



United States
**Office of
Personnel Management**

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, California 94105

April 10, 1995

**Classification Appeal Decision
Under Section 5112 of Title 5, U.S. Code**

Appellant: [appellant's name]

Position: Social Insurance Administrator
GS-105-12

Organization: District Office
Social Security Administration
[city, state]

Decision: Agency classification sustained

OPM decision number: C-0105-12-01

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision 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 Classification Appeals Office review only under conditions and time limits specified in the introduction to the classification standards, appendix 4, section G (address provided in appendix 4, section H).

Signed by Denis J. Whitebook for

Joseph S. Patti, Director
San Francisco Field Service

Decision transmitted to:

[appellant's name]
[appellant's address]

Regional Personnel Officer
Social Security Administration

Director
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Introduction

On November 10, 1994, the San Francisco Field Service Office of the Office of Personnel Management (OPM) received the classification appeal of [appellant's name]. His position is currently classified as Social Insurance Administrator, GS-105-12. However, he believes its grade should be GS-13. He works in the District Office, Social Security Administration (SSA), [city, state]. We have accepted and decided his appeal under 5 U.S. Code 5112.

General issues

The appellant makes various statements about his agency and its evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

The appellant asks that his position be upgraded retroactively. However, the U.S. Comptroller General states that an “. . . employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications” (CG decision B-232695, December 15, 1989).

To help decide the appeal, a representative of this office conducted short phone interviews with the appellant on February 10, 13, and 14, and a brief interview with his supervisor on February 14. In reaching our classification decision, we have carefully reviewed the interview findings and all information of record furnished by the appellant and his agency, including his official position description (PD) 1556S.

Position information

As district manager, the appellant administers all phases of the social insurance program for his district. His PD states that he is responsible for effective public relations and program operations, and regularly conducts program negotiations and liaison activities with other organizations and institutions.

The appellant supervises 11 employees altogether. He directly supervises five employees in [city] including three GS-11 social insurance specialists, one GS-7 social insurance specialist developmental to GS-11, and a GS-8 contact representative. He also supervises a branch office in [city, state], through a GS-12 branch manager. Nonsupervisory branch employees include four GS-11 social insurance specialists and a GS-8 contact representative.

The appellant's PD, the other material of record, and our interview findings furnish much more information about his duties and responsibilities and how they are performed.

Series

We find that the appellant's position is properly covered by the Social Insurance Administration Series, GS-105. Both the appellant and agency agree.

Title

The GS-105 standard has two parts. If a position is covered by Part I and meets the criteria in the General Schedule Supervisory Guide (GSSG), its title is Supervisory Social Insurance Specialist (GS-105 standard, pages 3 and 4). By contrast, positions covered by Part II do meet the criteria in the GSSG but are titled Social Insurance Administrator (GS-105 standard, pages 3 and 21).

The appellant's position is covered by Part II. As discussed in the coverage criteria on pages 3 and 21, the appellant's position involves responsibility for planning, administering, and managing Federal social security and other social insurance programs in a field office. Therefore, the position is properly titled Social Insurance Administrator.

Appropriate standards

We find that the appellant's position is properly graded using the GSSG. Both the appellant and agency agree.

The appellant's position is also covered by Part II of the GS-105 standard. This could affect grade level only if the appellant's position were graded at GS-13 or above by means of Part II. A position can be graded at GS-13 or above using the standard only if Element 1-A is credited at degree 2 or in the upper half of the range of degree 1 (GS-105 standard, page 50). A manager at degree 1 supervises 10 to 20 employees; a manager at degree 2 supervises 25 to 55. Since the appellant supervises 11 employees, Element 1-A is in the lower half of the range of degree 1. Therefore, his position cannot be graded at GS-13 or above using the GS-105 standard. Since the standard cannot affect the grade of the appellant's position, it will not be applied in this decision.

Grade determination

The GSSG uses six factors: Program scope and effect, Organizational setting, Supervisory and managerial authority exercised, Personal contacts, Difficulty of typical work directed, and Other conditions. Page 8 of the GSSG indicates that if one level of a factor or element is exceeded but the next higher level is not met, the lower level must be credited.

The appellant does not disagree with the agency's evaluation of factors 2, 4, and 5. We will therefore discuss those factors very briefly, while discussing factors 1, 3, and 6 more thoroughly. Our evaluation of the six factors follows.

Factor 1, Program scope and effect

This factor contains two elements: Scope and Effect. We discuss each below.

Scope

At Level 1-3 under Scope, the general factor level criteria discuss in detail the geographic coverage of the work directed. However, the concept of Scope involves more than just geographic coverage. When one considers both the general factor level criteria and the illustrations, a general pattern of analysis emerges. Guidance from our central office indicates that there is a dynamic at work which deals with the interaction of four aspects implicit in the concept of Scope:

- sweep: the geographic coverage of the program (for instance, city, region, or state);
- magnitude: the total population serviced directly and significantly by the program (for instance, small and confined to an installation, moderate, or large);
- importance: the importance of the program to the agency and its mission (whether line or staff, whether involving service to higher agency levels, other agencies, or the general public); and
- complexity: the complexity of the products or services provided (for instance, routine or complicated).

In deciding whether a position meets a factor level, one must consider each of these implicit aspects and how they interact. No one aspect is necessarily predominant. We consider these aspects for the appellant's position below.

With respect to sweep, the appellant's position meets Level 1-3. The general factor level criteria at Level 1-3 show that some programs at this level cover a geographic area equal in size to a major metropolitan area. The Level 1-3 illustration at the top of page 12 shows that other programs at this level cover a geographic area of several rural counties. Similarly, the appellant's district covers six rural counties with an area of over 18,000 square miles.

With respect to magnitude, the record indicates that the appellant's district has a total population of roughly 121,000 people. Many small cities have comparable populations, for instance, Albany, New York; Boise, Idaho; and Lansing, Michigan. The general factor level criteria at Level 1-3 speak of "coverage comparable to a small city." Further, the Level 1-3 illustration at the top of page 12 mentions a population equivalent to a group of citizens in several rural counties or a small city.

Nonetheless, the appellant's position does not meet Level 1-3 for this aspect of Scope. The discussions of Effect and the illustrations at different factor levels, plus the definition of a multimission military installation on pages 4 and 5 of the GSSG, all indicate that in evaluating magnitude, one may consider only the total population serviced directly and significantly by a program. One cannot simply count the total population in the geographic area covered by the program. This is because only the population serviced directly and significantly has a major and direct effect on the difficulty of the supervisor's job.

During our phone conversations, the appellant listed how many contacts his office had with people in various categories during the past year. For instance, he noted that his office processed 799 retirement claims, 684 retirement auxiliary claims, 529 Social Security disability claims, and so on. Though not exhaustive, the list provided indicates that the appellant's district furnished direct and significant service to fewer than 20,000 people in the past year. This number includes people given significant administrative or technical service, such as adjudicating retirement claims. It excludes people given clerical service such as providing social security numbers or noting changes in status, since this would not meet Level 1-3 with respect to complexity, and we must consider how magnitude interacts with complexity in evaluating the appellant's position. The number 20,000 may be high, since it may include people who were counted more than once in different categories. In any case, this population is smaller than envisioned at Level 1-3. That level envisions a population comparable to most taxpayers or citizens in a small city. By contrast, this population of fewer than 20,000 meets the criteria for Level 1-2. The second illustration under that level discusses a serviced population that is the equivalent of all citizens in a portion of a small city.

With respect to importance, the appellant's position warrants Level 1-3. The Level 1-3 illustration at the top of page 12 shows that some offices at this level furnish a significant portion of an agency's line program to the general public. The appellant's district does not provide some Social Security line functions, such as hearing decisions furnished by the Office of Hearings and Appeals. However, as is typical at Level 1-3, his district provides much of his agency's line program to the public.

With respect to complexity, the appellant's position again meets Level 1-3. As envisioned in the first sentence under Scope at Level 1-3, the appellant's subordinates perform moderately complex technical and administrative work. This includes, for instance, deciding and authorizing for payment, without later review, claims for benefits and eligibility for all SSA programs; disallowing without later review a wide range of SSA claims; and making final reconsideration decisions on disability insurance and disabled widows' cases not involving medical issues.

In sum, the appellant's position meets Level 1-3 with respect to sweep, importance, and complexity. With respect to magnitude, the position falls short of Level 1-3 but meets Level 1-2. As noted earlier, none of these four aspects is necessarily predominant. However, considering all four aspects, how they interact, and the extent to which the appellant's position falls short of Level 1-3 for magnitude, the appellant's position must be evaluated at level 1-2 for Scope.

Effect

The appellant's position is properly evaluated at Level 1-2 for Effect. That level involves providing services to a moderate, local, or limited population of clients or users comparable to a major portion of a small city or rural county. As discussed earlier, the appellant's district has directly provided significant administrative or technical services to fewer than 20,000 people in the past year. Therefore, his district has furnished such services to a population of clients comparable to a portion of a small city.

The appellant's position falls short of Level 1-3. The first sentence under Effect at Level 1-3 contemplates activities, functions, or services that directly and significantly affect members of the general public comparable in number to most taxpayers or citizens in a small city. The appellant's services do not fully meet this criterion.

Since the appellant's position warrants Level 1-2 for both Scope and Effect, 1-2 is the proper level for Factor 1 overall.

Factor 2, Organizational setting

The appellant's position is properly evaluated at Level 2-1. As discussed at that level, his position is accountable to a position that is two or more levels below the lowest SES position in the direct supervisory chain. Specifically, the appellant reports to an area director who reports to an assistant regional commissioner for field operations who reports to the Seattle regional commissioner. This last position is the lowest SES level in the supervisory chain.

Factor 3, Supervisory and managerial authority exercised

The appellant's authority meets Level 3-2a. For instance, as is typical at that level, the appellant plans and schedules ongoing production-oriented work on a regular basis. In addition, as discussed at Level 3-2a, he adjusts staffing levels and work procedures as needed to accommodate resource allocation decisions made at higher echelons.

The appellant's authority also meets Level 3-2c. Supervisors at this level must carry out at least three of the first four, and a total of six or more of the 10 responsibilities listed on pages 16 and 17 of the GSSG. The appellant carries out responsibilities 1 through 9. For instance, he exercises responsibilities 3 and 4, since he evaluates subordinates' work performance and gives them advice and instruction on both work and administrative matters.

The appellant's responsibilities do not meet Level 3-3a. For example, the record indicates that he does not exercise delegated managerial authority to set a series of long-range work plans and schedules, as required at that level. The record also indicates that he is not as closely involved with high level program officials in developing overall goals and objectives for his assigned program segment as envisioned at Level 3-3a.

At Level 3-3b, a supervisor must exercise all or nearly all the supervisory responsibilities described at Level 3-2c, plus at least 8 of the 15 responsibilities listed under Level 3-3b on pages 17 and 18 of the GSSG.

The appellant exercises nearly all 10 supervisory responsibilities described at Level 3-2c, since he exercises responsibilities 1 through 9. He also exercises 7 of the 15 responsibilities listed under Level 3-3b. Specifically, he exercises responsibilities 2, 7, 9, 10, 11, 13, and 15. For example, he carries out responsibilities 7 and 9, since he approves selections for subordinate nonsupervisory positions, and hears and resolves group grievances and serious employee complaints.

However, the appellant's position cannot receive credit for the other eight responsibilities listed under Level 3-3b. That is, it cannot receive credit for responsibilities 1, 3 through 6, 8, 12, and 14. We discuss the reasons for this below.

Responsibility 1 describes a supervisor who uses subordinate supervisors, leaders, or comparable personnel to direct, coordinate, or oversee work. The appellant believes his position meets this criterion because he has one subordinate supervisor, his GS-12 branch manager. We cannot agree. The GSSG uses the plural when speaking of subordinate supervisors and leaders, rather than using a phrase such as "one or more subordinate supervisors, leaders . . ." This is deliberate. Precedent OPM appeal decisions and central office guidance show that Level 3-3b is intended to credit only supervisors who direct at least two or three persons who are officially recognized as subordinate supervisors, leaders, or comparable personnel. Further, the supervisor's subordinate organization must be so large and its work so complex that it requires using those two or more subordinate supervisors or comparable personnel. Since the appellant supervises just one person officially recognized as a subordinate supervisor, his position cannot receive credit for this responsibility.

Under responsibility 3, a supervisor must assure reasonable equity among subordinate units of both performance standards and rating techniques developed by subordinates. The appellant has provided documents from the National SSA Management Association, which maintain that this criterion is met because district managers review documentation and approaches to evaluating personnel involved in various units to ensure equity and fairness. However, we cannot award credit for responsibility 3 for two reasons. Most important, performance standards for district positions are developed above the district level. Therefore, the appellant's subordinates do not develop both performance standards and rating techniques, as required for this responsibility. Second, similar to responsibility 1, responsibility 3 envisions that these performance standards and rating techniques are developed by at least two or three subordinate supervisors, team leaders, or comparable personnel. The appellant has only one subordinate supervisor.

Responsibility 4 requires direction of a program or major program segment with significant resources (for instance, a multimillion dollar level of annual resources). The documents from the National SSA Management Association hold that this criterion is met because district offices approve and adjudicate claims paying many millions of dollars. We cannot agree. Responsibility 4 is intended to credit only positions that exercise direct control over a multimillion dollar level of annual resources. The

appellant's GS-11 employees do have final authority to approve payment of claims. Those payouts do amount to many millions of dollars. Claimants can file changes with the district office that result in altered payout amounts. However, the appellant has less direct control over the amounts paid to claimants than envisioned by the GSSG. Those amounts are paid from a national trust fund, not from a district fund. When one of the appellant's employees authorizes payment of a claim, he or she makes a computer entry. The computer communicates to the Department of Treasury, which then writes a check to the claimant. A centralized Social Security location, not the appellant's district, keeps track of the amount of money in the trust fund and how much is paid out in various categories. By contrast, the appellant has more control over his district's operating budget, which includes items such as salaries and supplies. However, this budget involves less than a million dollars annually. Since the appellant has less direct control over a multimillion dollar level of annual resources than envisaged by the GSSG, we cannot grant credit for responsibility 4.

Like responsibility 1, responsibilities 5, 6, and 8 are intended to credit only supervisors who direct at least two or three subordinate supervisors, team leaders, or comparable personnel. Therefore, we cannot award credit for these three responsibilities.

Under responsibility 12, a supervisor must determine whether contractor-performed work meets standards of adequacy needed to authorize payment. The documents from the SSA management association maintain that this criterion is met since district managers are contracting officers and must sign off on OF 347's and give approvals to RWA's before contractors can be paid. The appellant explained during our phone interviews that OF 347's are forms used for ordering supplies or services. He signs roughly 8 to 10 of them yearly when ordering items such as preprinted envelopes, phones, answering machines, and photocopier supplies. RWA's are reimbursable work authorizations. The appellant signs them occasionally when he needs work performed such as installing security locks, but has not done so in the past year. However, none of this meets the intent of responsibility 12. This responsibility is intended to credit supervisors who regularly oversee the work of contract employees in a manner somewhat comparable to the way in which other supervisors direct the work of noncontract employees. As part of that regular oversight, such supervisors determine whether contractor-performed work meets standards of adequacy, much as the appellant determines whether his own subordinates' work is adequate. Since the appellant does not regularly oversee the work of contractor employees, this responsibility cannot be credited.

Responsibility 14 involves recommending awards or bonuses for nonsupervisory personnel and changes in position classification. The appellant not only recommends awards but also approves most awards for nonsupervisory employees in his branch office. Further, the documents from the SSA management association state that district managers can recommend changes in classification. However, responsibility 14 envisions crediting supervisors for making award and classification recommendations that superiors will carefully consider and that have a reasonable chance of adoption. The appellant supervises just three kinds of positions: social insurance specialist, contact representative, and branch manager. All three are standard nationwide positions classified in headquarters. Therefore, a recommendation by the appellant to change their classification would not

have a reasonable chance of adoption. We note that according to the appellant, he has not made such a recommendation. We therefore cannot grant credit for this responsibility.

Since the appellant's position can receive credit for only 7 of the 15 responsibilities listed under Level 3-3b, it does not meet that level. As discussed earlier, his position also does not meet Level 3-3a. However, it does meet Levels 3-2a and 3-2c, and so is properly evaluated at Level 3-2.

Factor 4, Personal contacts

This factor contains two subfactors: Nature of contacts and Purpose of contacts. We discuss each subfactor briefly below.

Subfactor 4A, Nature of contacts

The nature of the appellant's contacts warrants Level 4A-2. As described at that level, the appellant has frequent contacts with members of the business community and general public, case workers in congressional offices, and other such individuals and groups.

Subfactor 4B, Purpose of contacts

The purpose of the appellant's contacts warrants Level 4B-2. For instance, as is typical at that level, one purpose of his contacts is to ensure that information provided to the public and others is accurate, concise, timely, and consistent. As is also typical at Level 4B-2, another purpose is to resolve issues among managers, supervisors, employees, or others.

Factor 5, Difficulty of typical work directed

The appellant supervises 10 nonsupervisory positions: seven at GS-11, one at GS-7 developmental to GS-11, and two at GS-8. For purposes of this evaluation, we accept the agency's classification of these positions. The agency estimates that the GS-11 employees spend about 75 percent of their time performing GS-11 work, about 25 percent performing GS-7 to GS-9 work. This indicates that GS-11 work constitutes 25 percent or more of the nonsupervisory workload in the appellant's organization. Therefore, in accordance with pages 23 and 24 of the GSSG, the highest level of base work is GS-11, and the appellant's position warrants Level 5-6.

Factor 6, Other conditions

The appellant's position meets Level 6-4a. For instance, as discussed at that level, he supervises administrative work of GS-11 difficulty. His position also meets the first example listed at Level 6-4a, since he identifies and integrates internal and external program issues affecting the immediate organization, such as those involving technical factors. The second example is met as well, since he ensures compatibility and consistency of interpretation, judgment, logic, and application of policy.

The appellant’s position meets neither Level 6-5a nor 6-5b. These levels assume that the difficulty of typical work directed as determined in Factor 5 is GS-12 or GS-13. By contrast, the difficulty of typical work directed by the appellant is GS-11.

Level 6-5c involves managing work through subordinate supervisors or contractors who each direct substantial workloads comparable to the GS-11 level. The documents from the SSA management association state that this level is met for district managers with subordinate supervisors. Earlier, we discussed why certain responsibilities at Level 3-3b can be credited only for supervisors who direct at least two or three subordinate supervisors, team leaders, or comparable personnel. For similar reasons, Level 6-5c can be awarded only for supervisors who manage work through at least two subordinate supervisors or contractors. Therefore, the appellant’s position does not meet this level.

The appellant’s position meets Level 6-4a, but not 6-5a, 6-5b, or 6-5c. Therefore, 6-4a is the appropriate level for the position.

Summary

In sum, we have evaluated the appellant’s position as follows:

<u>Factor</u>	<u>Level</u>	<u>Points</u>
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-2	50
4B. Purpose of contacts	4B-2	75
5. Difficulty of typical work directed	5-6	800
6. Other conditions	6-4a	<u>1120</u>
 Total points:		 2945

The 2945 total points fall within the GS-12 range of the point-to-grade conversion chart on page 31 of the GSSG. The adjustment conditions on page 32 do not apply. Therefore, the final grade for the appellant’s position is GS-12.

Decision

The appellant’s position is properly classified as Social Insurance Administrator, GS-105-12.