

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification 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 the conditions and time limits specified in title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant]

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Introduction

On April 9, 2002, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as an Education Program Specialist, GS-1720-13, on the [team] of the [division], [office], [office], Department of Education, in [city and State]. [Appellant] requested that her position be classified at the GS-14 level. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

An on-site position audit was conducted by a Washington Oversight Division representative on July 10, 2002, and a subsequent telephone interview with the appellant's supervisor, [name], on August 1, 2002. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and her agency, including her official position description, [number], and other material submitted in the agency administrative report on June 18, 2002.

Position Information

The appellant is responsible for administering grants for the provision of closed captioning and video description services for broadcast and cable television programming. This involves managing the process for reviewing grant applications, including selecting reviewers and scheduling and conducting the reviews; monitoring the progress of the work through review of performance reports, telephone monitoring calls, site visits, or other contacts as appropriate; responding to requests for assistance; and serving as resource for policy and program questions. More detailed information on the appellant's duties and responsibilities is contained in her position description, supplemented by a large volume of work samples submitted by the appellant in connection with the appeal.

Series Determination

The appellant's position is properly assigned to the Education Program Series, GS-1720, which covers professional education positions that involve promoting, coordinating, and improving education policies, programs, standards, activities, and opportunities in accordance with national policies and objectives. Neither the appellant nor the agency disagrees.

Title Determination

The authorized title for nonsupervisory positions in this series is Education Program Specialist. Neither the appellant nor the agency disagrees.

Grade Determination

The position was evaluated by application of the criteria contained in the position classification standard for the Education Program Series, GS-1720, dated October 1991. This standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the

standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position 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, 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.

The appellant based most of the arguments in her appeal on a comparison between her duties and those described in a generic GS-1720-14 position description used by her agency. As required by law, however, we must decide the appeal solely by comparing the duties to criteria contained in the applicable OPM position classification standard, which in this case is the GS-1720 standard. Generic position descriptions developed by agencies *should* be consistent with the corresponding OPM standards. We have not attempted to reconcile any perceived differences between the factor level criteria described in the standard and the derivation of those criteria in the GS-14 position description, as the standard is the governing document for evaluation purposes.

Factor 1, Knowledge Required by the Position

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

At Level 1-7, work requires professional knowledge in a broad functional or specialized area of education such as adult education, bilingual education, or instructional methods; skill in applying this knowledge to a variety of difficult and complex assignments; and skill in adapting education principles and practices to significant problems for which there are no closely related precedents but that are generally within the present state-of-the-art. An illustration provided in the standard of work at this level is as follows:

The education program specialist who serves as the responsible “project officer” for grants on the early education of handicapped children. The employee applies professional knowledge and skills in evaluating the soundness of project proposals, providing technical assistance on techniques and methodology, assessing project performance, and negotiating major changes in project plans.

At Level 1-8, work requires mastery of a broad functional or specialized area of education and skill in applying, developing criteria or requirements for, testing, and evaluating new approaches and concepts for major education problems of a highly controversial nature that have resisted solution over the years. The employee is recognized by agency management, professional colleagues, and persons in the education community as an *expert* in the broad area of education to which assigned. In this capacity, the employee adapts and extends established concepts and methods, and assesses proposals for innovative alternative approaches from the standpoint of educational soundness, likelihood of success, feasibility, cost, priority, and consistency with overall program objectives of the agency. An illustration provided in the standard of work at this level is as follows:

The education program specialist who, as a nationally recognized authority, applies an extensive professional knowledge of the fields of special education and early childhood education in developing, stimulating, and coordinating a nationwide program to increase and improve education services for young handicapped children and their parents.

The functional responsibilities of the appellant's position match Level 1-7, in that she serves as the project officer for all grants awarded by the Department for the provision of closed captioning and video description services for eligible broadcast and cable television programming. As at that level, she administers the review process for evaluating proposals, assesses project performance, provides guidance on Department policies and objectives, advises on the capabilities and limitations of current technology, and effects required changes in project plans. These grants are awarded for the actual captioning and/or description of specified television programs using established technology, i.e., within the current state-of-the-art, rather than for the development of *new* technology. However, the appellant has attained a level of recognition both within and outside the agency as the Department's expert and professional resource on closed captioning/video description, as evidenced by her independent contacts with network programming staff and the invitations routinely extended to her for Departmental representation at national-level conferences. There is significant controversy and political sensitivity surrounding the identification of television programs that are eligible for funding, based on whether their content is determined to be educational or informational in nature. Although the appellant does not develop new approaches to problems that have "resisted solution over the years," she has been engaged in an ongoing and comparable process of encouraging the expansion of captioning and description services to reach the widest possible potential audiences, e.g., young children and non-English speakers. These considerations align the position with Level 1-8 criteria.

The position does not meet Level 1-9. At that level, work requires exceptional mastery of a *broad* area of education (such as elementary and secondary, postsecondary, handicapped, or vocational) and skill in generating and developing *new approaches and concepts* and in planning, evaluating, and providing *leadership* to major long-range programs designed to spur significant advances in the field of education. The employee is a nationally recognized authority in the broad education field, whose judgments, advice, and influence have a *major* impact on *agency nationwide* programs and future activities.

The appellant is not regarded as an authority in a broad education field, such as education of the handicapped, but rather in the narrowly defined areas of closed captioning/video description. She does not generate and develop new approaches or manage a major program to advance the field of education. Rather, she administers a grants process that awards funding to private and nonprofit companies that provide captioning and description services to the television networks for specifically-identified television programming. She serves as an advocate for the expansion of these services, but this does not constitute developing new educational *approaches or concepts*. Her field of expertise is self-contained and does not impact other agency programs or activities.

As an example of the development of new concepts, the appellant cited her recommendation to use the standing consumer advisory groups to certify whether programming proposed for captioning is educational or informational in nature. This does not constitute a new concept or approach in the sense intended at Level 1-9, which uses that terminology within the context of spurring “significant advances in the field of education.” Her recommendation related entirely to the *procedure* by which eligible programming is defined. It directly affects the manner in which the appellant’s grants are *administered* in that it establishes the mechanism by which the more substantive decisions relating to programming eligibility are made. However, proposing and implementing a change in an administrative process, such as grant review procedures, does not require an equivalent degree of professional education knowledge as would be required, for example, to develop new instructional methodology. In addition, the appellant does not have the program management responsibility inherent at Level 1-9, with the attendant authority to *decide* on the processes that will be utilized to conduct the work. Rather, she makes recommendations and provides input to the decision-making process based on her particular technical expertise, but she does not provide “leadership” as expected at Level 1-9 in the sense of making major decisions on program execution.

The appellant bases much of her argument for a higher grade on her status as an expert in captioning/video description. She submitted a volume of work samples indisputably supporting this claim. However, this does not extend beyond Level 1-8 criteria, which covers the work of employees who have attained a significant level of expertise and recognition in a particular functional or specialized area of education. Level 1-9 is the highest level available for crediting under this factor within the FES system, and as such represents a higher order of magnitude in terms of the associated knowledges. It covers the work of the employee who has attained stature and authority in a *broad* education field, beyond the confines of one limited aspect of that field. At that level, the employee would have influence and consultative responsibilities across a broad spectrum of educational issues and a degree of national recognition with a variety of constituencies. There is no indication that the appellant is treated or regarded as an authority on educational issues beyond the limited confines of the captioning/video description areas.

Level 1-8 is credited.

1550 points

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee’s responsibility, and the review of completed work.

The level of responsibility under which the appellant works is comparable to Level 2-4. At that level, the supervisor sets the overall objectives and resources available. The employee is responsible for planning and carrying out the work; resolving most of the conflicts that arise and coordinating with others as necessary; interpreting policy in terms of broad agency objectives; and keeping the supervisor informed of progress and potential controversies. Within broad delegations of authority, the employee also determines the approach to be taken and the methodology to be used. Completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work in the agency, or effectiveness in meeting requirements.

Having developed considerable expertise and nationwide contacts in the areas of captioning and video description, the appellant works largely independently in carrying out the majority of the work associated with administering the grants. She resolves most of the problems that arise, and articulates policy to grantees and their clients on her own initiative. Within the broad constraints of the grants process, she determines the methodology to be used, e.g., requiring that only captioning consumers serve as reviewers and that captioning agencies maintain consumer advisory groups. She keeps the supervisor informed of any major problems or controversies, and her work is reviewed from an overall standpoint in terms of the acceptability of her approaches, her adherence to broader agency policy and objectives, and the ultimate effectiveness of the services rendered.

The position does not meet Level 2-5. At that level, the employee is responsible for independently planning, designing, and overseeing the carrying out of programs, projects, studies, or other major activities in the broad area of education concerned. Results of the work are considered to be professionally authoritative and are normally accepted without significant change. If the work is reviewed, the review concerns such matters as fulfillment of program objectives, effect of advice and influence on the overall program, or the contribution to the advancement of education technology and practice. Recommendations for new projects and alterations of objectives are usually evaluated for such overall considerations as availability of funds and other resources, broad program goals, or national priorities.

This factor encompasses three elements – supervisory controls, employee responsibility, and supervisory review. Within that context, Level 2-5 represents not only increased independence of action over Level 2-4, but also a corresponding increase in the level of responsibility assigned to the employee largely as a function of the nature of the assignment. Level 2-5 is predicated on a significant degree of program or project management authority, where the employee is responsible for planning and designing the activities to be undertaken within the program area, including, for example, initiating projects or redirecting program efforts in order to advance broad agency policy objectives. These types of program responsibilities provide the context for the type of supervisory review described at this level, i.e., whether funds are available to accomplish the recommended projects and whether the work being undertaken is consonant with broader program goals. Although the appellant works very independently in carrying out most of her ongoing duties, she does not have the types of responsibilities upon which this level is predicated. She does not manage a program wherein she would have the authority to determine the types of activities to be initiated and carried out. Rather, she administers a grants process for the provision of established, specified services. She serves as an advocate and facilitator for the promotion of accessible programming by the television networks, but her activities are largely prescribed by the grants process itself.

Level 2-4 is credited.

450 points

Factor 3, Guidelines

This factor covers the nature of the guidelines used and the judgment needed to apply them.

The guidelines used by the appellant match Level 3-4. At that level, guidelines include laws, regulations, agency policy, accepted education principles, and professional education standards. These guidelines provide very limited and often inadequate guidance for the major problem areas and critical issues involved. The employee must deviate from traditional methods and practices; modify criteria for assessing the value of proposals for major new projects; and change established mechanisms for evaluating the performance of grantees.

As a grants administrator, the appellant is guided by established agency regulations, policies, and practices relating to the process by which proposals are reviewed and subsequently monitored. Within this broad framework, she has instituted changes in the manner in which the grants process is traditionally carried out (e.g., having the consumer advisory groups expand their review of proposals to encompass eligibility determinations), and modifies criteria used to evaluate proposals based on their responsiveness to shifting emphases (such as allowing additional credit for Spanish captioning.)

The position does not meet Level 3-5. At that level, only very broad policy statements, regulations, laws, and education theories are available as guidelines. As a recognized authority in a *broad* education program or functional area, the employee, through the development of new approaches and strategies, often determines the guidelines that will be used by others within and outside the agency. These guidelines, which influence and often control program direction, include major substantive policies, as well as nationwide standards, procedures, and instructions.

The appellant is neither an authority in a broad education area, nor does she have the degree of responsibility for developing guidelines expected at Level 3-5. Through her participation on workgroups and panels, she may influence outside parties to take actions that will result in the expansion of captioning services. However, this influence is informal and somewhat intangible; there are many advocacy and constituent groups interested in accessible programming, and the appellant's influence alone is not directly and solely responsible for decisions made by television programmers. Level 3-5 refers to the development of *major substantive policies and nationwide standards, procedures, and instructions*. The appellant does not have these types of responsibilities. Her role can best be characterized as that of articulating and promoting agency policy as it relates to the major issues surrounding captioning and video description, not playing a major participatory role in the formulation of that policy.

As examples of her policy development work, the appellant cited her development of a program priority for Spanish captioning, and of a policy regarding promotional credits for captioning that has been instituted as a grant condition. The first example is part of the normal grants process, i.e., developing the grant criteria for publication in the Federal Register. In the case cited, a small amount of funding was approved for Spanish captioning based on the appellant's recommendation. This does not constitute a *major substantive policy*, but rather reflects Level 3-4 as it addresses "modifying criteria for assessing the value of proposals." The second example was a recommendation that if a captioning credit is displayed on a television program identifying a commercial sponsor, then that program must be removed from the grant package. This is another example of developing grant criteria, which is more indicative of Level 3-4, rather than the type of broad nationwide standards and procedures expected at Level 3-5.

Level 3-4 is credited.

450 points

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of the tasks or processes in the work performed, the difficulty in identifying what needs to be done, and the difficulty and originality involved in performing the work.

The complexity of the appellant's work is comparable to Level 4-4. At that level, the work involves assignments covering a range of sensitive issues and problems in a major specialized area of education such as elementary, secondary, or vocational education. Complicating factors involve consideration of unusual circumstances, variations and shifts in the approach to problem areas, inadequate or conflicting data, and differences in views or judgments among professional educators and other interested parties and groups.

The appellant's assignments cover the range of issues and problems that arise within the areas of captioning/video description. The work is complicated by differing viewpoints and objectives among the Department, the television networks, and captioning constituencies.

The position does not meet Level 4-5. At that level, the work involves identifying and defining complex issues in a *broad* area of specialization. The problems involved are of unusual difficulty and scope, and are often the subject of considerable controversy and political sensitivity. Day-to-day *decisions* on the critical issues involved are complicated by such factors as conflicting interests of different economic and social groups, sharply divergent views and approaches among education authorities, unresolved questions on the respective roles of Federal, State, and local jurisdictions, and gaps in knowledge and technology. The employee devises new methods and criteria for approaching education problems that have persisted in spite of past intensive efforts by persons and organizations in the education community.

Although captioning and video description services reach a wide audience, as a functional area this cannot be construed as a broad area of specialization. Although there are issues of contention and political sensitivity, particularly relating to what constitutes educational or informational programming eligible for funding, the appellant is not directly involved in the decision-making process to resolve these issues. Further, the appellant provided no evidence that she has developed new methods or criteria for treating persistent problems. She encourages and promotes the expansion of captioning services, but within the context of existing technical capabilities and the established grants process. The appellant's position cannot be credited for complicating conditions with which she has only peripheral involvement, e.g., responding to Congressionals and other inquiries where she only reiterates existing policy or practices.

Level 4-4 is credited.

225 points

Factor 5, Scope and Effect

This factor covers the relationship between the nature of the work, and the effect of the work products or services both within and outside the organization.

The scope and effect of the appellant's work match Level 5-5. At that level, the employee, as a project coordinator or consultant, resolves critical problems and provides guidance on new approaches and methods that have a substantial impact on the work of other agency specialists, contractors, grantees, and the education community. The employee's judgments and actions directly affect agency prospects for success, e.g., achieving equal education opportunities for handicapped children.

The appellant serves as a consultant on captioning/video description to television programmers and constituent groups, and provides guidance to grantees on agency captioning priorities (e.g., Spanish programming). Her work directly affects agency objectives to expand accessible programming across a wide spectrum of educational and informational programming.

The position does not meet Level 5-6. At that level, the employee's work is vital to achievement of crucial agency programs recognized to be of the *highest priority and importance* by top management in the agency and department, the education community, and key committees of Congress. The employee's professional stature and leadership role are instrumental in determining the nature, extent, and success of agency efforts to effect major improvements or even breakthroughs in a major program (e.g., elementary or secondary education). This is an *exceptional* level of impact where the employee's personal contributions and decisions in a highly sensitive and controversial program area affect very large numbers of people, e.g., students, parents, and school staffs throughout the country.

The areas of closed captioning and video description, while important to their constituency groups, would not be considered among the highest priority programs of the Department, given that the appellant occupies the only position dedicated to these services. She administers grants involving established captioning processes, rather than research grants to develop new technologies. In addition, the appellant does not have personal decision-making authority to determine, for example, broad funding eligibility issues that would have the degree of impact expected at Level 5-6.

Level 5-5 is credited.

325 points

Factor 6, Personal Contacts

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. The relationship between Factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

The appellant's personal contacts match Level 6-3. At that level, contacts are with managers, subject matter specialists, and other officials outside the Federal government. The individuals or organizations involved may have grants or contracts on education problems or issues. These

contacts are generally not established on a routine basis, and occur in a variety of places, inside and outside the agency.

The appellant has contacts with grantees, members of the education community and constituency groups, and staff of television networks.

The position does not meet Level 6-4. At that level, contacts are generally with high-ranking officials from outside the agency, e.g., *key* officials and *top* education and scientific leaders of Federal agencies, State departments of education, the education and behavioral science research community, major education professional societies, and national public interest groups. The employee may also participate, as an authority in a broad area of education, in conferences and seminars of national or international importance.

The appellant describes her high-level contacts as occurring at national advisory group meetings, members of which include (in her words), “national leaders in the disability community (such as the former Assistant Secretary for OSERS), as well as representatives of the national broadcast and cable industry.” She also cites her contacts with representatives of major television networks as Level 6-4 contacts. However, these contacts are more indicative of Level 6-3. The meetings she cites are infrequent, and the contacts that occur therein are, for the most part, incidental to her actual role at the meetings. The network representatives with whom she has recurring contacts are members of the television captioning departments, not the top executives of the networks. Level 6-4 is the highest level available for crediting under this factor, and correspondingly represents those work situations where the nature of the work is such that regular and recurring contacts with very high-ranking individuals is essential for performance of the work. As a branch-level grants administrator, these types of contacts are not an integral aspect of the appellant’s work. Preparing written responses to Congressional inquiries does not constitute the types of *direct* contacts evaluated under this factor.

Level 6-3 is credited.

60 points

Factor 7, Purpose of Contacts

This factor covers the purpose of personal contacts ranging from factual exchange of information to situations involving significant or controversial issues and differing viewpoints and objectives.

The purpose of the appellant’s contacts is consistent with Level 7-3. At that level, the purpose is to motivate, influence, and persuade individuals and groups who are not inclined to be cooperative to accept changes in methods or programs.

The appellant persuades grantees and network representatives to expand captioning services to encompass a wider realm of programming and potential audiences.

The position does not meet Level 7-4. At that level, the purpose is to *justify, negotiate, or settle* matters involving important and sensitive issues of critical importance to *major agency goals and programs*. As a nationally recognized leader in the major education programs concerned, the employee is often able to gain support of agency objectives from key persons and groups

who have significantly different and conflicting viewpoints by working out compromise solutions that are consonant with agency legal requirements and policies. Work at this level often involves active participation by the employee, in a key role for the agency, in conferences, meetings, hearings, or presentations on problems or issues of considerable consequence and importance to the agency's mission.

This level involves interpersonal contacts the purposes of which are to resolve critical issues affecting major agency programs. The appellant, given her role in the organizational hierarchy, does not have the responsibility or authority to justify or settle issues of this magnitude. For example, the issue of programming eligibility for captioning grants is currently of extreme political sensitivity, but this is being decided at organizational levels far beyond the appellant's.

Level 7-3 is credited.

120 points

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work situation.

The position matches Level 8-1, which covers sedentary work.

Level 8-1 is credited.

5 points

Factor 9, Work Environment

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

The position matches Level 9-1, which describes a typical office environment.

Level 9-1 is credited.

5 points

Summary

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-8	1550
Supervisory Controls	2-4	450
Guidelines	3-4	450
Complexity	4-4	225
Scope and Effect	5-5	325
Personal Contacts	6-3	60
Purpose of Contacts	7-3	120
Physical Demands	8-1	5
Work Environment	9-1	<u>5</u>
Total		3190

The total of 3190 points falls within the GS-13 range (3155-3600) on the grade conversion table provided in the standard.

Decision

The appealed position is properly classified as Education Program Specialist, GS-1720-13.