

# Classification Appeal Decision

Under section 5112(b) of title 5, United States Code

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**Appellants:** [appellants]

**Positions:** Equal Employment Managers  
GS-260-12

**Organization:** [Organizational location]  
Department Of Defense

**Decision:** Equal Employment Managers  
GS-260-12  
(Appeal denied)

**OPM decision number:** C-0260-12-01

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Richard Quasney  
Classification Appeals Officer  
Washington Oversight Division  
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Date: January 10, 1997



U.S. Office of Personnel Management  
Office of Merit Systems Oversight  
Washington Oversight Division

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## INTRODUCTION

On July 5, 1996, the Office of Merit Systems Oversight accepted a consolidated position classification appeal from the seven Regional Equal Employment Managers (REEMs) employed by the [Organizational location], Department of Defense. The REEMs have requested that their positions be classified as Equal Employment Managers, GS-260-13. This is the final administrative decision of the Government, subject to discretionary review only under the conditions and time limits specified in 5 Code of Federal Regulations 511.605.

## SOURCES OF INFORMATION

In deciding this appeal, we considered information obtained from the following sources:

1. The appellants' consolidated letter of appeal, with enclosures, dated May 9, 1996, and received on June 26, 1996.
2. The information submitted by letter, with enclosures, from the Office of Personnel and Training office, dated July 5, 1996.
3. Telephone discussions with the following appellants and their supervisors: [supervisors].
4. Desk audits with [appellant] on October 31, 1996 and her supervisor, Deputy Region Director for the Region, on October 31, 1996.
5. Telephone discussions with Director, Equal Employment Opportunity (EEO) Office at Headquarters, on October 31, 1996 and November 15, 1996.
6. Telephone discussions with [Personnel Management Specialist] in the Office of Personnel and Training.
7. Telephone discussion with [classification specialist] of OPM's Office of Classification.
8. 1995 - 1996 Commissary Fact Book

9. Draft final report: Proposal for EEO Servicing from Star Mountain, Inc.
10. Digest of Significant Classification Decisions and Opinions: Digest #3, November 1983 and Digest #14, November 1990.

### POSITION INFORMATION

The [agency] began operations in October of 1991, consolidating the existing [functional] systems managed by the Army, Navy, Air Force, and Marine Corps. As a result, [agency] currently runs all Department of Defense (DOD) [functions] at more than 300 locations worldwide. Presently, [agency] is comprised of seven regions. Each region is headed by a Region Director. Each region consists of several zones which are headed by a zone manager and each zone consists of several [functional activities].

Initially, the EEO function was consolidated into a policy-level office at [agency] headquarters in Fort Lee, Virginia with personnel specialists administering the EEO program as a collateral duty. EEO services were carried out by EEO specialists located at host installations through the use of Inter-service Support Agreements (ISAs).

In 1993, [agency] decided to establish equal employment manager positions in each of the regions and to terminate Civilian Personnel/EEO servicing agreements with the Military Services. The EEO Office at [agency] headquarters developed position descriptions for an EEO Specialist, GS-260-12 and GS-260-13 position and forwarded those position descriptions to each Region Director for comments, including comments on whether the position for his/her particular region should be staffed at the GS-12 or the GS-13 grade level. The Director of the EEO Office at [agency] headquarters, recommended to the Chief of Staff that the positions be filled at the GS-13 grade level. The majority of the Region Directors, at that time, were of the opinion that the appropriate grade level of the REEMs should be the GS-12. The Chief of Staff agreed with the majority of the Region Directors and the positions were subsequently classified and advertised as Equal Employment Managers, GS-260-12.

On July 16, 1995, [agency] requested an advisory opinion on the classification of the REEMs' positions from the DOD, Civilian Personnel Management Service (CPMS). The advisory opinion provided the grade levels of each REEM in the continental United States (at this time the program in the European Region was being performed by a personnelist as a collateral duty) and recommendations for future organization design and manpower planning. Based upon individual evaluations of the REEM positions, CPMS found that the positions were appropriately classified as Equal Employment Managers, GS-260-12.

Of the seven REEMs, [two of the appellants] certified that their current position descriptions accurately reflect the duties and responsibilities of their positions. [Another appellant] provided a statement of differences and a position description which he feels more accurately reflects the duties and responsibilities of his position. [Another appellant] provided a question and answer statement and a position description, similar to that submitted by [appellant], which she believes more accurately reflects the duties and responsibilities of her position. [appellant] submitted a

statement of differences, similar to that provided by [appellant]. [Another appellant] submitted a memorandum of differences she believes are not depicted in her position description of record and a position description similar to that provided by [appellant] and [appellant]. Each supervisor, with the exception of [director's name] Deputy Region Director for the [location] Region, has certified that the official position descriptions of record are accurate. Initially, [location] Deputy Region Director for the [Region], submitted a statement dated August 6, 1996, that indicated that the information provided by [appellant] was a more accurate reflection of her duties. However, in a statement from [director's name], Director for the [Region] dated October 7, 1996, he states that at the current time "we have not been able to structure the organization to permit the assumption of these additional duties. Accordingly, the original, unamended position description [#], is most representative of current duties performed." In a meeting with [Deputy Region Director] on October 31, 1996, he agreed with [director's name] statements on this matter.

The appellants plan, design, and direct full-scope EEO programs for their respective regions. As part of this duty, they are responsible for developing and ensuring the implementation of their regions' Affirmative Action Plan (AAP), Affirmative Employment Program (AEP), and Special Emphasis Programs (SEP) and related reports. The appellants also manage the EEO complaints adjudication program; serve as principal advisors to the Deputy Region Directors, Zone Managers, [function] Managers, and other line managers and supervisors on EEO and related matters; provide technical program direction to collateral-duty employees and EEO Counselors at host installations; and provide training on related EEO matters, including training on the prevention of sexual harassment. In addition, some of the appellants provide technical and administrative supervision to a staff of one person. [Supervisor] supervises a Secretary, GS-318-4. [Supervisor] supervises an EEO Assistant, GS-361 position which has promotion potential to the GS-361-7. [Supervisor]supervises an EEO Assistant, GS-361-7.

Like CPMS, OPM has also conducted a separate review of each REEM position. Due to the similarities of the positions, OPM finds it appropriate to consolidate the results of the individual reviews into one classification appeal decision, noting instances when a duty, responsibility, or issue is distinctive to one or more REEMs and not to the others.

### SERIES AND TITLE DETERMINATION

#### **Series**

The appellants' positions are covered by the EEO series, GS-260, which includes positions primarily concerned with developing, administering, evaluating, or advising on the Federal Government's internal EEO program with Federal agencies when the position requires knowledge of Federal EEO regulations and principles; compliance and enforcement skills; and knowledge of Federal personnel administration.

#### **Title**

The authorized title for positions in this series that have primary responsibility for a total EEO program is Equal Employment Manager. Since the appellants are responsible for managing the

total EEO program for their region, their positions are appropriately titled Equal Employment Manager.

### GRADE DETERMINATION

The supervisory duties of the appellants, i.e., the provision of technical *and* administrative supervision to the one-member staffs, would be classified at a lower level if evaluated using the General Schedule Supervisory Guide than would be derived by use of the above-referenced standard. Thus, an evaluation of the supervisory duties would not contribute to the final grade of their positions. The EEO standard is used for grade determination.

The position classification standard for the EEO series, GS-260, is written in the Factor Evaluation System (FES) format. There are nine separate factors and each factor is divided into levels and points are awarded according to the level assigned. The points awarded are totaled and the grade is determined by reference to a grade conversion table. The factor-level descriptions describe the minimum criteria needed to meet a level. All of the criteria at a particular level must be met for that level to be assigned. Therefore, when some, but not all, of the criteria at a particular level are met, the next lower level is assigned. Positions may be evaluated by reference to the factor-level descriptions or to the benchmarks. As explained in the Classifier's Handbook, benchmarks illustrate typical positions at typical grade levels and can often be associated with the position to be classified. The factor-level descriptions are emphasized in this standard for manager positions because they provide broader coverage of the wide variety of positions in this series. A limited, but useful, number of benchmark positions illustrating some manager positions have been provided.

As previously mentioned, the appellants have offered a variety of statements regarding what they believe to be more accurate depictions of their duties and responsibilities. Based on audits with the appellants and their supervisors, we find that the statement of differences submitted by [appellants] do provide additional details regarding the REEMs' duties and responsibilities. However, we also find that these details do not impact on the current classification of their positions. This will be evidenced throughout the written decision. We further find that the question and answer statement submitted by [appellant] and the memorandum of differences submitted by [appellant] do not impact upon the current classification of their positions. While the appellants' statements do provide insight into their positions, some points were not completely substantiated during subsequent audits:

1.[Appellant] states in her question and answer statement that her position is identical to positions comparable to the GS-13 EEO Officer at Defense Finance and Accounting Service (DFAS), Defense Logistics Agency (DLA), and Army and she references the Star Mountain report. Based upon a review of the draft final report and follow-up conversations with [other appellants], no reference could be cited within the Star Mountain draft final report that directly associates the grade level of [appellant] position with EEO Officer positions in DFAS, DLA, or Army. It is also important to note here that by law, positions must be classified by comparing their current duties and responsibilities to OPM standards and guidelines (5 USC 5106, 5107, and

5112). Since comparison to standards is the exclusive method for classifying positions, we can not compare the appellants' positions to other positions, as a basis for deciding their appeal.

2. [The appellant] further states that she has been delegated the authority to administer certain programs agency-wide, e.g., affirmative employment programs, alternative dispute resolution, workforce analyses, and negotiated settlement agreements. Based on information gathered during audits, we found that [the appellant] administers these programs region-wide, as opposed to agency-wide.

3. With regard to the amended position description submitted by [appellants], we find that certain aspects were not completely substantiated by audits. In particular, the amended position description states that the REEM "plans, organizes, directs, staffs, implements, and evaluates and Affirmative Employment Program (AEP) that focuses on changing management policies and practices that constitute impediments to affirmative employment." The amended position description goes on to state under Complexity that the "program focus is to identify and change significant institutional barriers to equal employment opportunity which have a major effect at significantly sized organizations." Based on information gathered in subsequent audits, we find that the focus of their programs is more accurately described as the identification of problems through complaint monitoring, staff-assistance visits, workforce analyses, input from an advisory committee, and resolution of individual complaints rather than changing management policies and practices. That is, local practices may change as a result of a REEM decision, but the REEMs generally become aware of the practice through a complaint rather than through a process of actively reviewing and evaluating management or personnel policies and practices that inhibit equal employment. This will also be evidenced throughout the written decision.

4. In the initial appeal letter, dated May 9, 1996, the appellants state that they "become deeply involved in personnel and management issues on an agency-wide level." Again, the scope of the REEMs' authorities are region-wide as opposed to agency-wide. While it has been substantiated that the REEMs are requested by [supervisor] and his staff at [agency] headquarters to provide input and make recommendations concerning policies that will be issued region-wide, these policies ultimately are issued by [supervisor] and his staff. Further, it was not substantiated by subsequent audits that the REEMs become deeply involved in personnel issues. This will be discussed in greater detail under Factor 1, Knowledge Required by the Position.

5. They further state in this letter that they believe that they should be credited at Factor level 1-8 because they become intimately involved with personnelists, legal counsel, the Regional Director, servicing personnel offices, and the Defense Accounting Service (DFAS), on personnel, pay, and management issues. This issue of contacts will be addressed and evaluated under Factors 6 and 7, Personal Contacts and Purpose of Contacts. It will also be made apparent in the discussion of Factor 1, Knowledge Required by the Position, that a close association with personnelists, legal counsel, etc. alone does not warrant a credit of level 1-8.

## **Factor 1, Knowledge Required by the Position**

This factor measures the nature and extent of information or facts an employee must understand in order to do acceptable work and the nature and extent of the skills needed to apply those knowledges. Only those knowledges and skills that are both required and applied in the performance of the work may be used in selecting a level under this factor.

At Level 1-7, equal employment managers apply managerial and technical EEO knowledges and skill sufficient to direct an EEO program that meets basic requirements for complying with laws, regulations, and agency policies. The equal employment manager provides advice to management, employees, and applicants on legal and procedural program requirements. The equal employment manager or staff member also reviews affirmative action plans developed by line management. Other affirmative action efforts may focus on questionnaires to identify problem areas, training managers and supervisors, and similar efforts. The equal employment manager may provide general oversight of minority and female recruitment planning. The program may include complaints counseling, investigation, and adjudication, if delegated to the organization served. Typically, programs at this level are case oriented. That is, they focus primarily on resolving individual complaints or problems.

The knowledges and skills required and applied by the appellants match Level 1-7. The appellants use managerial and technical EEO knowledges and skills to direct an EEO program that meets the requirements for complying with laws, regulations, and DOD policies. The program includes discrimination complaints counseling, investigation, and adjudication (although the informal counseling process and the investigation is often handled by EEO Counselors at host installations for which [agency] maintains an ISA); the actual development of region-wide affirmative employment plans and reports; special emphasis programs; and EEO training services for collateral-duty employees, managers, supervisors, and others. The appellants provide advice on legal and procedural program requirements. They provide advice to the Director, Deputy Region Director, Zone Manager, [function] Manager, etc. on resolving complaints, affirmative employment goals and methods for meeting those goals, acceptance of formal complaints, elimination of barriers to equal employment opportunity, etc. The appellants plan, develop, present or arrange for EEO training for managers, supervisors, and collateral-duty employees. The appellants analyze statistical data and evaluate the overall climate of a particular store through regularly scheduled staff assistance visits. They also review individual actions which are subject to have an impact on the EEO program. In addition, they review management policies and practices, organizational structures, employment patterns, and lines of progression to identify barriers to equal employment. (Again, we find that the review of management policies and practices is not the focus of their programs, but generally comes about as the result of a complaint.) This is especially true in that the REEMs closely monitor the progress of women and minorities in the [occupational]series through regular review of referral certificates and development of a “co-op program” for entry-level positions in the [occupational] series. In other examples, the REEMs work with supervisors and personnelists to restructure positions so that placement can be made through upward mobility. The appellants analyze complaints to identify problems, process complaints in accordance with applicable requirements, recommend disposition of complaints, and discern trends. The appellants ensure that the discrimination complaint process

is administered in accordance with applicable regulations and policies, advise on the resolution of individual complaints (in some cases resolution is brought about through the use of an alternative dispute resolution process), arrange investigations and hearings of complaints, and prepare proposed and final dispositions and negotiated settlement agreements. The appellants also respond to region, EEO-related IG inquiries and Congressionals.

The knowledges and skills required and applied by the appellants do not fully meet Level 1-8. At that level, equal employment managers apply managerial and technical EEO knowledges and skills sufficient to plan, organize, staff, carry out, and evaluate an EEO program that, in addition to meeting basic regulatory requirements, focuses on the solution of systemic problems, elimination of barriers to equal employment including agency management policies and practices, and provision of management advisory and consulting services designed to effect major changes. For example, the program includes regular efforts to identify and solve systemic problems through on-site organization reviews by participation in agency management audits or personnel management evaluation reviews, by monitoring complaints, by regular and systemic workforce analyses, by special equal employment reviews, or by similar activities. Efforts to deal with systemic equal employment problems may require the program staff to become deeply involved in technical personnel administration or management issues such as the development or modification of merit promotion systems, upward mobility plans, job design programs, minority and female recruitment planning, or the negotiation or administration of labor agreements. The program emphasizes the interrelationship of equal employment with personnel management functions such as labor relations, staffing, training, compensation, and position classification and with other management functions such as budgeting and planning. Management advisory and consulting services are designed to assist managers in developing and carrying out affirmative action plans and in dealing with specific individual and systemic problems.

While it is true that the appellants do become involved in the identification and resolution of systemic issues through staff assistance visits, complaint monitoring, and workforce analyses, we find that this work does not require the appellants to become deeply involved in technical personnel administration or management issues such as the development or modification of the merit promotion system (although the Central Region has issued guidance on various recruitment options that increase developmental opportunities and diversity in the region's workforce), upward mobility plans (although REEMs do become involved in making recommendations to management and supervisory officials as to the applicability of restructuring certain positions which can be used for the purpose of upward mobility), job design programs (although the REEMs did work with personnel on the development and implementation of the [function] Cooperative Education Program, a "co-op" program for entry-level positions in the [occupational] series--the involvement on the part of the REEMs did not warrant in-depth technical involvement), or the negotiation or administration of labor agreements. And, although some REEMs do work closely with servicing and satellite personnel offices on issues such as staffing, classification, and pay and leave administration, this involvement is generally stimulated by a particular complaint rather than as a result of an EEO program that stresses the connection between equal employment and personnel management.



In addition, the mere presence of systemic problems in an equal employment manager position does not necessarily meet the intent of Level 1-8. In this respect, the appellants are involved with systemic EEO problems much like the equal employment manager in Benchmark GS-260-12-01 in the standard. This benchmark describes a manager who serves as principal advisor to the commanding officer and manages the EEO program for an industrial field activity having employees in a wide variety of occupations. The benchmark manager analyzes management practices, organizational structures, employment patterns, and lines of progression to determine their impact on EEO and upward mobility. He defines equal employment opportunity problem areas, identifies reasons for the problems, and drafts specific action items to treat the causes of the problems. The benchmark manager defines systemic barriers to equal employment opportunity and develops local action items to eliminate them. This is highly descriptive of the appellants' involvement with systemic EEO problems and this has been evaluated at Level 1-7 in this benchmark. Therefore, the presence of systemic problems in itself does not warrant crediting Level 1-8; all of the criteria at Level 1-8 must be met. With respect to systemic problems, a key distinction between Level 1-7 and Level 1-8 is in the manner in which the manager deals with such problems, i.e., whether the manager attempts to deal with the problems in a systemic fashion, e.g., by affecting major changes in agency management policy and practices, or whether such efforts are case oriented. One clear example of an attempt to change a major region policy with the possibility of changing an agency policy was encountered in the Northeast Region. The REEM made an effort to change the policy that [employees] are not permitted to [specific duty]. It is the policy of [agency] to have the [employees] [have someone else perform this duty]. [Employees] complained that when [a problem arose], the problem could be with the [other employees] and not [they], themselves. However, this attempt to extend a proposed region policy to the entire agency was not the norm in this region or any of the other regions. In essence, we found most systemic issues and the resolution to those issues were localized at a particular installation or [place].

In addition to the examples provided in the appeal record, the following examples were provided by the appellants as examples of their efforts in dealing with systemic problems:

Criteria developed, in addition to rating and ranking criteria utilized by servicing personnelists, to further differentiate among best qualified applicants on a referral certificate, in an effort to better support selections and reduce complaints related to selections (Northwest Region).

Procedure developed for selection of employees for details uses service computation dates as an objective way of making selections for details as employees had complained that selections were not made fairly (Midwest Region).

Review process for [occupation] position implemented which requires the referral certificates be routed through the REEMs to ensure that regions are meeting established affirmative employment objectives for this series (All regions).

Review process implemented to ensure that a penalty for a supervisory official is not far less than then penalty a charged a nonsupervisory official in those instances where the charge is the same for a supervisor and an employee (Southern Region).

We find this work indicative of Level 1-7 rather than Level 1-8. Nearly all of the appellants' efforts to deal with problems are case oriented. In addition, the purpose and manner of contacts are primarily complaint based rather than systemic efforts to identify, analyze, and resolve systemic EEO problems. The appellants also spend a great deal of time on complaint activities, whether they are adjudicating a case already in the complaint process or providing advisory and consulting services regarding complaints not yet in the complaint process. This is a strong indication of the case oriented focus of the EEO program. In summary, the appellants are managing a complete EEO program as described at Level 1-7, but the type of in-depth efforts to identify and solve systemic EEO problems are described at Level 1-8 are not present. For all of the above reasons, this factor is properly evaluated at Level 1-7.

Level 1-7

1250 Points

## **Factor 2, Supervisory Controls**

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of the completed work.

At Level 2-4, the supervisor sets the overall objectives and resources available and collaborates with the employee in developing deadlines and approaches for the solution of unusual or particularly sensitive problems. Also, at Level 2-4, the employee advises the supervisor when major unexpected problems or significant controversial issues arise. Completed work is reviewed in terms of fulfillment of the assigned objectives within established target dates.

At Level 2-5, the highest level that exists for this factor, the employee receives administrative direction in terms of broadly defined missions or functions. A higher level manager sets limits on budget and personnel resources and establishes broad goals and objectives. The employee is responsible for independently planning, designing, and carrying out assignments. Work is considered technically authoritative and is normally accepted without change. Any review of the work is for such matters as determining that program objectives are fulfilled or that the overall program is acceptable.

This factor is evaluated at Level 2-5. Like the manager described in benchmark GS-260-12-01, the appellant receives only general direction, independently plans and directs the EEO program, and the work is reviewed for fulfillment of program objectives and requirements. This factor is properly evaluated at Level 2-5.

Level 2-5

650 Points

### **Factor 3, Guidelines**

This factor covers the nature of the guidelines used and the judgement needed to apply them.

At Level 3-4, the equal employment manager works within agency policies, guidelines, and instructions. Managers use judgement to interpret agency guidelines, to formulate policies and plans for specific equal employment opportunity programs covering one or more components of an independent agency or department.

At Level 3-5, the equal employment manager works within guidelines that are broadly stated and nonspecific, such as basic legislation, broad court decisions, and Governmentwide policies. At Level 3-5, the manager uses judgement to interpret the guidelines that do exist to formulate operating policies and plans for specific equal employment programs covering independent agencies or departments or the primary organizational subdivisions of very large departments.

The appellants' guidelines are similar to those described in benchmark GS-260-12-01, evaluated at Level 3-4. The appellants use agency and Governmentwide instructions, guides, and policies to develop policies and the EEO program for their respective regions. The guides are not specific and the appellants must use their judgement to interpret them, e.g., there are few written guides for identifying and defining systemic barriers to equal employment opportunity and developing local actions to eliminate them. The existence of agency and DOD directives and policies precludes meeting the intent of Level 3-5. There is no need to make extensive interpretations of basic legislation and broad policy statements, which is required for crediting Level 3-5.

Level 3-4

450 Points

### **Factor 4, Complexity**

This factor covers the nature, number, variety, and intricacy of tasks or processes in the work performed, the difficulty in identifying what needs to be done, and the difficulty and originality involved in performing the work.

At Level 4-4, managers direct the day-to-day operations of EEO programs. They plan program activities, solve problems, and recommend changes in emphasis and levels of resources to be devoted to their programs. Their programs usually operate in medium size organizations of moderate complexity, i.e., 1,000 - 5,000 employees. They advise managers of their equal employment opportunity responsibilities, e.g., by participating in general training sessions or seminars. The work requires decisions, such as recommending disposition of individual complaints, accepting or rejecting an affirmative action plan, setting program priorities when resources are limited, and selecting appropriate problem-solving methodology.

At Level 4-5, managers set program goals, formulate long and short-term plans, direct day-to-day operations, systematically evaluate progress, and recommend overall organization of the program and levels of resources. The programs focus on solving broad and significant problems and correcting underlying causes of problems in moderately large, complex organizations, i.e., 7,500 -

15,000 employees. Decisions made include major areas of uncertainty and changing or conflicting organizational objectives.

The appellants' positions match Level 4-4. The employee populations range from 2,500 - 3,000 employees. The appellants are responsible for planning, directing, and evaluating the EEO program for their respective region. The positions include the full range of activities associated with administering a complete EEO program. The appellants plan activities, resolve problems, and recommend changes in the emphasis and level of monetary and collateral resources devoted to the program. The appellants identify barriers to equal employment opportunity, develop strategies for changing local employment practices, and develop and present training on EEO requirements. The appellants make such decisions as recommending disposition of individual complaints, developing priorities within limited resources, selecting methods for solving particular problems, and making recommendations to solve problems.

The appellants' positions do not meet Level 4-5. The appellants' EEO programs are not *focused* on solving broad and significant equal employment opportunity problems and correcting the underlying causes in a moderately large, complex organization. In terms of deciding what must be done, the appellants' positions do not entail major areas of uncertainty in approach, methodology, or interpretation and evaluation processes. Further, there is no evidence to indicate that the appellants regularly recommend decisions on individual cases with broad impact and actions to correct conditions underlying these problems. While the record does reflect that the appellants develop detailed affirmative employment and action plans and monitor the progress as mentioned in Level 4-5, the intent of the breadth and complexity of the EEO program at Level 4-5 is beyond that of the [agency] regional EEO programs.

Level 4-4

225 Points

### **Factor 5, Scope and Effect**

This factor covers the relationship between the nature of the work and the effect of the work products or services both within and outside the organization.

At Level 5-4, equal employment managers direct complete EEO programs that affect employment opportunities in the organization. For example, they may be assigned primary staff responsibility for all EEO functions, including affirmative employment, special emphasis programs, minority and female recruitment planning, complaint investigation and adjudication.

At Level 5-5, managers direct, evaluate and carry out extensive EEO programs. At that level, the emphasis of the work is on managerial functions such as planning and organizing program resources, setting goals, and evaluating results. The EEO program managed affects equal employment opportunity in extensive organizations or it affects the equal employment opportunities of substantial numbers of people. For example, they may direct extensive programs in a major industrial field activity or a region of a government department.

The appellants' positions are consistent with Level 5-4. The appellants manage a complete EEO program for their respective region of [agency]. They have responsibility for complaint processing, affirmative employment programs, special emphasis programs, analysis of employment policies, recommending action to solve employment opportunity problems, and EEO training. This fully matches Level 5-4. The scope and effect of an EEO program at Level 5-5 is beyond that of the appellants' positions. Their programs are primarily concerned with the solution of individual problems, resolving complaints, and eliminating barriers to equal employment opportunity within an organization of medium size rather than the broad scope of problems found in a large, complex organization as intended at Level 5-5.

Level 5-4

225 Points

### **Factor 6, Personal Contacts**

This factor includes face-to face and telephone contact and other dialogue with persons not in the supervisory chain.

At level 6-3, equal employment managers contact employees or managers within the same agency, but outside the immediate organization. These contacts are not routine; the purpose and extent of each is different, and the role and authority of each party must be identified and developed. They may also contact persons outside the agency, such as attorneys, union officials or community representatives, under similar circumstances. Adversary relationships and advisory services are representative of this level.

At Level 6-4, managers contact high-ranking officials from outside the employing agency, including heads of Federal agencies, heads of large national civil rights organizations, or national officials of large unions or employee organizations.

The appellants' contacts match those at Level 6-3. Contacts include managers and supervisors, employees, key staff officials, EEO program staff, personnel specialists, and legal counsel. In addition, outside contacts include community groups, attorneys representing complainants, investigators, judges, and other agency officials at higher headquarters. Contacts are moderately unstructured, issues are often sensitive in nature, and the roles and authorities of the parties vary with each contact. The appellants' contacts do not meet Level 6-4 where high-ranking officials outside the agency are regularly contacted.

Level 6-3

60 Points

### **Factor 7, Purpose of Contacts**

This factor describes the purpose of the contacts identified under Factor 6.

At level 7-3, equal employment managers negotiate procedural matters, conduct formal interviews to obtain essential information, and persuade individuals to adopt recommendations or to cooperate in resolving cases.

At Level 7-4, managers negotiate or conciliate resolutions to highly controversial or major issues, or to justify or defend decisions (as opposed to recommendations) on major controversial issues.

The appellants' positions match Level 7-3. Contacts involve resolving employment problems, to obtain agreement or action to employment policies, and to advise and consult officials on EEO requirements and practices. The appellants' positions do not reach Level 7-4. The [agency] regional EEO programs are not confronted with the types of problems or issues requiring contacts for the purpose described at Level 7-4. Such contacts are usually required of positions in EEO programs at higher organizational echelons.

Level 7-3

120 Points

### **Factor 8, Physical Demands**

This factor covers the requirements and physical demands placed on the employee by the work assignment.

The appellants' work is primarily sedentary. No special physical demands are involved. This matches Level 8-1.

Level 8-1

5 Points

### **Factor 9, Work Environment**

This factor covers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

The appellants' work is performed in an office environment, but may include visits to other work sites where common risks and discomforts and normal safety precautions are required. This matches Level 9-1.

Level 9-1

5 Points

## Summary of Factors

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-7	1250
Supervisory Controls	2-5	650
Guidelines	3-4	450
Complexity	4-4	225
Scope and Effect	5-4	225
Personal Contacts	6-3	60
Purpose of Contacts	7-3	120
Physical Demands	8-1	5
Work Environment	9-1	<u>5</u>
<b>Total</b>		<b>2990</b>

The total of 2990 points falls within the GS-12 point range (2755 - 3150) on the grade conversion table provided in the standard.

## DECISION

The appealed positions are properly classified as Equal Employment Managers, GS-260-12.

This decision constitutes a classification certificate issued under the authority of Section 5112(b) of title 5, United States Code. This decision is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.