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DIGEST OF SIGNIFICANT CLASSIFICATION DECISIONS AND OPINIONS

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**Office of Merit Systems
Oversight and Effectiveness**

Preface

This is the twenty-sixth issue of the *DIGEST OF SIGNIFICANT CLASSIFICATION DECISIONS AND OPINIONS (Digest)*. In it we present summaries of decisions and opinions that we believe have Governmentwide applicability. It is designed to aid classifiers and others with delegated classification authority in exercising their judgment. For this reason, we have included some articles that address basic principles of position classification and, when possible, provided links to actual decisions.

Articles in the *Digest* summarize significant interpretations that clarify the intent of the underlying classification or job grading standards. However, *Digest* articles must be read in context with the standard as a whole, rather than in isolation. Because the *Digest* synopses may not reflect all relevant information bearing on a decision, good judgment in their application is necessary. Some *Digest* synopses draw from several cases and/or related issues. In those instances, the facts in cases linked to the article may not coincide completely. For these reasons, *Digest* items do not supersede or supplement classification standards and do not constitute “case law.”

Suggestions for improving future issues of the *Digest* may be made via e-mail to fedclass_appeals@opm.gov or fax at 202-606-2663, or by writing to the Director, Classification Appeals and FLSA Programs, U.S. Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415-0001. The telephone number is 202-606-2990.

Digest issues are available on the U.S. Office of Personnel Management’s (OPM) website. The website address is <http://www.opm.gov/classapp>. The *Digest* can also be found on OPM’s CD-ROM entitled General Schedule Position Classification and Federal Wage System Job Grading Standards, which is issued by OPM’s Classification Programs Division.

This issue of the *Digest* was edited by Ms. Linda Kazinetz (Washington Oversight Division). Contributions were provided by Ms. Kazinetz, Ms. Bonnie Brandon (Dallas Oversight Division), Ms. Kathy Day (Atlanta Oversight Division), Mr. Robert Hendler (Philadelphia Oversight Division), and Mr. Carlos Torrico (San Francisco Oversight Division). The Classification Programs Division staff provided technical review and assistance.

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Article No. 26-01

Standards: N/A

Factor: N/A

Issue: Distinguishing between one-grade and two-grade interval work

Identification of the Classification Issue

Case #1: The appellants' position was classified in the Miscellaneous Clerk and Assistant Series, GS-303. The appellants received notifications of pension plan terminations. They reviewed these documents for completeness, accuracy, and timeliness and input the information into a database, which applied edit checks to determine if the information fell within predetermined parameters. If the information failed edit checks, the appellants contacted the submitters to obtain additional or corrected information. The appellants rejected documents based on two clearly-defined coverage exclusions, and issued standard letters to submitters in response to a limited number of circumstances indicated in the documents. They believed that their work required interpreting the governing laws and regulations in order to process documents and to advise submitters on additional information required, and that their position should, therefore, be classified to the two-grade interval Pension Law Specialist Series, GS-958.

Case #2: The appellant's position was classified in the Management and Program Analysis Series, GS-343. She monitored a hotline operation, receiving written and telephonic complaints, questioning callers to obtain basic information about the incidents being reported, and preparing written summaries of the allegations for referral to the investigative staff. She believed that her position required substantial analytical and writing skills and thus warranted a higher grade.

Resolution

Case #1: OPM found that the appellants' work was properly classified in the GS-303 series. Their work was governed by a processing manual that prescribed the steps to be taken in reviewing documents. The actual legal and regulatory requirements that directly pertained to their work were clearly stated within the manual. The appellants conveyed these requirements to submitters and applied them in their processing work. However, they applied the commonly accepted interpretations of these requirements and in no circumstances were authorized to make independent determinations of the meaning or intent of law or regulations.

Case #2: OPM found that the appellant was engaged exclusively in one-grade interval work. Her duties did not require a high order of analytical ability, substantial knowledge of the principles and practices of investigative work, or highly-developed writing skills. For telephonic complaints, she

questioned the callers only to the extent necessary to obtain basic information related to the incidents being reported, such as names, dates, and locations. She did not have the authority to screen complaints, except for those clearly not under her agency's purview. Her writing was limited to preparing one-paragraph summaries of the complaints for insertion in boilerplate transmittal letters. Her work provided support to the investigative staff but did not otherwise contribute directly to the investigations themselves. Therefore, OPM found that the work was in effect a processing operation and was properly classified in the Compliance Inspection and Support Series, GS-1802.

“Back to the Basics”

Guidance on distinguishing between one-grade and two-grade interval work is contained in both the *Introduction to the Position Classification Standards* and the *Classifiers Handbook*. In making this distinction for an individual position, the characteristics and requirements of the work must be closely examined, as well as management's intent in establishing the position.

**Link to [C-0303-05-13](#)
[C-1802-09-01](#)**

Article No. 26-02

Standard: [Diagnostic Radiologic Technologist, GS-647 \(October 1990\)](#)

Factor: Factor 2, Supervisory Controls

Issues: Linkage of Factors; use of automated classification system

Identification of the Classification Issue

The appellants' position was classified as GS-647-5. The PD of record stated that the appellants performed both routine and complex radiographic procedures under general supervision. As part of their appeal rationale, the appellants submitted a proposed PD generated by an automated position classification system. Both the PD of record and the automated system PD credited Level 1-4. However, for Factor 2, the automated system PD credited Level 2-3, one level higher than credited in the PD of record. This resulted in the automated system PD classifying the position one grade higher than the PD of record. The automated system PD stated that the appellants worked with greater independence on the complex procedures than described in the PD of record but did not identify the amount of work time spent on complex procedures.

Resolution

The GS-647 standard requires evaluating positions, to the extent possible, by using the benchmarks in the standard. The benchmarks link Level 2-3 to work situations where technical guidance and oversight is limited, e.g., functioning as the technologist in charge of an outpatient section, or where the employee performs more complex procedures independently. This requires considering the degree of supervision within the context of the complexity, difficulty, and knowledge required to perform medical procedures. Conducting simpler procedures does not provide the opportunity to exercise the same degree of technical judgment as more complex procedures under equivalent independence.

OPM found that the appellants performed the complex procedures substantially less than 25 percent of their work time. When they did perform the complex procedures, their work was closely monitored and higher-graded employees did the most invasive aspects. Thus, OPM found that Level 2-3 was not consistent with the nature of the appellants' work. In addition, Factor 4 in the automated system PD was inconsistent with Factors 1 and 2 since it described performing a variety of examinations of limited difficulty. Therefore, OPM concluded that the automated system PD could not be considered in evaluating the appealed position. Level 2-2 was credited.

“Back to the Basics”

An OPM appeal decision classifies a real operating position, and not simply a position description. When PD accuracy issues are unresolved, OPM decides classification appeals on the basis of the actual duties and responsibilities assigned by management and performed by the employee. Information in a proposed PD is considered only to the extent that it is relevant in comparing the appellant's work with OPM standards.

Automated system PD's are not equivalent to benchmark PD's, which are found in some Factor Evaluation System (FES) standards. They are similar in that they can be used to classify a position if the position is a direct match to the PD. The difference is that benchmark PD's, in contrast to automated system PD's, are validated when the classification standard is developed. Therefore, automated system PD's may require further evaluation before use. Even though, in this case example, the PD of record contained the same wording as Level 2-3 in the standard, that wording was used out of context and conflicted with other factors. The erroneous information in the automated system PD could not be used to classify the appealed position since the automated system PD described duties and responsibilities not actually performed by the appellants.

Link to [C-0647-05-01](#)

Article No. 26-03

Standard: [Legal Instruments Examining, GS-963 \(January 1992\)](#)

Factor: Factor 2, Supervisory Controls

Issue: Legal Instruments Examining Series versus Management and Program Analysis Series; crediting final authority under Level 2-4

Identification of the Classification Issue

The appellant's position was originally classified as Program Analyst, GS-343-9. The appellant was a member of a committee that considered waiver and compromise requests for debts related to compensation and pension, education, loans, medical salaries, and wages for veterans. She reviewed and processed cases, determined the debtor's ability to repay the overpayment, and determined whether the debt met requirements for waiver or compromise. The agency reclassified the position as Legal Instruments Examiner (Indebtedness), GS-963-8. The appellant believed that her position should remain a GS-9 in the GS-343 series.

Resolution

Program Analysts evaluate the effectiveness of line program operations and provide line managers with the information needed to make administrative and programmatic decisions. Legal Instruments Examiners determine whether a requested action complies with certain provisions of governing law and regulations and decide the disposition of the request. OPM determined that the appellant's duties were consistent with the purpose of legal instruments examining work and agreed with the agency's placement of the position in the GS-963 series.

Although OPM agreed with the series determination made by the agency, we disagreed with their designation for Factor 2. The agency credited the position with Level 2-3, where the employee independently performs complete examining functions and handles problems and deviations according to policies and instructions. At Level 2-4, the employee is delegated commitment authority and takes final disposition action, not subject to further technical review. OPM found that the appellant was considered the technical expert, had signature authority for debts up to \$20,000, and her recommendations to waive or not waive a debt were accepted as final. Therefore, OPM credited the position with Level 2-4 and found it was properly classified as GS-963-9.

“Back to the Basics”

Program analysis work includes such functions as developing life cycle cost analyses, analyzing new or proposed legislation or regulations, researching new or improved business and management practices,

developing data required for program management, and evaluating agency functions being considered for conversion to contracting operations. By its nature, the work is typically a staff function. Work that involves the performance or delivery of the organization's line program operations or services would not normally be classified in the GS-343 series.

Link to [C-0963-09-01](#)

Article No. 26-04

Standards: General Attorney, GS-905 (October 1959)

Factor: Level of responsibility

Issue: Crediting of stature

Identification of the Classification Issue

The appellant's position was classified using the GS-905 standard, which evaluates the *Nature of the Case or Legal Problem* and *Level of Responsibility*. She believed that, when evaluating her position under the four elements of the second factor, Levels D, D, E, and D should be credited. When combined with Type II cases for the first factor, this would support GS-13 classification. The appellant asked that the "impact of the person on the job" be considered if applying the GS-905 standard did not result in a higher grade for her position. Her rationale stressed the credentials she brought to the position, as a former State Deputy Attorney General in her specific area of expertise, and how they impacted her work.

Resolution

The *Introduction to the Position Classification Standards* states that "impact of the person on the job" is reflected in the classification when the performance of a particular individual actually makes the job materially different from what it otherwise would be. The fact that an individual in a position possesses higher qualifications or stands out from other individuals in comparable positions is not sufficient reason by itself to classify the position to a higher grade. For this concept to apply, management must recognize and endorse the additional duties and the work environment must allow continuing performance at a different level.

The GS-905 standard contains criteria for applying this classification concept. It states that individuals who have achieved outstanding stature bring an additional element to the performance of their assigned duties that cannot always be fully evaluated in terms of the criteria in the standard. In such cases, it is appropriate to identify the nature of the peculiar stature and to provide some credit for it in evaluating the position. This extra credit will not normally, in itself, be worth an additional bonus grade. However, when a borderline situation exists for the second factor, the effect of the individual on the position is recognized in evaluating the position to a higher responsibility level. In some cases, this will make a difference of one grade level.

OPM fully considered the extensive environmental law experience that the appellant brought to the position and recognized this in the crediting of three elements of the second factor at Level D. While no formal delegation was in place, the functions that she performed in lieu of the organization's legal staff

were a continuing part of her work and were found to meet the GS-13 level. However, because her experience and functions were fully considered in evaluating each element of the factor, they could not be credited again in the separate assessment of *stature*. Since *Level of Responsibility* was not borderline, the concept of *stature* could not be applied in evaluating the position.

“Back to the Basics”

Specific instructions in a classification standard, e.g., evaluating stature in the GS-905 standard, take precedence over more general classification guidance. Therefore, each standard must be individually and carefully read to determine its appropriate application. However, when evaluating a position, the classification process permits crediting duties or responsibilities only once.

Link to [C-0905-13-06](#)

Article No. 26-05

Standard: [Introduction to the Electronic Equipment Installation & Maintenance Family 2600 \(January 1999\)](#)

Factor: N/A

Issue: Distinguishing between Federal Wage System (FWS) and General Schedule (GS) positions.

Identification of the Classification Issue

The appellant's job was classified as Electronics Mechanic, WG-2604-11. He performed duties relating to overhaul, installation, modification, maintenance, and repair of nonclinical communication and other electronic equipment at a medical center, utilizing the full range of tools and test devices related to the equipment. The appellant claimed that this work required application of non-trades and crafts electronics knowledge and theory and that his job should be classified in the General Schedule (GS).

Resolution

The *Introduction to the Position Classification Standards* provides guidance for distinguishing between positions in the General Schedule and the Federal Wage System (FWS). This determination is based on the paramount knowledge, skills, and abilities needed to perform the primary duty or responsibility for which the position has been established. If a position clearly requires trades, crafts, or laboring experience and knowledge as a requirement for the performance of its primary duty, and this requirement is paramount, the position is under the FWS.

OPM found that although the appellant's job required knowledge of electronic principles, this knowledge was applied to such trade-based functions as recognizing improper operation, determining the cause of malfunctions, and correcting the defects by disassembling, assembling, and adjusting the equipment. The work was comparable to the work examples described in the Introduction to the Electronic Equipment Installation and Maintenance Family 2600, including detecting and diagnosing malfunctions, tearing down equipment, repairing or replacing parts or components, and aligning, calibrating, and testing the modified or repaired equipment.

The 2600 Introduction indicates that GS technicians may perform similar repair, maintenance, and installation work. However, this work is done in connection with the paramount engineering functions, such as designing test and repair equipment, developing maintenance standards and procedures, and planning and directing the installation of complex systems. OPM found that these technical electronics engineering activities were inconsistent with the functions of the

appellant's repair and maintenance unit and that his application of electronics principles and theory were for the primary purpose of correcting malfunctions and maintaining optimum performance by application of trades and crafts knowledge and skill. OPM sustained allocation to the FWS.

“Back to the Basics”

FWS electronics mechanics and GS technicians may possess and use similar knowledges to some degree. However, the distinction lies in the manner in which they are applied. The general principle to remember is that if the paramount work performed requires trades, crafts, or manual labor experience and skills, then the job is assigned to the FWS.

Link to [C-2604-11-02](#)

Article No. 26-06

Standards: [Research Grade Evaluation Guide \(June 1964\)](#)
[Economist, GS-110 \(April 1963\)](#)

Factor: N/A

Issue: Coverage of the Research Grade Evaluation Guide (RGEG)

Identification of the Classification Issue

The appellant's position was classified as GS-110-13. The agency used the Research Grade Evaluation Guide (RGEG) to grade the position because the appellant did economic research in developing valuation procedures for natural resources. The appellant believed the agency should have used the GS-110 standard to evaluate this work.

Resolution

The RGEG is intended for use in determining grade levels of basic and applied research positions in the biological, medical, agricultural, physical, or mathematical sciences, in engineering, and in psychology. It specifically *excludes* positions involving research in the social sciences, such as history, economics, or anthropology. This is because research in the social sciences does not typically involve the types of investigative processes upon which the RGEG is based, i.e., experimentation and the subsequent interpretation, documentation, and reporting of findings. The GS-110 standard evaluates economist positions based on relative differences in research and analysis, program planning and administration, and consultant and advisory services. OPM found that the appellant's economic research work was covered by the criteria in the GS-110 standard. Based on an application of the GS-110 standard, OPM sustained the grade.

Link to [C-0110-13-01](#)

Article No. 26-07

Standard: [General Schedule Supervisory Guide \(July 1999\)](#)

Factor: N/A

Issue: Coverage of the General Schedule Supervisory Guide (GSSG)

Identification of the Classification Issue

The appellant's position was classified as General Engineer, GS-801-13. The appellant had full supervision over two subordinate GS-12 employees, one collocated with the appellant on the west coast and the other in the agency's office on the east coast. He also assumed the duties of his supervisor, the Division Chief, in his absence. He claimed that these supervisory responsibilities consumed 25-50 percent of his work time and that his position should be classified as a supervisor.

Resolution

OPM found that the position did not meet the coverage requirements for application of the GSSG. An analysis of the two subordinate position descriptions and comparison to the relevant classification standards at the GS-12 level disclosed that both positions operated with limited technical supervision and exercised considerable initiative, ingenuity, judgment, and independence in performing their work. Moreover, the subordinate employee in the east coast office frequently received assignments and work review from an engineer in that office and occasionally received assignments and work review from the Division Chief. The frequency of those assignments and the level of review removed the subordinate employee from the appellant's technical supervision in many instances. Given such a small workforce, as well as the subordinates' grade levels and degree of independence, OPM concluded that the appellant did not meet the minimum 25 percent threshold while supervising the two positions and, therefore, his position could not be evaluated using the GSSG.

“Back to the Basics”

In determining the applicability of the GSSG, it is important to ensure that the position fully meets the basic coverage requirements. In analyzing a potential supervisory job, position management issues should be examined to confirm that each criterion for coverage is met. This sometimes requires that subordinate positions be reviewed to determine their relationship to the supervisor's position and how they actually operate within the given work situation.

Link to [C-0801-13-02](#)

Article No. 26-08

Standards: [FWS JGS for Leader WL/NL, Part II \(January 1980\)](#)

Factor: N/A

Issue: Credit for training workers in a variety of trades or laboring occupations

Identification of the Classification Issue

The appellant's position was classified as Maintenance Mechanic Training Leader, WL-4749-10. He provided both on-the-job and formal training to Wage Grade employees at an in-residence job training facility. The work program was based on using the enrollees to maintain the facility's physical plant as a means of providing formal vocational training that offered an opportunity to become proficient/certified in trades occupations. The appellant performed work and training in four separate occupations requiring skill at the WG-9 and WG-10 grade levels. The appellant believed his job was not properly credited for the variety of skills he possessed and work he performed.

Resolution

Part II of the JGS for Leader WL/NL is used to evaluate training leaders who lead three or more workers in performing trades and labor training assignments. Training leader jobs are graded on the basis of (a) the grade level of trades and labor work involved and (b) the type of training leader job involved. The grade level of the work is based on the target grade of the students or on the highest nonsupervisory level of trade skill and knowledge required of the trainer. OPM determined that the highest nonsupervisory level of trade skill and knowledge required of the trainer was WG-10. The type of training involved was Type B, where trainers use formal organized training programs covering all phases of a recognized trade combined with on-the-job practice designed to progressively improve the students' skills. The combination of skill required at the WG-10 grade with Type B training equates to WL-10 on the Training Leader Grading Table.

“Back to the Basics”

The grade of a mixed job involving performance of duties in two or more occupations is based on the duties that involve the highest skill and qualification requirements on a regular and recurring basis. The grade is not affected by the number of different occupations included in the job.

Link to [C-4749-10-01](#)