

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

Chicago Oversight Division
230 S. Dearborn Street, DPN-30-6
Chicago, IL 60604-1687

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

Appellant: [Name]

Agency classification: Telecommunications Specialist
GS-391-12

Organization: [Name] Group
[Name] Office
[Name] Region
Forest Service
U.S. Department of Agriculture
[City, State]

OPM decision: Telecommunications Specialist
GS-391-12

OPM decision number: C-0391-12-02

/s/ (Douglas K. Schauer)

Douglas K. Schauer
Classification Appeals Officer

January 31, 2002

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, 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*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

Appellant:

[appellant's name and address]

Agency:

[name and address of appellant's
servicing personnel office]

Ms. Donna D. Beecher
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Introduction

The appellant, [Name], is an employee with the [Name] group of the [Name] office staff, [Name] Region, Forest Service (FS), U.S. Department of Agriculture (USDA) in [City, State]. His position is classified as Telecommunications Specialist, GS-391-12, but he believes that the position should be classified as Telecommunications Manager, GS-391-13. We originally accepted [Appellant's Name] appeal on April 11, 2001, and conducted an interview with him on August 23, 2001. Before we could conduct the evaluation of his position, however, the Dallas Oversight Division of the Office of Personnel Management (OPM) informed us that they had a classification appeal from an employee with a nearly identical position in their serviced area. The Classification Appeals Officers (CAOs) at the two OPM offices determined that the two positions were virtually identical, and that it would be in the best interests of fairness and consistency for one CAO to evaluate both positions. The Washington, D.C. office assigned the appeals to the Chicago CAO.

General Issues

From information provided by the appellant, it appears that the staffing of communication specialists in the National Forests under his oversight is much less than in comparable regions of the FS. He believes that this added workload increases the complexity of his work. However, volume of work cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5). The only valid consideration when grading a job is how the position evaluates when compared to the grade-level criteria in published position classification standards.

[Appellant's Name] thinks that the GS-391 position classification standard used to classify his position is obsolete. He also believes that the criteria in the standard do not cover a position with the types of duties he performs. However, the adequacy of grade-level criteria in OPM standards is not appealable (section 511.607 of title 5, Code of Federal Regulations). Also, the criteria in a position classification standard are not designed to cover every possible job within the Federal Government.

The appellant noted to the interviewer that his immediate supervisor is not technically qualified to supervise him, and that consequently he has much more independent authority to plan and accomplish his work. However, according to the position description of [Appellant's Name] supervisor, she is responsible for the planning, development and execution of the administrative, engineering and technical policies, programs, and procedures regarding electronic communications activities within the region. The fact that the appellant's supervisor may not actually be technically qualified to provide the level of supervision documented in the official position description is not germane to the classification of this position.

The appellant and his second line supervisor note that the grade of some of his contemporaries in other FS regions is GS-13. 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 as a basis for deciding his appeal.

[Appellant's Name] believes that the title of his position should be Telecommunications Manager rather than the Telecommunications Specialist title assigned by the agency classifier. In accordance with OPM guidance, position classification standards prescribe the proper title for positions classified to the subject series. The required title for nonsupervisory positions classified to the GS-391 series is Telecommunications Specialist, and Telecommunications Manager is reserved for supervisory positions. Both the agency and the OPM are required to follow titling guidance provided in the standards. Agency management may assign a functional title to positions within its organization.

Position Information

One of the appellant's primary responsibilities is to plan for, acquire, field and manage wireless firefighting telecommunications equipment and systems for the [Name] Region of the Forest Service (FS). He oversees all radio and other wireless operations within the region and interfaces this with all other communications networks both within the FS and other concerned Federal and local agencies. He also provides specific technical assistance to the Forest Products Laboratory and the [Name] Research Station, both located in his region. He applies FS radio, wireless and other telecommunications policies, ensuring that region activities are compatible with agency policy. He designs regional telecommunications systems and/or approves local systems designed by specialists assigned to the staff of the National Forests. He reviews both new and established technology available or projected to solve needs. He may conduct a cost-benefit analysis and/or develop a cost model to use for estimating financial requirements. He looks at the possibility of tying the costs and acquisition with existing contracts managed at the FS level. When proposals are developed by specialists or engineers at the National Forest level, he evaluates them for feasibility, compatibility, cost, integration with other planned systems, etc., and recommends and justifies recommendations to his supervisors and, on occasion, to higher officials at the FS level.

The second major duty is to serve as the Regional Frequency Manager for the FS. In this capacity he manages the use of radio frequencies for several Federal bureaus within the [location] U.S. including BLM, BIA, FS and NPS. He acquires blocks of frequencies (spectrum) and assigns frequencies based on projected use or identifies which portion of frequency bands to use. He ensures that frequencies are clear, and coordinates with other Federal agencies to ensure compatibility. He sits on a joint commission with radio frequency authorities from Canada, and, with other Federal Department officials, represents the U.S. Government in resolving most disputes or problems concerned with frequency use between the two governments.

The appellant also serves as an advisor to management and action officers throughout the region and provides guidance and assistance to upper level management within the FS. He provides technical supervision and administrative assistance to other specialists working on the National Forests' staffs, and serves as a subject-matter expert to the staff in the regional office. He is considered a telecommunications functional expert by the FS staff in Washington, D.C., and is called upon to serve as consultant and/or worker on major planning efforts, bureau-wide projects, and intra-agency work groups.

Series and Title Determination

The duties performed, responsibilities exercised, and knowledges required by the appellant fall within the definition of the Telecommunications Specialist Series, GS-391. The title prescribed in the GS-391 series standard for nonsupervisory positions is Telecommunications Specialist, however, the appellant believes that Telecommunications Manager is a more descriptive title. The standard restricts the use of the Telecommunications Manager title to supervisory and managerial positions responsible for program planning and development, directing operations, and/or administering the overall telecommunications programs for an organization. The appellant may provide technical supervision over the work performed by employees in the National Forests and in his immediate organization, but he does not supervise the employees. Neither is he a manager responsible for his program; this responsibility rests at echelons above his work level. Telecommunications Specialist is determined, therefore, to be the proper title for the position.

Grade Determination

The GS-391 series classification guide is a Factor Evaluation System (FES) standard. An FES system standard identifies nine separate factors for a position, and describes increasingly more difficult or complex levels for each factor. Each factor level is assigned a point value, and the sum of all factor point values is compared to a points-to-grade conversion chart in the standard to determine the final grade. The appellant disputes the agency's assignment of levels and points for factors 1, 2, 3, 6 and 7. He does not dispute assignment of the other factor levels; therefore, this appeal decision will address only those contested factors. It is essential for accurate application of an FES standard to understand that the factors level descriptions describe the threshold for a level. The description at any factor level constitutes the minimum criteria which must be met for assignment at that level.

Factor 1, Knowledge Required by the Position

Employees at Level 1-7 use knowledge of a wide range of communications concepts, principles, and practices or indepth knowledge in a particular functional area of telecommunications to accomplish work processes through using telecommunications devices, methods, services and facilities. This knowledge is also used to review, analyze, and resolve difficult telecommunications problems. They use either a broad range or indepth specialized knowledge of some or all telecommunications operating techniques, digital and analog communications requirements, local and wide area networking, and procedures used by Federal and industry organizations. Also required is knowledge of agency policy and, in some cases, the policies of other agencies, and knowledge of sources of technical data necessary to evaluate alternative approaches for satisfying communications requirements. This knowledge is used to define, coordinate, plan, and satisfy user requirements for telecommunications equipment, systems, or services or is used in reviewing, developing, or interpreting communications policies and procedures.

At Level 1-8, employees are expert in a major area of telecommunications specialization (e.g., data communications, frequency management, deployment planning, and network switching) or

have demonstrated mastery of general telecommunications policy, technology, and programs. They use comprehensive knowledge of communications policy requirements to function as technical authorities in assignments requiring the application of new theories, concepts, and developments to communications problems not susceptible to treatment by accepted methods, technology, or procedures. In addition to mastery of the specialty area, employees at this level use knowledge of their own and other communications specialties to make decisions or recommendations to significantly change, interpret, or develop policies or programs. For program planning functions, employees use knowledge of scientific and technological advances in related fields of electronics and automation.

In supporting his belief that he meets Level 1-8 for this factor, the appellant is acting under the belief that the illustrations shown after the factor level description are grade level criteria. They are actually meant to describe typical work situations found at that factor level, and are not intended to be held as specific criteria that must be met. The information the appellant provided to support his belief that he meets Level 1-8 for Factor 1 does not meet the factor level criteria. In administratively managing the telecommunications and frequency management programs for all National Forests in the entire [name] region of the FS, the appellant fully meets Level 1-7 criteria as described.

Level 1-8 envisions a telecommunications specialist whose assignments consist of conducting studies, completing projects, developing plans, etc. in a telecommunications field for the top-level communications or information technology organization within an agency. This can be seen in the illustrations of typical Level 1-8 assignments shown in the standard. As explained above, the illustrations are not grading criteria, they are intended to help clarify the overall intent of the factor level description. The Forest Service is defined as a bureau, and neither the FS nor a region within it can be construed to constitute an “agency.” The purpose of the appellant’s work is not to meet the telecommunications requirements of the USDA, rather the needs of a region of the FS.

Another aspect of Level 1-8 work is the requirement to consider and plan for the use of new developments and techniques or evolving technology to solve telecommunications problems. The appellant develops plans and budgets to acquire and field new equipment and systems. His plans and budget estimates are then reviewed and approved at the regional level from where they go to the FS for approval and incorporation into bureau-wide plans and budget projections. The appellant may consider and make plans for the use of new developments and techniques or evolving technology at his operating level, but his plans and the budget approval necessary to bring his plans to fruition are not in his control. The appellant has an open channel to the telecommunications management personnel at the highest level within the FS where he makes suggestions and recommendations within his areas of expertise. He is also called upon to participate in meetings and conferences convened to resolve various telecommunications issues or problems. He has no authority or responsibility to produce work products on behalf of the USDA or FS such as incorporating new developments or technology into plans, planning for the use of the latest in technological advancements, or budgeting for the acquisition of state-of-the-art systems and equipment.

He believes that his work matches the illustrations described at Level 1-8. For example, he believes that he functions as a technical expert in interagency groups for resolving problems in existing telecommunications systems and programs requiring innovative solutions. He is the FS representative on a joint Canada-U.S. commission established to resolve radio frequency use disputes between the two countries. Our interview showed, however, that the appellant's work is almost exclusively concerned with operations within his region of the FS. His coordination with his counterparts in Canada are infrequent and not at a diplomatic level, and are incidental to his position as Regional Frequency Coordinator. The appellant's position fails to meet the threshold for Level 1-8, and is a match to Level 1-7.

Factor 2, Supervisory Controls

This is a three-part factor, all three of which must be fully met for the factor to be credited. These three are 1) how the work is assigned, 2) how the work is performed, and 3) how the work is reviewed.

At Level 2-4 the supervisor sets overall objectives and, in consultation with the employee, determines timeframes and possible shifts in staff or other resources required. The employee is responsible for planning and carrying out the work, resolving most conflicts that arise, integrating and coordinating the work of others as necessary, and interpreting and applying policy on own initiative. Completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or achieving expected results.

At Level 2-5, the supervisor provides administrative direction with assignments in terms of broadly defined missions or objectives. Within these broad areas of direction, the employee has responsibility for planning, designing, and carrying out major studies or projects, and for coordinating with experts both within and outside of the organization. Results of the work are considered technically authoritative and are normally accepted without change. If the work is reviewed, the review is concerned with such matters as meeting objectives, effect of advice on the overall requirements, or precedents which might apply to other programs. Recommendations for new projects and alteration of objectives are usually evaluated for such considerations as availability of resources, broad goals, or national priorities.

The bulk of the appellant's assignments result from a radio replacement schedule established by the FS and other plans prescribed or made in conjunction with the Washington, D.C. office of the FS and the regional director or IR chief. He works with great independence, and his in-progress work is not normally reviewed. He presents his findings and recommendations to his supervisor, IR chief or higher level official in the FS for discussion and approval. He often has to justify and defend his recommendations for new or modified systems or operations and for extraordinary budget items. His completed work is subject to review for meeting overall objectives, but it is normally accepted at technically authoritative. Within the region he is regarded as the technical expert and authority on subjects related to wireless communication and frequency management. The appellant believes that his position meets Level 2-5 because of the significant technical responsibility he has for all wireless communications activities taking place within the region.

He also believes that representing the region and, on occasion the FS, on committees and interagency groups concerned with telecommunications issues is representative of Level 2-5.

Some aspects of the appellant's supervisory controls may seem to meet some of the characteristics of Level 2-5 criteria, for example, the great independence with which he carries out his assignments. However, it does not fully meet this level. He does not have the authority to independently determine his own work assignments. Completed work is subject to technical review, although this is not often done. Although normally accepted as technically authoritative, the results of his work and the recommendations made may be and are changed to meet other considerations such as budget realities or long term FS plans. In addition, while the appellant is responsible for his individual work products, his first and second line supervisors are responsible within the FS for the appellant's overall wireless communication program. We must consider the fact that the appellant's immediate supervisor is responsible for the communications program as part of her overall responsibilities. Because the position does not fully meet the intent of Level 2-5, it is assigned Level 2-4.

Factor 3, Guidelines

For positions working at Level 3-4, guidelines provide a general outline of the concepts, methods and goals of telecommunications programs. They are not specific in how they are to be defined, applied and monitored. In some cases guidelines are purposefully left open to local interpretation to allow for local variations. Guidelines are usually broad, lack specificity, and are often insufficient to accomplish particular objectives. Employees at this level use initiative and resourcefulness in researching trends and patterns, deviate from traditional methods, and implement new and improved communications methods and procedures. Assignments at this level may also include responsibility for developing guidelines for use of telecommunications specialists at lower levels in the organization.

Level 3-5 positions work from guidelines that are nonspecific and stated in terms of broad national or departmental policies and goals. At this level the employee is a recognized technical authority on the development and interpretation of communications guidelines, policies, legislation, and regulations covering one or more substantive communications programs and the organizations which administer them. At this level, employees must use initiative, judgment, and originality in researching and interpreting existing national policies and legislation, in determining when new or revised legislation is needed, and in researching and preparing recommendations for the content of such legislation. They take into account the effects of conflicting laws, policies and regulations, and they develop or recommend communications policies and regulations that are flexible enough to remain current in meeting program objectives.

The guidelines used by the appellant do not exceed the 3-4 Level. His guidelines are not as broad and non-specific as described at Level 3-5. In our interview he stated that he utilizes a large variety of guidelines including laws, USDA manuals, interagency agreements, MOUs, equipment specifications, and similar material. While the appellant is regarded as a wireless communications technical expert within his group of regional telecommunications specialists within the FS, there is no evidence that he is a recognized technical authority on the development

and interpretation of agency (i.e. USDA) communications guidelines, policies, legislation and regulations covering his program area. There is also no information to show that the appellant researches and interprets existing national policies and legislation, determines when new or revised legislation is needed, and researches and prepares recommendations for the content of such legislation as indicated for Level 3-5. Although he may write local policies, guidelines, or instructions for use in the National Forests in the region, they are applicable only for his particular region of the FS, not for the Department of Agriculture as envisioned at Level 3-5. The work he performs as a subject-matter expert on committees and work groups is a significant responsibility, but the guidelines element in this work does not exceed Level 3-4. The appellant is credited with Level 3-4 for this factor.

Factor 6, Personal Contacts and Factor 7, Purpose of Contacts

These two factors are closely related. The factor levels are assigned by matching the level of recurring personal contacts with their directly related purpose. That is, the purpose of contacts, Factor 7, must be directly applicable to those personal contacts described and credited for Factor 6.

At Level 6-2 contacts are with employees from the same agency but outside of the immediate organization, or with the general public in a moderately unstructured setting.

At Level 6-3 contacts are with individuals or groups from outside the employing agency in a moderately unstructured setting. Typical contacts are with telecommunications specialists and managers from other agencies, contractors, or technical level representatives of foreign governments. This level also includes meetings with high ranking managers or program officials several levels above the employee when these are on an ad hoc basis.

Level 6-4 is appropriate for positions having contacts with high-ranking officials from outside the agency at national or international levels in highly unstructured settings. This includes high ranking officials of Federal, State, major municipal, or foreign governments or of comparable private sector organizations.

The appellant's personal contacts include employees at all regions and the headquarters of the FS, with representatives of other agencies, with contractors, and with technical frequency management representatives from Canada. These meetings can be accurately described as moderately unstructured in that they are not always established on a routine basis. The subject is established beforehand but the particular participants are not, and the purpose and extent of each contact is usually different. This exceeds Level 6-2, and is a match to Level 6-3. The Level 6-4 is not met because the appellant does not have the kinds of contacts described at that level. For instance, his contacts with his Canadian counterpart are not at the high level described, nor are they in the highly unstructured settings indicative of Level 6-4. His contacts with representatives of other agencies and the states in which his National Forests are located are also not indicative of Level 6-4.

The purpose of contacts at Level 7-2 is to plan and coordinate work or advise on efforts and resolve operating problems by influencing or motivating individuals or groups who are working toward mutual goals and who have basically cooperative attitudes.

At Level 7-3 the purpose is to influence, motivate, interrogate or control persons or groups. The persons contacted may be fearful, skeptical uncooperative or dangerous. Therefore, the employee must be skillful in approaching the individual or group in order to obtain the desired effect, such as gaining compliance with established policies and regulations by persuasion or negotiation, or gaining information by establishing rapport.

Positions at Level 7-4 justify, defend, negotiate, or settle matters involving significant or controversial issues. The work usually involves active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance. The persons contacted typically have diverse viewpoints, goals or objectives, requiring the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.

The appellant does not contest the assignment of Level b for Factor 7, but we have reviewed this for consistency with Factor 6. His work with Canada in frequency coordination and other cross-border wireless communications matters does not meet the intent of Levels 7-3 or 7-4. It does not appear from the interviews that the appellant's meetings with Canadian wireless frequency authorities are so contentious or critical and that the problems must be resolved at his level; there are two higher diplomatic levels to which impasses can be referred for resolution. The appellant may believe that in putting his annual wireless communications plans together for the region, and with sitting on committees and work groups he must justify and defend his positions to significantly higher level authorities. However, we do not find that it is a regular and recurring requirement of the appellant's position that he negotiate, influence, motivate or persuade fearful, skeptical, uncooperative or dangerous people or groups. Level 7-2 is appropriate for this factor, and Level 3b for both factors together.

Final Classification

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-7	1250 points
2. Supervisory Controls	2-4	450 points
3. Guidelines	3-4	450 points
4. Complexity	4-5	325 points
5. Scope and Effect	5-4	225 points
6. Nature of Contacts and		
7. Purpose of Contacts	3b	110 points
8. Physical Demands and		
9. Work Environment	2b	<u>40 points</u>
	<i>Total</i>	2850 points

In accordance with the Grade Conversion Table in the GS-391 position classification standard, the points assigned to the position fall within the range for GS-12 (2755-3150).

Decision

The final classification of the position is Telecommunications Specialist, GS-391-12.