprehensive* changes in basic management policies.

Resolution

Although initial review seemed to indicate Level 1-9, closer scrutiny revealed that level to be inappropriate in view of the existing management structure and delegation of authority. The above noted statements reflect a breadth of program scope that is not found in an Equal Employment Specialist position restricted to a single special emphasis program in an agency. In order to warrant consideration of Level 1-9, such a position would have to be assigned responsibility for broad programs (i.e., several special emphasis programs) *and* agency-wide scope.

Standard: Job Grading Standard for Supervisors, WS

Factor: Factor I, Nature of Supervisory
Responsibility

Issue: Grade impact of less than the full range of
Foreman responsibility GS-0460

This article was deleted in August 1994 because of the issuance of the Job Grading Standard for FWS Supervisory Positions (TS-66, dated December 1992), which superseded the Job Grading Standard for Supervisors issued in August 1982 by TS-49.

Standard: Supervisory Grade-Evaluation Guide,
Part II

Factor: Factor I, Base Level of Work Supervised

Issue: Meaning of the "about 25 percent"
requirement 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.

Standards: Narrative Standards

Factors: Nature of Assignments and Level of Responsibility

Issue: Grade Impact of differing factor levels

Identification of the Classification Issue

The Office of Personnel Management has adjudicated several position classification appeals involving the classification of positions where the nature of assignments and level of responsibility were at different levels, applying narrative standards. While some classifiers have denied granting a higher grade level, other classifiers have classified positions at higher grade levels based on just one of the two factors. There is not only inconsistency among agencies, but inconsistency within agencies. Therefore, this item is presented to clarify the Office of Personnel Management's position on the issue.

Resolution

In narrative standards, "Nature of Assignments" and "Level of Responsibility" are often the two evaluation factors. Do both factors have to be matched at a grade level to justify evaluation of the position at that level? We are not addressing the classification judgment to grant an additional grade level when one of the two factors exceeds the other by two levels, thereby facilitating consideration of evaluation of the position at the middle level. Rather, the typical situation involves a one-level differential between the two factors. In such a case, the higher factor level *cannot* control the grade of the position (except for those rare situations in which the applicable standard specifically provides other guidance). The Office of Personnel Management publication Classification Principles and Policies explicitly states that "care must be taken to insure that the classification decision is in harmony with the total concept of the grade as depicted in the standard." Thus, determining the intent of the standard requires consideration of the interrelationship of nature of assignments and level of responsibility. Neither increased independence nor increased difficulty of assignments is meaningful unless each is viewed concomitantly with the other. Further support is provided by the point that in order to justify an additional grade level above the highest level described in the standard, the General Introduction, Background and Instructions for the position classification standards makes it clear that both the duties and responsibilities must "substantially and significantly exceed the highest level of work described in the printed standards." Accordingly, it would be inappropriate to raise a grade level of a position unless both duty assignments and level of responsibility clearly exceed the preceding level.

To summarize, when applying narrative classification standards in determining grade level, when the nature of assignments and level of responsibility are one level apart, the lower of the two levels almost always controls the grade of the position as a whole in order to insure that the classification decision is in harmony with the total concept of the grade as depicted in the standard.

Standards: All

Factors: Extrapolation and cross-series comparisons

Issue: Evaluating positions above the highest level

Identification of the Classification Issue

An appellant in a position classification appeal requested the use of different standards to determine the grade level of her position because the directly applicable standard did not provide specific grade level criteria above the current level of her position. In another case, a personnel office had used several standards to evaluate limited portions of an appellant's duties and responsibilities. In each case, the Office of Personnel Management had to determine whether extrapolation of the grade-level criteria of the applicable standard or application of other series standards should be the primary determinant of the grade of a position.

Resolution

Often the applicable series provides guidance for evaluation through a statement permitting extension of the criteria with the application of sound position classification judgment. Standards in the Factor Evaluation System format provide that the primary standard be used to evaluate factors of positions that significantly exceed the factor descriptions contained in the standard. The Office of Personnel Management's publication *Classification Principles and Policies* states:

. . . in most cases the published standard for a series will furnish the best guidance for evaluating positions classifiable within the series but which are above or below the grade range provided by the standard, or which are in other specializations not covered by the standard. In these instances, then, the published standards for the series in which the position is classified should normally serve as the first point of reference, with other standards being used primarily to corroborate or reinforce the initial evaluation.

Thus, official Office of Personnel Management guidance emphasizes the primary importance of extrapolation of the applicable standard in recognition of the fact that other series standards have limited applicability and are intended for positions with differing qualification requirements.

As to the case involving the use of several series standards, Office of Personnel Management guidance requires comparing positions with the entire pattern of the grade-level characteristics as set forth in the standard. Therefore, a part of one standard cannot be used without applying the entire standard. While cross-series comparisons can sometimes be useful, the use of too many

additional standards places too much emphasis on duties that are not paramount in influence or weight and duties that do not consume a substantial portion of time.

The applicable series standards are best because they are based on the appropriate knowledges, skills and abilities. While sound classification judgment is required to determine how much a position exceeds the highest level described, it should be understood that to credit even just one additional level requires that the duties, responsibilities and qualification requirements "substantially and significantly" exceed the printed grade-level criteria. (See General Introduction, Background and Instructions for the position classification standards.)

Standard: N/A

Factor: N/A

Issue: Clarification on determining the grade of mixed-grade positions

This article was deleted in December 1990 because of the issuance of the revised Introduction to the Position Classification Standards.

Standards: N/A

Factors: N/A

Issue: Grading deputy or assistant chief positions

Identification of the Classification Issue

This issue arose from an agency request for an opinion regarding the grading of deputy chief positions. Determining the proper grade of a deputy chief position (hereinafter also means assistant chief position) has not posed a problem in most instances in which the total supervisory responsibility was of such a scope that there was a real need for such position *and* the deputy chief participated to a very large measure in helping to carry out virtually the full scope of the responsibility. As provided in the Supervisory Grade-Evaluation Guide, such deputy chief position is usually classified one normal grade level below the proper grade for the chief position. However, the determination should never be made mechanically, but on the basis of sound judgment.

A question recurringly asked of the Office of Personnel Management is: May a deputy chief position be classified at the same grade as a chief position? This is the issue.

Resolution

In addition to examining the supervisory responsibility of the deputy chief position, it is always necessary to examine the nonsupervisory responsibility (as measured by a nonsupervisory standard), because the nonsupervisory responsibility could conceivably warrant the same grade as the chief position.

The argument that some agencies offer for classifying a deputy chief position at the same grade as the chief position is that there is an equal sharing of the total supervisory responsibility. Illustrative of the conditions believed to evidence equal sharing are the following:

--The deputy chief exercises full associate authority concurrently with the chief and is neither subordinate to nor shares authority with another deputy chief.

--The chief must frequently be absent from the organization, thus frequently requiring the deputy chief unilaterally to make major decisions or commitments of a binding nature.

--The deputy chief has full authority to supervise the units and subordinate personnel of the organization.

--The deputy chief has interchangeable status with the chief in serving on boards, committees, etc., and dealing with high-ranking officials outside the organization.

Essential to the proper examination of the issue is the fact that the most important supervisory decisions (e.g., broad policy or operational decisions affecting the organization on a relatively long-term basis) have the most effect on grade determination by application of the governing supervisory guide or standard.

There are two main arguments against the equality concept.

First, the indicators of equality (e.g., those itemized above) are largely illusory, describing situations that cannot exist on a continuing basis. Equality is predicated either on (1) full, continuous agreement and harmony between the chief and deputy chief and equality in decision impacts or (2) in the absence of such agreement and harmony, a carefully developed and followed arrangement for decision-making that ensures that the deputy chief is not guided or restricted by the views or decisions of the chief any more than the chief is guided or restricted by the views or decisions of the deputy chief, *and* equality of their decision impacts. Type (1) equality would be phenomenal. Type (2) equality would tend to be unstable, vanishing if either the chief or the deputy chief ever unilaterally made important decisions that the other could not countermand or balance with equally important decisions. The result of maintaining equality would be organizational instability and chaos, stagnation, or some combination of both.

Second, if there were equality, the total responsibility and authority of the chief position would be so diluted that it would not warrant the grade normally warranted for such responsibility and authority. Thus, while the grade for the chief and deputy chief positions might be the same, the grade, especially of the chief position, would be anomalistic and likely unacceptable, i.e., one or two grades lower than normal chief positions in comparable organizations.

The two above arguments apply as well when the chief position is filled by a member of the military. This situation demands especially careful examination because of the frequent seemingly titular role of such member.

In conclusion, we anticipate that the situations in which a deputy chief position could warrant the same grade as the chief position would be extremely rare, on the basis of supervisory responsibilities, and, if existing, would almost surely restrict or lower the grade of the chief position.