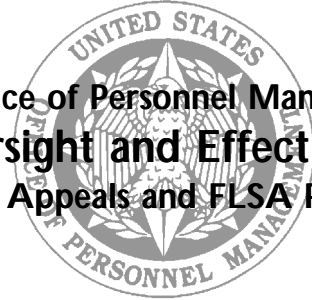


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



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: Supervisory Personnel Management Specialist
GS-201-14

Organization: [division]
[office]
[bureau]
Department of State
Washington, D.C.

OPM decision: Supervisory Personnel Management Specialist
GS-201-14

OPM decision number: C-0201-14-01

Linda Kazinetz
Classification Appeals Officer

June 22, 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:

[appellant]

Ms. Linda Taglialatela
Director, Office of Resource Management
and Organizational Analysis
PER/RMA, SA-1, Room H1301
U.S. Department of State
Washington, DC 20522

Introduction

On May 24, 2000, 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 Supervisory Personnel Management Specialist, GS-201-14, in the [division] of the [office], [bureau], Department of State, in Washington, D.C. [Appellant] requested that his position be classified as Supervisory Personnel Management Specialist, GS-201-15. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

The appellant had previously appealed the classification of his position to the Department of State. That appeal was denied and the current classification of the position sustained by the Department on June 25, 1999.

An interview with the appellant was conducted on June 20, 2000, to clarify the information provided in his appeal. This appeal was decided by considering all information of record furnished by the appellant and his agency, including his official position description, number S-80794, most recently classified by the servicing personnel office as Supervisory Personnel Management Specialist, GS-201-14, on October 28, 1998.

General Issues

The appellant compares the grade of his position to the grades of Foreign Service Personnel Officer positions at major posts abroad. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others, even indirectly, as a basis for deciding his appeal.

Position Information

The appellant is the chief of the [division], which is responsible for developing policies, regulations, and guidelines for the interagency Foreign Service National personnel system and the Department's overseas American employment system; evaluating the administration of these systems at overseas posts; and providing technical advisory services to components of the Department and other participating agencies, including the Foreign Service Institute, on the provisions and requirements of the two systems. There are approximately 38,000 individuals employed under the Foreign Service National personnel system (28,000 by State Department, 10,000 by other U.S. Government agencies), and 1,000 employed by State Department under the overseas American employment system.

Series Determination

The appellant's position is properly assigned to the Personnel Management Series, GS-201, which includes positions that advise on, supervise, perform, or provide staff leadership and technical guidance for work which involves two or more specialized personnel functions. Neither the appellant nor the agency disagrees.

Title Determination

The appellant's position is correctly titled as Supervisory Personnel Management Specialist, which is the authorized title for supervisory positions in this series. Neither the appellant nor the agency disagrees.

Grade Determination

The appellant requested that his position be evaluated using the standard for the Personnel Management Series, GS-201, Part I - Personnel Officer Positions. (He does not argue that his position be titled as Personnel Officer, only that it be evaluated using the personnel officer criteria.) There is no basis for using Part I of this standard. Personnel officer positions involve responsibility for directing the personnel management program of an identifiable organization, be it an agency, bureau, field establishment, or other organizational component. The appellant's position is a staff-level job involving policy and program development for two particular employment categories, foreign nationals employed by U.S. Government agencies at overseas posts and family members of State Department employees working at U.S. Foreign Service posts. The appellant does not have full authority over the personnel establishments servicing these employees, some of whom are employed by other agencies. This degree of authority for the entire range of programs and activities administered by operating-level personnel offices is assumed by the Personnel Officer standard. Thus, application of that standard would credit authority that is not present in the appellant's position and derive an invalid grade conclusion.

The appellant's position was evaluated using the General Schedule Supervisory Guide (GSSG). This is a cross-series guide used to determine the grade level of supervisory positions in the General Schedule. The GSSG 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 converting the total to a grade by using the grade conversion table provided in the guide.

The appellant disagrees with the agency's factor level assignment for factor 1. Our evaluation differs from the agency's evaluation in respect to factor 4. Therefore, those two factors are discussed in more detail below.

Factor 1, Program Scope and Effect

The element *Scope* addresses the complexity and breadth of the program directed and the services delivered. The geographic and organizational coverage of the program within the agency structure is included under this element. The element *Effect* addresses the external impact of the program.

Under *Scope*, the appellant's position meets Level 1-4 in terms of the complexity of the work directed (i.e., a segment of a professional, highly technical, or complex administrative program) and the

breadth of the work directed (the development of major aspects of key *agency* administrative, regulatory, policy development, or comparable programs). The appellant's area of responsibility is considered equivalent to a "program segment" (i.e., any subdivision of a program as defined in the GSSG) of complex administrative work, and represents a major aspect of an important agencywide program (i.e., overseas employment.) Under *Effect*, the position likewise matches Level 1-4, where the work affects most of an agency's entire field establishment. The appellant's work affects employment practices at the Department's overseas posts, which basically constitute its entire field organization.

Level 1-5 is not met. At that level, work involves directing a *program* for which both the scope and impact of the program or organization directed are one or more of the following: Nationwide; agencywide; industrywide; Governmentwide; directly involve the national interest or the agency's national mission; are subject to continual or intense congressional and media scrutiny or controversy; or have pervasive impact on the general public. Alternatively, the work may involve directing critical program segments, major scientific projects, or key high level organizations with comparable scope and impact.

The GSSG defines "program" as the mission, functions, and activities which an agency is authorized and funded by statute to administer and enforce, usually of such magnitude that they must be carried out through a combination of line and staff functions. It specifically notes that an *agencywide personnel program* meets this definition. A "program segment" is defined by the GSSG as any subdivision of a program. The appellant clearly does not direct a "program" as that term is intended by the GSSG, regardless of the scope of his work, since that would constitute the Department's entire personnel program. Although he may be credited with directing a program segment, the personnel systems for which he is responsible are not considered "critical" within the context of the GSSG, i.e., they do not directly involve the national interest or the agency's national mission, nor have they attracted intense congressional and media scrutiny. The Foreign Service National and overseas American employment systems are support activities that facilitate the U.S. Government's foreign objectives as carried out at its overseas posts, but they do not represent critical line operations directly related to the Department's primary mission-oriented activities.

Level 1-4 is credited.

775 points

Factor 2, Organizational Setting

This factor considers the organizational situation of the supervisory position in relation to higher levels of management.

The appellant reports directly to the Director, Office of Overseas Employment, an SES-equivalent position. This is consistent with Level 2-3 (the highest level described under this factor.)

Level 2-3 is credited.

350 points

Factor 3, Supervisory and Managerial Authority Exercised

This factor covers the delegated supervisory and managerial authorities exercised on a recurring basis.

The appellant's delegated supervisory authorities and responsibilities fully match Level 3-2c in its description of typical first-line supervisory functions. The position does not meet either of the two conditions required for Level 3-3. Level 3-3a is not met because the appellant occupies a staff rather than program management position and thus does not have the attendant staffing and budgetary responsibilities for an identified program. Level 3-3b is not met as it applies to second (or higher) level supervisory positions.

Level 3-2 is credited.

450 points

Factor 4, Personal Contacts

This is a two-part factor which assesses the nature and purpose of the personal contacts related to supervisory and managerial responsibilities. The nature of the contacts, credited under subfactor 4A, and the purpose of those contacts, credited under subfactor 4B, must be based on the same contacts.

Subfactor 4A, Nature of Contacts

To be credited under this subfactor, the level of contacts must contribute to the successful performance of the work, be a recurring requirement, and require direct contact.

The appellant's contacts meet Level 4A-3, where contacts are with high ranking managers at agency headquarters, key staff of public interest groups, Congressional committee staff assistants, or local officers of public action groups. The appellant has frequent contacts with high-level staff at Department of State and other Government agencies with personnel at overseas posts. Level 4A-4 is not met as the appellant does not have personal contact with heads of bureaus and higher level organizations in other Federal agencies.

Level 4A-3 is credited.

75 points

Subfactor 4B, Purpose of Contacts

This subfactor covers the purpose of the personal contacts credited under subfactor 4A.

The purpose of the appellant's contacts somewhat exceed Level 4B-3, where the primary purpose of the contacts is to justify, defend, or negotiate in representing the organizational unit directed, in obtaining or committing resources, and in gaining compliance with established policies, regulations, or contracts. Contacts at this level involve active participation in conferences, meetings, or hearings involving problems or issues of considerable consequence or importance to the program. The appellant's contacts with high-level managers within State Department and other Federal agencies

are for the purposes of achieving consensus on *proposed* policies and regulations. This is arguably more difficult from an interpersonal standpoint than attempting to gain compliance on established policies and regulations, since in the latter case the legal and regulatory parameters are set and disagreement may hinge more on matters of interpretation and the means of achieving compliance.

The position does not, however, fully meet Level 4B-4, where the purpose of contacts is to influence, motivate, or persuade persons or groups to accept opinions or take actions related to advancing the fundamental goals and objectives of the program, or involving the commitment or distribution of major resources, when intense opposition or resistance is encountered due to significant organizational or philosophical conflict, competing objectives, major resource limitations or reductions, or comparable issues. At this level, the persons contacted are sufficiently fearful, skeptical, or uncooperative that highly developed communication, negotiation, conflict resolution, leadership, and similar skills must be used to obtain the desired results.

The appellant cited one project, the development of new Family Member Employment regulations two years ago, that was resisted by State Department regional bureau management. Although these regulations required considerable advocacy on the appellant's part over a long period of time, the nature of this project does not rise to the level of difficulty expected at Level 4B-4. Top Departmental management was supportive of the regulations, and the appellant's role was to provide information to dispel any misconceptions about potential negative effects and to emphasize the benefits to be realized. It would be unusual for this level of difficulty to be achieved in interpersonal contacts within the same agency. Although there may certainly be conflicts among different segments of an organization, the parties are presumably working toward a common mission and have a shared understanding of the policies, priorities, and concerns of top management. If consensus cannot be achieved, it will eventually be imposed from above. This is obviously not necessarily the case with external contacts, where objectives and values may differ quite dramatically. However, the appellant's contacts with staff of other agencies tend to be collaborative rather than adversarial in nature. Most of the program guidelines he develops that have interagency application are designed specifically to facilitate the work of these other agencies. The purposes of his contacts with them are to assess their needs and to arrive at a mutual understanding of the procedures and mechanisms that will best fulfill those needs. The nature of personnel management work is service-oriented, intended to further the missions of the organizations supported. Given this orientation, it would not be expected for a personnel unit to have significant organizational or philosophical conflicts or competing objectives with its serviced organizations, and thus to engender the intense opposition described at this level.

Level 4B-3 is credited.

100 points

Factor 5, Difficulty of Typical Work Directed

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, and that constitutes 25 percent or more of the workload of the organization.

The highest level work supervised by the appellant is GS-13, and it constitutes about one-third of the unit's workload.

Level 5-8 is credited.

1030 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. If the level selected is either 6-4, 6-5, or 6-6, the Special Situations do not apply, and the original level selected is credited.

The appellant's position meets Level 6-5, where supervision requires significant and extensive coordination and integration of a number of important projects or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-12 level. The majority of the appellant's staff is at that grade level. Level 6-6 is not met, where supervision requires exceptional coordination and integration of a number of very important and complex programs or program segments with work at the GS-13 or higher level. The appellant has only two GS-13 positions under his supervision, effectively limiting the amount of coordination and integration that could conceivably be accomplished. Further, any GS-13 work being coordinated by the appellant consists of individual projects rather than programs or program segments, which would be applicable to higher management levels than that occupied by the appellant.

Level 6-5 is credited.

1225 points

Summary

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Program Scope and Effect	1-4	775
Organizational Setting	2-3	350
Supervisory/Managerial Authority	3-2	450
Personal Contacts		
Nature of Contacts	4A-3	75
Purpose of Contacts	4B-3	100
Difficulty of Work Directed	5-8	1030
Other Conditions	6-5	<u>1225</u>
Total		4005

The total of 4005 points falls within the GS-14 range (3605-4050) on the grade conversion chart provided in the guide.

Decision

The appealed position is properly classified as Supervisory Personnel Management Specialist, GS-201-14.