

Classification Appeal Decision

Under section 5112(b) of title 5, United States Code

Appellant: [name]

Position: Employee Development Specialist
GS-235-13
[Position Number]

Organization: [bureau]
Directorate for Human Resources
Training and Development Division
[Department of Defense]

Decision: Employee Development Specialist
GS-235-13
(Appeal denied)

OPM decision number: C-0235-13-01

Copy of decision sent to:

[name and address of appellant]
[name and address of bureau personnel officer]
[name and address of servicing personnel officer]
[name and address of departmental classification officer]
[name and address of OPM CA/FLSA program director]

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Richard Quasney
Classification Appeals Officer
Washington Oversight Division

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Date 12/1/97



U.S. Office of Personnel Management
Washington Oversight Division
Office of Merit Systems Oversight

INTRODUCTION

On April 15, 1997, the Washington Oversight Division accepted a position classification appeal from [appellant], who is employed as an Employee Development Specialist, GS-235-13, in the Training and Development Division of the Directorate for Human Resources, [bureau], in Alexandria, Virginia. [Appellant] requested that his position be classified as Supervisory Employee Development Specialist, GS-235-14.

The appellant had initially appealed the classification of his position to the [department], but that appeal was denied and his position sustained at its current title, series, and grade by decision dated April 1, 1997.

This is the final administrative decision of the Government, subject to discretionary review only under the conditions and time limits specified in title 5, U. S. Code of Federal Regulations, sections 511.605, 511.613, and 511.614.

SOURCES OF INFORMATION

In deciding this appeal, we considered information obtained from the following sources:

1. The appellant's letter of appeal dated April 7, 1997, with attachments.
2. The information submitted by the servicing personnel office at [departmental level office], on May 5, 1997.
3. The OPM desk audit of the appellant's position on July 1, 1997, a follow-up audit on October 27, 1997, and an interview with the immediate supervisor, [name], on October 29, 1997.
4. Additional written materials and work samples furnished by the appellant during the OPM review.

POSITION INFORMATION

The appellant's duties and responsibilities are described in position description number 8-47250-0, which was classified as Employee Development Specialist, GS-235-13, by the servicing personnel office at [departmental level office], on October 21, 1994.

The purpose of the appellant's position is to provide overall program administration for the [organizational names] training program covering over 52,000 [bureau employees] nationwide plus the approximately 2,000 [other organization] employees (title 5 employees) duty-stationed at

[organization location]. In this capacity, the appellant provides policy guidance, programmatic support, and training funds to the State [bureau] training officers who are responsible for determining their training requirements, requesting funds from [bureau] headquarters to accomplish that training, and ensuring that their [employees] are adequately trained to support mission readiness. This includes developing and issuing training policies, guidelines, and instructions on the identification and prioritization of training requirements and the development of budget submissions; providing policy guidance to [bureau] regional training personnel on such matters as the development of courses for nationwide applicability and training requirements in specified areas (such as supervisory/executive training); consolidating State funding requests for submission to the [bureau] Program Budget Approval Committee and allocating the funds approved under the various program areas to the States; contracting for and administering about 12 centrally-controlled training courses; and serving as the [bureau] representative on interagency and [department] training policy committees and advisory councils.

The appellant's position description does not accurately represent his role in the organization. First, although he is recognized as the chief of the Training and Development Division, with the authority to carry out all of the attendant administrative and technical supervisory responsibilities, and although these duties are listed in his performance standards and he is accordingly rated on his performance in these areas, he is not designated as such in his position description. Second, in terms of the programmatic responsibilities described, the position description includes a number of duties that he does not actually perform and overstates his role in certain other duty areas. For example, the appellant does not plan, develop, and direct the supervisory/management training program; does not develop and write all training program resource material, particularly curricula, study plans, instructor guides, or handouts; and does not evaluate the overall effectiveness of operating-level training programs. Other responsibilities that comprise a major portion of his time, such as reviewing and consolidating State budget submissions, allocating funds among the States, and representing the [bureau] training function internally and externally, are not even mentioned. As such, the appellant's position was evaluated based on the actual duties that he performs as conveyed during the factfinding process of this appeal.

SERIES AND TITLE DETERMINATION

Series

The appellant's position is properly classified to the Employee Development Series, GS-235, which covers positions that involve planning, administering, supervising, or evaluating a program designed to train and develop employees, and providing guidance and staff assistance to management concerning training and development matters.

Title

The basic title for positions in this series is Employee Development Specialist.

The appellant supervises the staff of the Training and Development Division, consisting of two Employee Development Specialists, GS-235-13, and one Employee Development Assistant, GS-203-7. Guidance provided in the General Schedule Supervisory Guide (GSSG), dated April 1993, restricts its coverage to those positions where supervisory work constitutes at least 25 percent of the employee's time. In other words, although a position where supervisory duties constitute less than 25 percent of the employee's time may still be treated as a supervisory position in all other respects,

including the incorporation of those duties in the position description and performance standards, it cannot be titled as supervisory nor can it be classified by application of the grading criteria contained in the GSSG.

The appellant maintains that he spends at least 25 percent of his time on supervisory duties. He describes these as including the normal administrative supervisory functions (such as approving leave and evaluating performance), plus coaching and directing the subordinate staff. Paradoxically, however, he acknowledges in his appeal that the initial effort he put forth "in grooming, coaching, and assisting my employees has now paid off to the extent that I now have a self-starting, self-directed staff which allows me to spend less time on routine supervisory functions and to focus my time on mission-related activities." Further, the level of supervision implied by this relatively large proportion of time spent directing only three subordinates contradicts the level of responsibility inherent in the GS-13 grade level of the two specialist positions supervised and that is expressed or inferred in their position descriptions. For example, the position description for one of the GS-13 specialists states that the employee "works under the very general supervision of the Division Chief who establishes broad policy and gives advice and guidance on only the most complex or extremely sensitive problems that arise," and "plans and carries out the substantive responsibilities of the position on own initiative, presenting only finished products or recommendations to supervisor for review, approval, or coordination." Similarly, the GS-7 Employee Development Assistant is assigned duties where the actions to be taken and procedures to be followed are established and thus do not require a high degree of supervisory oversight and direction. Thus, this 25 percent time estimate is unrealistic in relation to the presumed independence of the appellant's subordinate staff. However, even if this apparent conflict between the appellant's reported level of supervision exercised and his subordinates' assigned responsibility is disregarded, certain aspects of his work that he presents as supervisory functions are not actually considered as such within the context of the GSSG.

Technical supervisory duties creditable under the GSSG include planning and prioritizing work to be accomplished by subordinates, preparing schedules for the completion of work, assigning and reviewing work, assuring that production and accuracy requirements are met, and finding ways to improve the production or quality of the work performed. Carrying out these functions requires delegated authority for accomplishment of the work (e.g., the authority to set priorities and schedules and the authority to institute internal operating procedures), and for determining work assignments and performance expectations. While a supervisor may also personally provide on-the-job training, or "coaching" and "mentoring" to subordinates, this is not an inherently supervisory function requiring delegated management authority. In larger organizations, this role is more often occupied by a senior staff member who is assigned responsibility for providing technical guidance to less-experienced workers. Although the senior employee may make individual work assignments and even review completed work products for technical accuracy and general acceptability, the overall parameters of each employee's position are determined by the supervisor as are the performance requirements. Thus, the type of coaching described by the appellant cannot be considered "supervisory" in the sense intended by the GSSG. When these internal training functions are excluded from consideration, the actual technical supervisory duties performed by the appellant, i.e., planning, prioritizing, assigning, and reviewing the work performed by subordinates, cannot be reasonably presumed to constitute 25 percent or more of the appellant's time, given the small size of his staff.

Administrative supervisory duties creditable under the GSSG include approving leave; developing performance standards and evaluating the performance of subordinates; interviewing candidates for positions and recommending appointments, promotions, or reassignments; responding to employee grievances and other formal complaints; effecting disciplinary measures; and arranging for training

needs of employees. Considering the number of employees supervised, there is limited opportunity for performance of many of these functions in the appellant's position. For example, the appellant has not had the occasion to fill any vacant positions, effect any position changes, respond to any formal complaints, or take any disciplinary actions. Thus, the amount of time consumed by the remaining administrative supervisory functions can only be considered negligible.

Considering all of the above, the appellant's position can be neither titled as supervisory, nor can it be classified as such using the grading criteria contained in the GSSG. This means that for classification purposes, supervision does not constitute a significant enough portion of the position to be treated as a grade-controlling factor, and the position must be graded solely on the value of the nonsupervisory work performed. It should be noted that this encompasses all those functions associated with the overall training program administration excluding only those that relate exclusively to the direct supervision of the subordinate staff.

GRADE DETERMINATION

The appellant's position was evaluated by application of the standard for the Employee Development Series, GS-235, dated April 1971. This standard is written in a narrative format, with grade-level criteria expressed in terms of two elements, Nature of Assignment and Level of Responsibility.

Nature of Assignment

This element considers the scope of the assignment, the difficulty of the work, and the technical complexity of the assignment.

At the GS-13 level, assignments involve independent responsibility for complete projects that:

- Require extensive, advanced, and authoritative knowledge of employee development and training principles, concepts, techniques, and guidelines;
- Frequently result in changes to established employee development and training operations throughout a department or independent agency;
- Involve a wide variety of problems for which established employee development principles, concepts, techniques, and guidelines are not directly applicable and are often inadequate, and for which precedents are obscure or comparatively inapplicable.

Assignments at the GS-13 level are distinguished from those at the GS-12 level in that they involve independent responsibility for complete projects that have nationwide or worldwide impact and application within a department or independent agency, or are of equivalent scope, difficulty, and technical complexity.

An example provided in the standard of a GS-13 level assignment is of a position responsible for formulating and evaluating a major functional segment of the employee development program of a department or independent agency (e.g., management training, professional training, or apprenticeship training), where the GS-13 specialist has overall responsibility for complete projects in that functional segment, although parts of the projects may be accomplished by employee development specialists of lower grade under the technical guidance of the GS-13 specialist. The duties performed in this type of work situation include developing guidelines, instructional methods, course materials, and

new applications of training technology for use in operating-level employee development programs; providing advice and guidance to employee development staffs at lower organizational levels in the department or independent agency; representing the department or independent agency to, and developing cooperative relationships with, other Federal agencies; commenting on major proposed legislation, policies, and directives affecting the employee development program of the department or independent agency; reviewing and evaluating operating-level employee development programs to determine their quality and overall effectiveness; and providing technical guidance to lower-graded employee development specialists.

The appellant's position meets this level in terms of the independent responsibility, the advanced knowledge requirements, and the exposure to problems for which established techniques and precedents are lacking. However, the organizational scope of the appellant's position is not as broad as described at the GS-13 level, in that his work does not cover the training operations of a department or independent agency. In respect to this element, guidance provided in the standard provides that:

Organizational level, as such, is not a direct criterion for evaluating employee development specialist positions. The importance of organizational level lies in the scope and effect of the work performed; the type of control received from higher organizational levels, or exercised over lower organizational levels; the nature and importance of the personal contacts and other work relationships possible or likely at a particular organizational level; and the impact of the recommendations or decisions made.

The appellant's work directly affects the substance of [bureau] training operations carried out in all 50 States and the allocation of funds to support that training. In that the appellant is responsible for overall administration of the [bureau] training program, the impact of his work is not confined to one functional segment as otherwise described at this level. The appellant serves as the [bureau] representative on several interagency councils responsible for the development of Federal legislation and policy in the human resources development area. These representational responsibilities are in certain respects synonymous with those normally performed at Departmental levels. Other functional responsibilities carried out by the appellant, such as developing training guidelines, providing advice and guidance to lower organizational training staffs, developing demonstration training courses, and providing technical guidance to lower-graded employee development specialists, are typical of those described at the GS-13 level. Thus, the lower organizational setting of the appellant's position is offset by his comparatively broader functional responsibilities.

There is not, however, any basis for considering the appellant's position to exceed the GS-13 level under this element. Considering that this level is intended for employee development positions at the highest organizational levels within the Government, and that certain offsetting characteristics had to be applied in mitigating the position's comparative weakness in this area, it is difficult to envision how the appellant's position could exceed this level in terms of functional responsibilities. Extrapolation of the GS-13 criteria would suggest those assignments involving full programmatic responsibility for the training operation of a major Department. As discussed above, the appellant's responsibility for the overall training and development program warrants no higher than GS-13 within the context of the [bureau]. The scope of the appellant's training program cannot be considered of equivalent magnitude to that of a major Department, e.g., the Departments of Army, Agriculture, or Veterans Affairs, either in terms of absolute numbers of employees serviced, the resources devoted

to the training function, or the range and diversity of subject areas to be covered in the overall training curricula.

Level of Responsibility

Employee development specialists at the GS-13 level receive assignments in terms of broad, general objectives, without the provision of technical guidance in analyzing problems and formulating plans. Completed work is reviewed only to assure adequate achievement of objectives and compliance with appropriate policies. Typically, personal contacts at the GS-13 level involve providing authoritative advice, guidance, and staff assistance to top management officials of the department or independent agency, and often produce results that have nationwide or worldwide impact and application within a department or independent agency. Typically, the GS-13 specialist has the authority to commit the department or independent agency to a particular course of action in dealings with outside organizations, or makes recommendations that are normally accepted without modification and are tantamount to such authority. The recommendations of GS-13 specialists often become embodied in the policies, procedures, and directives that guide the employee development program of a department or independent agency.

The standard thus characterizes GS-13 assignments as work that is performed virtually free of any technical oversight or review, that has a major influence on the organization's training policies and approach, and where personal contacts external to the organization add significantly to the difficulty of the work. These features are all characteristic of the appellant's position.

There is no indication that the appellant's position exceeds these criteria to any significant extent. Even given that he works within an overall program framework rather than receiving individual assignments, the scope of his authority is, as outlined earlier, less than the Departmental level described at the GS-13 level. His role is primarily coordinative rather than consultative in nature, i.e., he performs a limited advisory function in relation to top agency management, this role being occupied primarily by the Program Budget Approval Committee. As such, there is not a particularly large policy component to the appellant's position, in that most of the guidelines he issues are procedural instructions rather than broader policy guidelines related to the types of training to be undertaken or the methodologies to be instituted. On balance, the appellant's position meets the GS-13 level primarily on the strength of its freedom from technical review and the frequent interagency contacts, but does not otherwise include any elements that could be considered to exceed that level.

Summary of Findings

The appellant's position was found to meet the GS-13 level under both of the evaluation factors addressed above, using a directly-applicable classification standard for grade comparison. It does not exceed that level in any respect and in fact has a lesser organizational scope than is otherwise typical of that level.

DECISION

The appealed position is properly classified as Employee Development Specialist, GS-235-13.

This decision constitutes a classification certificate issued under the authority of section 5112(b) of title 5, United States Code. This decision is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.