

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

Philadelphia Oversight Division
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

Classification Appeal Decision
Under section 5112 of title 5, United States Code

Appellant: [appellant's name]

Agency classification: Supervisory Loan Specialist
GS-1165-12

Organization: Area Office IV
Rural Development
U.S. Department of Agriculture
[location]

OPM decision: Supervisory Loan Specialist
GS-1165-12

OPM decision number: C-1165-12-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

5/23/02

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a 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 conditions and time limits specified in the *Introduction to the Position Classification Standards* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

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

[name]
Assistant State Director
U.S. Department of Agriculture
Rural Development
[address]
[location]

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Introduction

On February 12, 2002, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. We received the agency appeal administrative report on March 13. His position is currently classified as Supervisory Loan Specialist, GS-1165-12. The appellant believes the classification should be Supervisory Loan Specialist, GS-1165-13. The position is in Area Office IV, Rural Development, U.S. Department of Agriculture, [location]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

General Issues

In his February 7, 2002, letter, the appellant stated that his position should be classified at the GS-13 grade level. Our telephone interview with the appellant on May 3, 2002, confirmed that he did not contest the series or title of his position.

The appellant described his agency's actions that resulted in changing the classification of his current position from GS-301-12 to GS-1165-12. He said that his position should be at a higher grade level because he is performing work previously assigned to other positions in his agency that were classified at higher grade levels.

By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCS's and guidelines (5 U.S.C. 5106, 5107, and 5112). Other methods or factors of evaluation are not authorized for use in determining the classification of a position, such as comparison to positions that may or may not have been properly classified. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding his agency's classification review process are not germane to this decision.

Implicit in the appellant's rationale is a concern that his position is classified inconsistently with other positions. Like OPM, the appellant's agency must classify positions based on comparison to OPM PCS's and guidelines. Section 511.612 of 5 CFR, requires that agencies review their own classification decisions for identical, similar, or related positions to insure consistency with OPM certificates. Thus, the agency has the primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that his position is classified inconsistently with other positions, he may pursue this matter by writing to his agency headquarters Human Resource Office. In so doing, he should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to him the differences between his position and the others, or grade those positions in accordance with this appeal decision.

In a memorandum dated March 4, 2002, the appellant agreed that his position description (PD) of record (PD #[number]) is accurate. We conducted a telephone audit with the appellant on May 3, 2002, a telephone interview with the Assistant State Director, [name], on May 7, and a telephone interview with the appellant's supervisor, [name], State Director, on May 17. To clarify information provided during those conversations, we held a follow-up telephone interview with the appellant on May 17. In deciding this appeal, we fully considered the audit and interview findings and all information of record furnished by the appellant and his agency, including his official PD which we incorporate by reference into this decision.

Position information

The appellant manages the work of an area office that provides credit and technical assistance to people and communities in the assigned area of six [state] counties. He serves as a representative of the State Director in the technical and administrative supervision of a broad range of loans and grants administered by Rural Development. The permanent office subordinate staff consists of one GS-1165-12; two GS-1165-9 (one with full performance at the GS-11 grade level); two GS-1101-7; and two GS-1101-5 positions. The appellant assigns work based on workload requirements and individual capabilities and provides guidance in resolving difficult problems. The subordinate loan specialists have delegated loan approval authority within defined dollar limits. The appellant does not routinely review the loans that they approve other than for performance management monitoring purposes. Each loan specialist independently monitors assigned loan accounts.

Series, title and guide determination

The agency has classified this position in the Supervisory Loan Specialist Series, GS-1165, and graded the position by application of the General Schedule Supervisory Guide (GSSG), with which the appellant agrees. We concur with these determinations.

Grade determination

The appellant believes that his position should be credited at Level 1-3, but agrees with his agency's crediting of the other factors at Levels 2-2, 3-2c, 4A-2, 4B-2, 5-6, and 6-4. After careful review of the record, we concur with the crediting of Levels 2-2, 3-2c, 4A-2, 4B-2, and 5-6. The GSSG is a threshold PCS. A defined level must be fully met before it can be credited. Our analysis of the remaining factors follows. Because of its relationship with Factor 6, we also will address Factor 5.

Factor 1, Program scope and effect

This factor addresses the general complexity, breadth, and impact of the program areas and work directed, including the 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.

Scope. This element 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 included under this element.

The appellant stated that Level 1-3 should be credited because he manages programs that cover a significant portion of the state of [name] covering a widely diverse geographic territory. He said that his position directly and significantly impacts a wide range of activities for 3.16 million people representing over 90 percent of the state population. The appellant said that half of this population is eligible to apply for loans, but that the entire population should be included because his office refers ineligible people to other agencies for service.

At Level 1-2, the program segment or work directed is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within agency program segments.

At Level 1-3, the supervisor 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 an area's taxpayers or businesses are covered, coverage comparable to a small city.

The appellant directs a program that provides credit and technical assistance services in six counties in [state]. Information provided by the State Office shows that approximately 770,000 of the 3.16 million people in these counties are potentially eligible for Community Facility and Rural Housing loans. Smaller populations are eligible for Utility Programs and Business Programs. In evaluating the population, we may only consider the total population serviced directly and significantly by a program. We also cannot count the total population in the geographic area potentially covered by a program. Referring callers to other agencies is not direct and significant impact within the meaning of the GSSG.

The appellant's office affects a limited population in exercising his delegated approval authority or single-family housing direct loans and grants under the Rural Housing Program. The office monitors and supervises performance of the loan portfolio consisting of approximately 625 direct mortgage accounts, 75 guaranteed accounts, 36 Rural Rental Housing direct mortgage accounts with 11 management companies covering 1,400 rental units, and 31 Community Facility and Waste and Water (Utility Program) borrowers. The appellant said that his office processes approximately 120 to 200 single-family loan applications annually. State Office figures show 65 or fewer applications were processed each of the last two calendar years. The record shows that there were no multi-family loans for approximately two to three years. Business Program loan applications ranged from 2 to 10 and Waste and Water from 3 to 7 during the same time frame. Approval authority for the Business, Waste and Water and other loans resides with the State Office. Since the population directly and significantly impacted fails to meet Level 1-3, we must credit Level 1-2 for this element.

Effect. This element addresses the impact of programs, products, or programs covered under *Scope* on the mission and programs of the customer(s), the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

Level 1-2 services support and significantly affect installation level, area office level, or field office operations and objectives, or are delivered to a moderate, local, or limited population of clients or users comparable to a major portion of a small city or rural county.

At Level 1-3, activities, functions, or services directly and significantly affect a wide range of agency activities, the work of other agencies, the operations of outside interests, or the general public. As illustrated in the GSSG, positions at this level furnish a significant portion of the agency's line program to a moderate-sized population of clients equivalent to a group of citizens

and/or businesses in several rural counties, a small city, or a portion of a larger metropolitan area. Depending on the complexity and intensity of the service, the serviced population may be concentrated in one geographic area, or involve a significant portion of a multi-state population, or be composed of a comparable group.

As at Level 1-2, the appellant's position services a limited portion of the population spread over six counties in a small State. The loan portfolio and customer base receiving technical assistance compares closely to the illustration at Level 1-2 in which a field office provides services to the general public that is equivalent to all the citizens in a portion of a small city, whether concentrated in the city or spread out over a wider geographic area. As at Level 1-2, the appellant's office furnishes a portion of agency program services to the covered population.

Unlike Level 1-3, the appellant does not provide the range of the agency's line program services to a population equivalent to citizens or businesses in several rural counties, a small city, or a portion of a larger metropolitan area as defined in the GSSG. The services directly provided and controlled by the appellant do not cover the full population in the covered counties and do not cover the larger and more complex loan programs managed by the agency. These functions are retained in the State Office. Therefore, this element is credited at Level 1-2.

With both elements evaluated at Level 1-2, this factor is credited at Level 1-2 and 350 points are assigned.

Factor 5, Difficulty of typical work directed

We concur with the crediting of Level 5-6. The classification of the GS-12 loan specialist position is based on assisting the appellant in managing the office and independently handling the most complex loans. Adjusting the grade of this position as required by the instructions in Factor 5 of the GSSG, this position is credited at the GS-11 grade level for determining the level of work directed by the appellant. Excluding the two GS-1101-5 support positions and considering the workload data provided by the agency, we find that 25 percent or more of the basic work of the unit is at the GS-11 grade level. Using the conversion table in the GSSG, this equates to Level 5-6.

This factor is credited at Level 5-6 and 800 points are assigned.

Factor 6, Other conditions

This factor measures the extent to which various conditions add to the difficulty of supervision. To be credited, the condition must be present and dealt with on a regular basis.

Level 6-3 provides credit for coordinating, integrating, or consolidating administrative, technical, or complex technician or other support work comparable to the GS-9 or GS-10 grade level. This work may also be met when the work directed is analytical, interpretive, judgmental, evaluative, or creative and places significant demands on the supervisor to resolve conflicts and maintain compatibility of interpretation, judgment, logic, and policy application.

Level 6-4 credits complications arising from the supervision of work comparable in difficulty to the GS-11 grade level *and* requiring substantial coordination and integration of a number of

major assignments, projects, or program segments of professional, scientific, technical or administrative work. Illustrative of this work is (1) reviewing and approving the substance of reports, decisions, case documents, contracts, or other action documents to assure that they accurately reflect the policies and position of the organization and the views of the agency, (2) identifying and integrating internal and external program issues affecting the immediate organization, such as those involving technical, financial, organizational, and administrative matters, or (3) developing, implementing, evaluating, and improving processes and procedures to monitor the effectiveness, efficiency, and productivity of the program segment and/or organization directed.

The appellant's position fails to fully meet Level 6-4. Although he directs GS-11 grade level work under Factor 5, the work directed does not require substantial coordination and integration as defined in the GSSG. Overseeing the GS-11 and higher graded technical work of two positions is not equivalent to coordinating and integrating a number of major work assignments, projects or program segments. The PD's for the appellant's subordinate loan specialists state that they work independently and are responsible for approving loans within their delegated loan approval authority. Their work is subject to spot check for compliance with agency policies, regulations, or procedures. They are responsible for taking action on problem loans within delegated authority, conducting program outreach efforts, and independently providing a range of advisory services to customers. Therefore, the appellant does not routinely review and approve loans to ensure that they accurately reflect the policies, positions, and views of the agency. The nature of the office's work and the presence of State program manager positions, i.e., Community and Business Programs and Housing Program Manager precludes the appellant from regularly dealing with the type of program development or program monitoring demands defined in the GSSG. Because Level 6-4 is not fully met, this factor is credited at Level 6-3.

Special Situations

When Level 6-3 is credited, a single additional level may be awarded if the position meets three or more of eight Special Situations. None of the eight situations or conditions is creditable to the appellant's position. Consequently, no additional credit is warranted. This factor is credited at Level 6-3 and 975 points are assigned.

Summary

In summary, we have evaluated the appellant's position as follows:

Factors	Level	Points
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-2	250
3. Supervisory/Managerial Authority	3-2c	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	6-3	<u>975</u>
Total		2,950 points

The 2,950 total points fall within the GS-12 range of 2,750-3,150 points on the point-to-grade conversion chart in the GSSG. Therefore, the final grade for the appellant's position is GS-12.

Decision

The appellant's position is properly classified as Supervisory Loan Specialist, GS-1165-12.