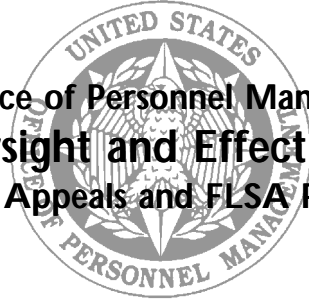


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Atlanta Oversight Division
75 Spring Street SW, Suite 972
Atlanta, GA 30303

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

Appellant: [Appellant]

Agency classification: Command Executive Officer
GS-301-13

Organization: United States Army Reserve Command

OPM decision: GS-301-13
(Title at the agency's discretion)

OPM decision number: C-0301-13-01

_____/s/_____
Kathy W. Day
Classification Appeals Officer

2/11/00

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:

[Appellant]

[Chief, Classification Division
Department of the Army
Manpower and Reserve Affairs
Civilian Personnel Operations Center]

Mr. David Snyder
Deputy Assistant Secretary
Civilian Personnel Policy/Civilian
Personnel Director for Army
U.S. Department of the Army
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Ms. Janice W. Cooper
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Introduction

On October 26, 1999, the Atlanta Oversight Division of the U.S. Office of Personnel Management accepted a position classification appeal for the position of Command Executive Officer, GS-301-13, [organizational location], United States Army Reserve Command (USARC), [geographical location] . The appellant believes his position should be classified as GS-301-14.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

General issues

The appellant's position was upgraded to GS-14 approximately six years ago when the Army Reserve components were consolidated in the USARC. Based on an internal review of grade levels and application of the new General Schedule Supervisory Guide (GSSG), the position was downgraded to GS-13. The appellant appealed to the Department of Defense, Civilian Personnel Management Service. They sustained the agency determination that the position is properly classified at the GS-13 level.

Telephone interviews with the appellant and the appellant's first-line supervisor were conducted by an Atlanta Oversight Division representative. 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.

Position information

The appellant is assigned to position description number [#]. The appellant, supervisor and agency have certified the accuracy of the position description.

The appellant is responsible for the day-to-day management and support activities of the [Division] Institutional Training. He performs these duties for the Commanding General who is a reserve officer and is present on an average of one week out of each month. The appellant exercises control over the training administration, supply, maintenance, public relations, resource management, recruiting, inspections and investigations, discipline, liaison activities, and the internal control management program.

He serves as an adviser and consultant to the Commanding General on policy matters. He keeps abreast of new policies, procedures, regulations, directives, and recommends the framework for Command-wide policies, programs, and systems to improve the efficiency and economy of functions and operations. The appellant provides technical, administrative, and managerial direction, guidance and supervision to the functional directors, General, and Special staffs in the areas of personnel, finance, operations, and logistics.

He provides continuous review, analysis, and monitoring of programs, plans and activities. He directs and provides continuity of long and short-range planning initiatives for the financial and resource management program. He ensures plans and programs are consistently implemented and that timely and appropriate corrective actions are taken to resolve program deficiencies and deviations.

The appellant supervises a full-time staff which includes both military and civilian employees. He advises, counsels and instructs employees on both work and administrative matters; makes or approves selections for subordinate nonsupervisory positions; hears and resolves group grievances or serious employee complaints; reviews and approves disciplinary actions; and makes decisions on nonroutine, costly, or controversial training needs and training requests related to the employees of the unit. He also approves expenses such as within-grade increases, extensive overtime and employee travel; recommends awards or bonuses for nonsupervisory personnel and changes in position classification, subject to approval by higher level officials; plans and assigns work for subordinates based on employee capabilities; sets and adjusts short-term priorities; and develops performance standards and evaluates performance. The appellant finds and implements ways to eliminate or reduce significant bottlenecks and barriers to production, promote team building, or improve business practices. He has significant responsibilities in dealing with officials of other units or organizations and in advising management officials of higher rank.

Series Determination

The appellant's position is properly assigned to the Miscellaneous Administration and Program Series, GS-301, which covers positions which perform, supervise, or manage nonprofessional, two-grade interval work for which no other series is appropriate. Neither the appellant nor the agency disagrees.

Title Determination

No titles are specified for positions classified in the GS-301 series. The position is delegated supervisory responsibilities meeting the minimum criteria for coverage under Factor 3 in the GSSG. Following the guidance in the Introduction to the Position Classification Standards, the agency may construct a title which recognizes the supervisory responsibilities.

Standard determination

Miscellaneous Administration and Program Series, GS-301, January 1979.
General Schedule Supervisory Guide, April 1993.

Grade Determination

The GSSG is used to determine the grade level of supervisory positions in grades GS-5 through GS-15. The guide has six evaluation factors, each with several factor level definitions and

corresponding point values. Positions are evaluated by crediting the points designated for the highest level met under each factor and using the grade conversion table in the guide to convert the total to a grade.

The appellant disagrees with his agency's evaluation of Factors 1, 3, 5 and 6. He agrees with the agency determination of Factors 2 and 4, and we concur. This appeal will, therefore, address only those factors with which the appellant disagrees.

Factor 1. Program Scope and Effect

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To credit a particular factor-level, the criteria for both scope and effect must be met. The agency evaluated this factor at Level 1-2. The appellant believes it should be credited at Level 1-3.

a. *Scope*

This subelement addresses the general complexity and breadth of: (1) the program (or program segment) directed; and (2) the work directed, the products produced, or the services delivered. The geographic and organizational coverage of the program (or program segment) within the agency structure is addressed under this element.

At Level 1-3, the position directs a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage which encompasses a major metropolitan area, a state, or a small region of several states; or, when most of the area's taxpayers or businesses are covered, coverage comparable to a small city. Providing complex administrative or technical or professional services directly affecting a large or complex multi-mission military installation also falls at this level.

Level 1-3 is met. The [Division] Institutional Training Command is one of seven institutional training and five exercise divisions that provide training for the USARC to instruct new soldiers during mobilization and provide valuable peacetime training for active and reserve soldiers. Training activities are provided to a soldier/student population of 75,000 within [Region]. The geographic area for [Region] covers [states]. The appellant provided documentation to show that the Command is developing a training relationship with [Army training brigade overseas]. However, at this time, the nature of the relationship has not been established and cannot be considered in evaluating the current duties of this position.

At Level 1-4, the position directs a segment of a professional, highly technical, or complex administrative program which involves the development of major aspects of key agency scientific, medical, legal, administrative, regulatory, policy development or comparable, programs; or that includes major, highly technical operations at the Government's largest, most complex industrial installations.

Level 1-4 is not met. The [Division] Training program is one of several different training components within the Department of the Army. The appellant provides the day-to-day management of this segment of Army training but is not responsible for developing major aspects of key Army programs of the complexity described at this level (e.g., scientific or medical programs) or for directing a program equivalent to highly technical operations at the largest, most complex industrial installations.

Scope is credited at Level 1-3.

b. *Effect*

This subelement addresses the impact of the work, the products, and/or the programs described under *Scope* on the mission and programs of the customer(s), the activity, other activities in or outside of the Federal Government, the agency, other agencies, the general public, or other entities.

At Level 1-2, the services or products support and significantly affect installation level, area office, or field office operations and objectives, or comparable program segments; or provide services to a moderate, local or limited population of clients or users comparable to a major portion of a small city or rural county.

Level 1-2 met. The work directed by the appellant facilitates the training activities to ensure that reservists, active duty soldiers and students assigned within [Region] are equipped to perform their peace time and mobilization responsibilities.

At Level 1-3, activities, functions, or services accomplished directly and significantly impact a wide range of agency activities, the work of other activities, or the operations of outside interests, (e.g., a segment of a regulated industry), or the general public. At the field activity level, the work directly involves or substantially impacts the provision of essential support operations to numerous, varied and complex technical, professional, and administrative functions.

Level 1-3 is not met. Although the appellant's division provides training for the USARC, Army National Guard, TRADOC and selected Department of Defense civilian personnel, his work does not directly involve or substantially impact a wide range of agency functions, other agencies, or the operations of outside interests or the general public. His duties affect the administration of reserve training in [Region].

Effect is credited at Level 1-2.

Since *Scope* is credited at Level 1-3, and *Effect* is credited at Level 1-2, the appropriate level for this factor is Level 1-2, for 350 points.

Factor 3. Supervisory and Managerial Authority Exercised

This factor covers the delegated supervisory and managerial authorities which are exercised on a recurring basis. To be credited under this factor, a position must carry out the authorities and responsibilities to the extent described for the specific level. Levels under this factor apply equally to the direction of specialized program management operations, line functions, staff functions, and operating and support activities. The agency credited this factor at Level 3-3b. The appellant believes his managerial and supervisory responsibilities meet Level 3-4.

Level 3-3 describes two situations, either of which meets the level. In the first situation, the position exercises delegated managerial authority to set a series of annual, multi-year, or similar long-range work plans and schedules for in-service or contracted work; assures implementation by subordinate units of program goals and objectives; determines which goals and objectives need additional emphasis; determines the best solution to budget shortages; and plans for long-range staffing needs. Positions in this situation are closely involved with high level program officials or comparable agency staff personnel in developing overall goals and objectives for assigned functions or programs. The second situation covers positions that exercise all or nearly all of the delegated supervisory authorities and responsibilities described at Level 3-2c, and at least eight of the conditions described at Level 3-3, including using subordinates to direct or lead work, exercising significant advisory or coordination responsibilities, assuring equity of performance standards and ratings among subordinate units, directing a program segment with significant resources, making decisions on matters elevated by subordinate supervisors, exercising personnel authority over subordinate supervisors and employees, approving serious disciplinary actions, making non-routine decisions, and approving expenditures of funds.

The first situation, Level 3-3a, is not met. The appellant states that he receives guidance from the Commanding General to develop a training guide which projects long-range work plans, goals and objectives for the command. He meets three times a year with the Executive Officers of the other six Institutional Training Commands to coordinate work plans or support needs to accomplish the overall mission. However, Executive Officers at Institutional Training Commands are not agency level staff personnel. Furthermore, the appellant is not responsible for setting long-range training work plans, or goals and objectives for the USARC. This authority is reserved for higher level officials at Army Headquarters. We also considered the fact that the appellant evaluates the effectiveness and efficiency of programs. However, his evaluation responsibilities do not extend beyond the [Division] program.

Level 3-3b is met. The appellant supervises subordinate supervisors and has significant advisory and coordination responsibilities with the Army Proponent Schools, Office of Chief of the Army

Reserve and State National Guard Commands within [Region]. He has responsibility for oversight of the Commander's operating budget of approximately \$8 million, including military and civilian salaries and operating expenses. In his appeal, the appellant states that he must determine budget shortages for each school battalion program. He further states that he must also approve their long-range staffing requirements and decide whether they must contract with agencies outside of the Department of Defense. In addition, he has authority and responsibility to approve the allocation and distribution of Division resources and funds to accomplish the mission. The position meets 10 of the 15 authorities and responsibilities listed at Level 3-3b.

Level 3-4 also describes two situations, either of which meets the level. In the first situation, the position being evaluated exercises delegated authority to oversee the overall planning, direction, and timely execution of a program, several program segments managed through separate organizational units, or comparable staff functions. Such positions include responsibility for development, assignment, and higher level clearance of goals and objectives for subordinate organizations; approving multi-year and longer range work plans developed by subordinate supervisors; overseeing the revision of long-range plans, goals and objectives; managing the development of policy changes; managing organizational change; and exercising discretionary authority to distribute funds in the organization's budget. In the second situation, the supervisor exercises final authority for the full range of personnel actions and organization design proposals.

Level 3-4 is not met. In order to credit Level 3-4, the delegated managerial and supervisory authorities described at both Level 3-3a and 3-3b must be met. Since the appellant's position does not meet Level 3-3a, Level 3-4 cannot be credited.

This factor is credited at Level 3-3b for 775 points.

Factor 5. Difficulty of Typical Work Directed

This factor measures the difficulty and complexity of the basic work most typical of the organization(s) directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders or others.

The GSSG provides two methods for determining the highest level creditable for Factor 5. The first method involves determining the highest grade which best characterizes the nature of the basic mission oriented nonsupervisory work performed or overseen by the organization directed, and which constitutes 25 percent or more of the *workload* (not positions or employees) of the organization. This means that 25 percent or more of the nonsupervisory duty hours of subordinates and others is expended on work at or above the base level credited, or where extensive contract work is overseen, that 25 percent or more of the dollars spent on human services is for work at or above that level.

The second method is used for second and higher level supervisors who spend at least 50 percent of their duty time supervising or managing a heavy workload related to work above the base level. The agency evaluated this factor at Level 5-5. The appellant believes Level 5-7 should be credited.

The appellant disagrees with the agency use of 38 nonsupervisory positions to determine the base level of his work. He provided three organizational charts that reflect the total number and type of positions supervised. The first chart shows military and civilian positions in the headquarters staff office under his direct supervision. The second chart shows the Brigade full-time staff and the third chart is expanded to show the Brigade to Battalion full-time staff. The total number of positions represented in these charts is 136.

Although the appellant has responsibility for a large organization, only nonsupervisory positions performing the mission oriented work of the organization are included in the base level determination. Therefore, all military and civilian supervisory, managerial, leader or similar type jobs, as well as positions that provide administrative or clerical support to positions that perform mission oriented work are excluded. Also excluded are positions whose grades are impacted by an extraordinary degree of independence from supervision (e.g., Computer Systems Specialists and Software Analysts, Auditor, Inspector General, and the Adjunct Attorney).

The agency furnished copies of the subordinate civilian position descriptions and a military-to-civilian grade conversion chart that was used to convert the military jobs to the equivalent General Schedule grade. After analyzing the information provided by the agency and the appellant, we determined that the mission oriented nonsupervisory positions in the organization directed are:

Headquarters Staff

(military personnel equivalent to:)

- 1 Career Counselor, GS-11
- 1 Military Personnel Specialist, GS-9
- 1 Military Personnel Technician, GS-9
- 1 Personnel Information Systems Manager, GS-6
- 2 Operations Specialists, GS-9
- 2 Operations Specialist Assistants, GS-8
- 1 Assistant Operations Specialist, GS-7
- 1 Plans Officer, GS-9
- 1 Property Accounts, GS-7
- 1 Finance, GS-8
- 1 Information Systems Analyst, GS-5
- 1 Information Management Officer, GS-11

(Civilians)

- 1 Military Personnel Specialist, GS-11
- 1 Staff Operations Training Specialist, GS-9
- 1 Logistics Management Specialist, GS-11
- 1 Budget Analyst, GS-11

Brigade Staff

(military personnel equivalent to:)

- 7 Operations Specialists, GS-9
- 7 Operations Specialist Assistants, GS-8

Using the first method, GS-9 is the *highest* qualifying level of nonsupervisory work directed that represents 25 percent or more of the *workload* of the organization. There is no evidence in the appeal file that the appellant is required to spend at least 50 percent of his time supervising subordinate employees working above the base level. Therefore, the second method cannot be used.

This factor is credited at Level 5-5, for 650 points.

Factor 6. Other Conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. If the level selected under this factor is either 6-1, 6-2, or 6-3, and if three or more of the eight Special Situations described are met, the original level selected is increased by one level. The agency evaluated this factor at Level 6-4. The appellant believes Level 6-5 should be credited.

Level 6-4 describes two situations. Level 6-4a requires substantial coordination and integration of a number of major work assignments, projects, or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-11 level. Level 6-4b requires that the position direct subordinate supervisors and/or contractors who each direct substantial workloads comparable to the GS-9 or 10 level.

Level 6-4b is met. The typical work directed by the appellant's subordinate supervisors is GS-9 level work.

Level 6-5 describes three situations. Level 6-5a requires significant and extensive coordination and integration of a number of important projects or program segments of work comparable to GS-12. Level 6-5b requires that the position supervise work comparable to GS-13 or above. Level 6-5c requires that the position manage work through subordinate supervisors and/or contractors who each direct substantial workloads comparable to GS-11.

Levels 6-5a and 6-5b are not met since the typical work directed by the appellant does not require extensive coordination of a number of GS-12 level projects and does not require supervision of GS-13 level work. Level 6-5c is not met since the typical workload of the subordinate supervisors was found to be GS-9 level work.

This factor is credited at Level 6-4b, for 1120 points.

SUMMARY		
FACTOR	LEVEL	POINTS
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-3	350
3. Supervisory and Managerial Authority Exercised	3-3b	775
4. Personal Contacts		
A. Nature of Contacts	4A-3	75
B. Purpose of Contacts	4B-3	100
5. Difficulty of Typical Work Directed	5-5	650
6. Other Conditions	6-4b	1120
	TOTAL	3420

A total of 3420 points equates to GS-13, 3155 to 3600 points, according to the point-to-grade conversion chart in the GSSG.

Decision

The appealed position is properly classified as GS-301-13 with the title to be determined by the agency.