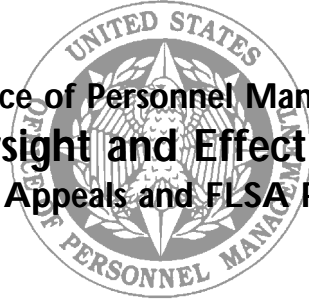


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Washington Oversight Division
1900 E Street, N.W.
Washington, DC 20415

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [name]

Agency classification: Management and Program Analyst
GS-343-13

Organization: [branch]
[division]
[service]
Office of Student Financial Assistance
Programs
Department of Education
Washington, D.C.

OPM decision: GS-301-11
(title at agency discretion)

OPM decision number: **C-0301-11-01**

Linda Kazinetz
Classification Appeals Officer

April 25, 2000

Date

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:

Ms. Veronica D. Trietsch
Director, Human Resources Group
Department of Education
600 Independence Avenue, NW.
Room 2E314
Washington, D.C. 20202

[appellant]

Introduction

On December 14, 1999, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Management and Program Analyst, GS-343-13, in the [branch] of the [division], [service], Office of Student Financial Assistance Programs, at the Department of Education (DOE) in Washington, D.C. [Appellant] requested that his position be classified as GS-343-14. 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 February 15, 2000, including an interview with the appellant's first-line supervisor, [name]. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description, number N0078N, classified by the servicing personnel office as Management and Program Analyst, GS-343-13, on July 29, 1999.

General Issues

The appellant's position description was found to bear no relationship to the work he is actually performing. The position description is a largely generic statement of management/program analytical functions, with only one sentence in the introductory section that relates specifically to his actual duties.

Position Information

The primary purpose of the appellant's position is to review applications submitted by educational/instructional institutions under the [loan program] for basic eligibility, based on well-defined regulatory criteria. To be eligible for inclusion in the [loan program], the school must have already been accepted for participation under other Title IV programs administered by the Department of Education. Upon receipt of an application, the appellant requests information from other DOE program components related to the school's prior programmatic and financial performance (e.g., its loan default rate, timely submission of audit reports, delinquent or outstanding debts to the Federal Government, or pending legal issues). The staff of those various other components research their records on the school and provide their findings to the appellant, with an eligibility recommendation based on their specific areas of concern. Although the appellant may have to resolve conflicting information or ask additional questions to establish the basis for a recommendation, the final eligibility determination is predicated on the research and judgments made by the program staff. The appellant serves, in effect, as a coordinator responsible for ensuring that all aspects of a school's past performance have been examined before it is accepted for participation in the [loan program].

Series Determination

The appellant's position is properly assigned to the Miscellaneous Administration and Program Series, GS-301, which covers positions involved in the performance of two-grade interval work for which no other series is appropriate. Work in this series requires analytical ability, judgment, discretion, and

knowledge of a substantial body of administrative or program principles, concepts, policies, and objectives.

The position should not be classified to the Management and Program Analysis Series, GS-343. This series covers positions which serve primarily as analysts and advisors to management on the evaluation of the effectiveness of government programs and operations, or the productivity and efficiency of the management of Federal agencies, or both. Specifically excluded from coverage under this series are positions primarily engaged in carrying out the line program activities or functions of the agency. The work of the appellant's position is clearly part of the line program operations of the agency. He is responsible for reviewing applications for eligibility under a loan program. He is not involved in reviewing and evaluating the overall operations of the program for effectiveness or in such associated GS-343 functions as researching new management and business practices for adoption by the program; analyzing new or proposed legislation or regulations for program impact; identifying resources required to support varied levels of program operations; or analyzing and evaluating proposed changes in mission, operating procedures, and delegations of authority.

Title Determination

There are no prescribed titles for the GS-301 series. Therefore, the appellant's position may be titled at agency discretion.

Standard Determination

The Administrative Analysis Grade Evaluation Guide is not appropriate for evaluating the appellant's position. This guide is designed to evaluate staff analytical, planning, and evaluative work concerned with the administrative and operational aspects of agency programs. Specifically excluded under this guide are positions which consist solely of duties and responsibilities related to the line management or delivery of agency programs.

There is no published classification series standard or guide that specifically covers the work performed by the appellant. The most closely related is the standard for the Loan Specialist Series, GS-1165, which covers positions involved in such duties as developing loan policies, regulations, and procedures; examining and approving or disapproving loan applications; and various other specialized duties involved in the administration of government loan and mortgage programs. The functions carried out by the appellant represent the preliminary stage of loan approval, i.e., establishing basic program eligibility. He does not participate in such broader loan specialist assignments as investigating prospective borrowers' credit histories and financial capabilities; determining the amount of the loans to be offered; servicing and adjusting current and delinquent loan accounts or loans in default; and advising borrowers on financial and credit matters. His functional responsibilities are rather limited and are not addressed separately within the context of the GS-1165 standard. However, certain elements within the GS-1165 criteria are applicable to the appellant's position and can be isolated for comparison purposes.

At the GS-11 level, assignments involve analysis of the financial capability of applicants for loans in connection with large-scale housing transactions (large multi-family rental projects, nursing homes, and the like). This is complicated by the fact that the income is based on the operations of business firms or the rental of multi-family housing rather than on relatively stable salaries or wages. The income is, at best, an estimate based on the anticipated trend of the particular business operation, the local economy, and the management ability of the owners. The source of this estimate comes from an analysis of financial statements for several years, commercial credit reports, discussions with local bankers, economic and industry reports of the agency, and reports from such other agencies as the Department of Commerce, Federal Reserve Board, Federal Home Loan Bank Board, etc. The GS-11 loan specialist is expected to accomplish the normal day-to-day actions pertaining to loan examining and servicing without supervisory direction.

The GS-12 level is characterized by the requirement for broad experience and seasoned judgment in providing financial management guidance to borrowers, in ascertaining and analyzing the many and often obscure facts regarding the borrower's financial capability, and in evaluating the general economic and financial conditions that affect the Government's risk in granting, guaranteeing, or insuring the loan. The GS-12 loan specialist is expected to determine the areas and sources of information he will explore, and the approach he will take in obtaining needed facts about proposed loan actions. Assignment examples provided in the standard as typical of this grade level include:

- investigating loan applications when the applicant is a corporation with a number of subsidiaries, enterprises, and interlocking relationships, making it difficult to determine assets, liabilities, working capital and profits as well as to control the use of the assets and collateral;
- authorizing and administering loans to an industrial concern for extensive working capital, when authorization is based on both broad and in-depth analysis of the borrower's financial soundness, in terms of net worth in relation to total debt, size and condition of accounts receivable, inventory, taxes, sales volume, and profit percentage trends; and
- counseling borrowers on financing arrangements for the construction of very large rental projects, where consideration must be given to such diverse issues as economic or environmental conditions, number of properties in the community to which the agency already holds title, values and saleability of properties in the community, and the nature of collateral securing the loan.

The appellant's assignment represents a relatively limited aspect of the overall process of issuing and administering loans under the [loan program], i.e., the school selection stage, wherein the school's basic eligibility for participation in the program is established. When a school applies for inclusion in the program, the appellant forwards its request to several other functional areas of the organization (e.g., case review staff, audit staff, default staff, among others) for research of their respective records on the school. Each of these offices provides their findings to the appellant, along with a recommendation as to whether or not the school should be accepted for participation and the recommended loan origination level. The appellant reviews these separate recommendations and, in conjunction with criteria contained in the program regulations, arrives at a final composite

recommendation regarding selection/nonselection and loan origination level for approval by the division director. The appellant has no actual involvement in the technical aspects of the recommendations provided by the various research staff. A negative finding on the part of any one of the functional areas is sufficient to deny selection, although the appellant may question a recommendation if it does not appear to be based on the regulatory criteria.

An exact comparison cannot be made between the appellant's duties and those described in the GS-1165 standard, as the appellant is not responsible for personally conducting the research into the financial or programmatic issues surrounding the applicant schools. Thus, the relative size of the institutions applying for loans, although normally a key factor in most loan specialist positions, is of limited relevance in the appellant's case. Rather, other considerations, such as the obscurity of the facts that must be analyzed and the depth of analysis that must be performed, are more useful in making comparisons. In this respect, the complexity of his work is comparable to and clearly no higher than the GS-11 level. The documentation that he reviews (i.e., the reports on the applicant schools submitted by the various functional components) is comparable to the types of documentation reviewed by GS-11 loan specialists (e.g., similar reports requested from commercial credit institutions and various Federal agencies). This documentation is standardized in the sense that he basically requests the same information for every school, and the level of analysis required is relatively limited in that he does not make the actual technical judgments relating to the school's capability or prior performance but rather is provided a positive or negative report by the responding functional component.

The complexity of his work does not meet the GS-12 level, where the disparate circumstances surrounding each loan applicant require that different approaches and sources of information be used in each case. At this level, very difficult technical judgments must be made regarding the applicant's current financial condition and projected earnings as well as general economic conditions that may affect the future financial soundness of the institution or the project being funded. The appellant's work does not require this level of analysis. He does not use different approaches or sources of information in each case, nor does he make comparable subjective determinations regarding the credit worthiness of the applicant schools. His role is more coordinative than technical, and any actual analyses performed by him relate more to resolving conflicting information received from different functional components or questioning the basis for a negative recommendation that seems to be contrary to regulatory criteria.

The GS-1165 standard does not include criteria for the evaluation of positions operating in a staff capacity by providing policy direction, guidance, and review to those at lower organizational levels who are responsible for carrying out operating loan examining and servicing functions. The appellant's original involvement in the [loan program] was in a staff capacity, in that he was a member of a task force charged with developing this program as a demonstration project. The grade value of program planning and development work is often higher than the grade value of corresponding operating level work involved in day-to-day program administration. However, the grade level of the work associated with the appellant's original role in the program has no bearing on the grade level of the work he is currently performing. His role has transitioned from staff to operating level, and

the absence of any continuing involvement in policy development or any associated managerial responsibility for program operations, or even a broader assignment involving more facets of the loan program, have had a direct impact on the grade level of his position.

Decision

The appealed position is properly classified as GS-301-11, with the title at the discretion of the agency.