

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

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

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

Appellant: [appellant's name]

Agency classification: Employee Development Specialist
GS-235-11

Organization: Training Division (Code M0622)
Human Resources Directorate (M061)
[activity name]
[acronym]
Department of the Navy
[location]

OPM decision: Employee Development Specialist
GS-235-11

OPM decision number: C-0235-11-02

Robert D. Hendler
Classification Appeals Officer

/s/ 6/19/00

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* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[apellant's name]
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[name]
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Introduction

On April 5, 2000, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. His position is currently classified as Employee Development Specialist, GS-235-11. However, the appellant believes the classification should be Employee Development Specialist, GS-235-12. He works in the Training Division (Code M0622), Human Resources Directorate (Code M061), [activity name] [acronym], Department of the Navy, [location]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant maintains that the functions he performs are the same as those performed at [acronym]-[name] by two employees whose positions are at the GS-12 grade level. He believes the PCS's were applied less rigorously in classifying those positions than in classifying his position. By law, we must classify positions solely by comparing their duties and responsibilities to OPM PCS's and guidelines (5 U.S.C. 5106, 5107, and 5112). Other methods or factors of evaluation are not authorized for use in determining the classification of a position, e.g., comparisons to the duties and responsibilities of other positions that may or may not be classified correctly. The record shows that the appellant raised his concerns regarding classification consistency in his agency appeal, and the agency directed [acronym] to review the positions that he identified and respond directly to him.

The appellant disagrees with the classification appeal decision his agency gave on June 25, 1999, in response to his request for reclassification as a GS-235-12, stating that he believes the Department of Defense person who adjudicated his classification appeal took a very conservative view of the PCS's and the information the appellant provided. Our adjudication of an appeal is based solely on the facts we ascertain regarding the current duties and responsibilities of the appellant's position as evaluated by the appropriate PCS's and sets aside any decision issued by his agency.

We conducted a telephone audit with the appellant on May 10, 2000, and a telephone interview with the appellant's first-level supervisor, [name], on May 11, 2000. In deciding this appeal, we fully considered the audit findings and all information of record furnished by the appellant and his agency, including his current work assignment and position description (PD) of record, #L4L320Y001. The appellant and his supervisor agree that the PD of record contains the duties and responsibilities of the appellant's position and we incorporate it by reference into this decision.

Position information

The appellant's position is located at [acronym]-[name], which has approximately 2,100 civilian and military personnel. He works as part of a three person team providing training for all employees at the [location] location. The team leader is in a GS-12 position and the appellant occupies one of two GS-11 positions. His first-level supervisor, who is in a GS-13 position and located in [location], assigns him specific training program functions. The appellant works with

his team leader on the [name] Community College (HACC) program, through which serviced employees complete mandatory Defense Acquisition Workforce Improvement Act training as well as mission-related courses leading to Associate and Bachelor Degrees. He spends approximately 35 percent of his time on the HACC program. It has three semesters per year with an average of four courses and approximately 120 people per semester. The appellant also provides advisory services to the [acronym] Logistics Center, which has approximately 350 civilian and military personnel. He administers the [acronym]-[name] Tuition Assistance and Career Fellowship programs. The appellant is currently writing an internal instruction for the Tuition Assistance program that will provide guidance on current approved application and selection procedures. The appellant provides training for the new Navy Support Activity (NSA)-[name], which has approximately 80 employees. NSA provides environmental and hazardous materials protection as well as managing the Officers Club, Childcare Center, and Military Base Housing. He oversees the development of the annual [acronym]-[name] training plan and budget for his assigned program areas, and provides a variety of training informational and advisory services to employees, supervisors, and managers in his serviced organizations.

To fulfill these duties and responsibilities, the appellant develops curricula, forms, course announcements, applicant rating criteria, and methods of scheduling courses and selecting applicants; arranges for training facilities; determines if requested training is related to the activity's mission; contacts a variety of organizations to obtain providers of on-site training; approves or rejects contractor training offerings; and schedules courses up to three years in advance. He prepares budgets and ensures funds are available to provide the training requested by the organizations he services. These organizations are represented by 24 training liaison representatives (TLR's). The appellant provides training information, advice, and assistance to the TLR's, management, and employees; resolves training problems; and answers inquiries about available training and training policies and procedures. He contacts supervisors and managers to inform them of the requirements for official training plans and assists them, as necessary, to develop those plans for their employees. He also prepares statistical reports; prepares and conducts portions of or entire training classes; reviews and updates instructional manuals; and evaluates the performance of contract instructors. He performs whatever other duties are necessary to manage his assigned programs effectively.

Series, title, and standard determination

The agency has placed the appellant's position in the Employee Development Series, GS-235, for which there is a published PCS, and titled it Employee Development Specialist. The appellant has not disagreed, and we concur with these determinations.

Grade determination

The appellant is a member of an operating employee development staff. Operating employee development staff assignments involve directly providing guidance, consultation, and staff assistance in training and developing employees on a day-to-day basis. Principal duties typically include identifying training needs and solving associated problems, administering training programs, and evaluating training given and recommending improvements. The GS-235 PCS

uses two classification factors to determine the grade for non-supervisory employee development specialist positions in operating programs: Nature of assignment and Level of responsibility.

Nature of assignment

This factor considers the scope of the assignment, the difficulty of the work, and the technical complexity of the assignment.

As at the GS-11 grade level, the appellant develops the plans, procedures, and operating methods for completing his assignments. The positions in the work force that he serves preponderantly involve work processes that are relatively difficult to understand, or which require fairly specialized skills. They typically include technical, professional, managerial, and administrative positions that require completing an extended period of training and development. The management advisory services he provides include making planned, systematic studies to determine the immediate and long-range training needs of the installation by analyzing currently available data and making projections up to three years ahead as to likely training needs for his assigned programs. The projections are based on responses to questionnaires on anticipated training needs he sends to the 24 TLR's. He advises management how to enhance employee potential through training; and determines ways training can assist in solving problems of employee morale, excessive employee turnover, low production, and under-utilization of employees' skills and abilities. Also as at the GS-11 grade level, he develops guidelines, instructional methods, course materials, and training aids for use in operating employee development programs; adapts new or improved applications of educational technology; and reviews, analyzes, and evaluates operating employee development programs to determine their quality and overall effectiveness.

The GS-12 grade level is distinguished from the GS-11 grade level in that it is carried out in an organization whose mission is relatively unstable, requiring frequent major realignments of duties, positions, and employees; requires providing management advisory services directly to top management officials on a continuing basis; and is regarded by top management as especially critical, urgent, or of top priority, e.g., management training in an operating employee development program serving headquarters offices of a bureau. NAVICP-Mechanicsburg has undergone downsizing and anticipates continued downsizing. This has required training remaining staff to assume the duties and responsibilities of a different occupational series or changed duties in the same series. During the past year the appellant provided training for 57 employees assigned to retraining programs because they were moved to different positions. Eleven were reassigned to a different series, 8 reassigned within the same series, 34 changed to a lower grade in a different series, and 4 promoted into a different series. The grades of the 57 employees ranged from GS-4 to GS-11. The initial occupational series of the bulk of these training participants (84 percent) were Supply Clerical and Technician, GS-2005 (44 percent), Contracting, GS-1102 (14 percent), Purchasing, GS-1105 (12 percent), and Procurement Clerical and Assistance, GS-1106 and Secretary, GS-318 (7 percent each). The appellant believes that the downsizing and resultant training requirements show he is operating in an organization whose mission is relatively unstable, requiring frequent major realignments of duties, positions, and employees. However, the changes in positions, both in number as well as series and grade, do not show an organization whose mission is dynamic and rapidly changing. Rather, they show

an organization whose structure remains essentially constant, reflecting an essentially unchanged mission, but which must reassign staff to most efficiently and effectively accomplish the same primary mission with fewer people.

The appellant has occasional contact with top management officials within the contexts of a staff meeting or in response to an inquiry requesting factual information about the appellant's assigned programs. He has more frequent contact with lower level management officials for the purposes of providing factual information to them also, and to share information necessary to manage his assigned programs. These activities are necessary for the proper management and public notice of the appellant's assigned programs, but do not constitute advisory services to top management on a continuing basis, which imply giving advice for significant program initiatives and/or modifications and/or making recommendations for significant program policy changes.

The appellant's programs are of significant value to the organization in that they provide the necessary training to reduce the disruptions of downsizing. However, neither the record nor information provided by the appellant demonstrates that top management regards his programs as especially critical, urgent, or have top priority. The absence of top management demands for frequent advisory services indicates that his programs are regarded as a necessary part of the organization, but not so critical, urgent, or of top priority as to meet the intent of the GS-12 grade level. The absence of responsibility for management training in an employee development program serving headquarters offices of a bureau, which is a program function assigned to his team leader, and the large number of clerical and technician training participants in his area of program responsibility, also show that the GS-12 grade level is not met. The appellant's assignments are carried out in an organization whose mission is relatively stable, i.e., which does not require frequent major realignments of duties, positions, and employees; do not require him to provide management advisory services directly to top management officials on a continuing basis; and are not regarded by the organization's top management as especially critical, urgent, or of top priority to the particular organization. Therefore, *Nature of assignment* is properly evaluated at the GS-11 grade level.

Level of responsibility

This factor assesses the supervisory control exercised over the work, including guidelines available and review of completed work, the nature and importance of personal contacts with persons outside the supervisory chain, and the nature and scope of recommendations or decisions made.

As is typical of GS-11 employee development specialists, the appellant is responsible for developing his own plans, procedures, and operating methods, under the technical supervision of an employee development specialist of higher grade. His completed work is reviewed for conformance to appropriate policies, procedures, and guidelines; for coordination; and for overall effectiveness. Also as is typical of GS-11 employee development specialists, the appellant operates without guidance from internal office instructions, policies, and procedures; provides management advisory services; confers with representatives of professional training associations, private industry, OPM, and other government agencies to study potentially applicable training developments; and represents the installation's employee development staff in

conferences with representatives of the department headquarters and intermediate headquarters levels.

The levels of responsibility of GS-11 and GS-12 employee development specialists are similar in many regards, including operating under similar technical supervision, being subject to the same kinds of review, and working under the same kinds of guidelines. What distinguishes the GS-12 from the GS-11 grade levels of responsibility is that the GS-12's independently resolve technical problems of their projects which do not have nationwide or worldwide impact; have frequent or continuous contacts with high level representatives of outside organizations and the top management, and immediately below top management, officials of the organization served; and provide management advisory services directly to top management officials of an organization whose mission is rapidly changing. An example of typical advisory services provided top management by GS-12's is the establishment of activities to improve the effectiveness of executives through planned rotational assignments or attendance at graduate university courses. The scope of such a program is not within the appellant's role. Also typical of GS-12 employee development responsibilities, but not assigned to the appellant, is approval, for the employee development staff, of requirements for personnel, money, equipment, and facilities to operate the employee development program at several field installations, and identification of particular positions which can be earmarked for the graduates of training for the educationally disadvantaged or vocationally underdeveloped.

The appellant meets the GS-12 grade level in resolving technical problems of his projects that do not have nationwide or worldwide impact. However, the nature and importance of the appellant's contacts with high level managers fail to meet the GS-12 grade level. "Frequent" contacts means that contacts are less than continuous, but are regular and recurring. The purposes for the contacts must be considered together with their frequencies and levels of the people contacted.

During the past year, the appellant met approximately once per month with the following high-level management officials of the organization he serves for the indicated purposes: the [acronym] Vice-Commander via telecons, video telecons, and e-mails to obtain approvals for college course programs, Individual Development Plan (IDP) Program, and [acronym] Fellowship Program; and the [acronym] Director for International Programs (IDP Sponsor) to discuss the IDP Program. The appellant also met with the first three of the following representatives of outside organizations more than once per month and approximately monthly with the other two for the indicated purposes: the U.S. Department of Agriculture Graduate School Program Managers ([location] Center) to discuss courses and schedule training; the HACC Director of Workforce Development and Extension Centers to discuss class scheduling, instructor availability, and program changes; the HACC Director of Workforce Development and Contracted Services to discuss credit and non-credit programs and contracts; the HACC Director of Student Accounts and Cashiering to correct student account problems and pay HACC for courses offered on-site; and the [name] State [location] Director of the Office of the Bursar to pay for class attendees and correct billing problems.

The primary purposes of the appellant's contacts were to answer factual questions about his programs; provide data about them for briefings; request approval for college course programs

he selected to meet employee needs; arrange with external providers for the scheduling of courses; contract with providers; monitor and approve disbursements to providers and correct billing problems. These various purposes, while necessary for the efficient operation of the training function, are fundamentally informational services and arrangements for approved contractual services and do not constitute advisory services at the GS-12 grade level within the intent of the PCS. Examples of GS-12 grade level advisory services are recommendations identifying particular positions at a major military supply depot which can be earmarked for graduates of major programs for training the educationally disadvantaged or vocationally underdeveloped requiring extensive planning and the integration of major learning initiatives to prepare these employees for higher level positions; establishing activities to improve the effectiveness of executives at a major research and development center; and approving, for employee development staff, requirements for manpower, money, equipment, and facilities to operate the employee development program at several field facilities.

Neither the frequency nor the purposes of these meetings meet the intent of the GS-12 grade level. The nature and scope of the appellant's recommendations and decisions are for the purpose of maintaining an efficient and effective program of training for the assigned portions of a specific installation and its serviced activities and are within the typical GS-11 responsibilities of recommending the plan, procedures, and operating methods to be used in his assignment.

Summary

The appellant's duties and responsibilities meet the GS-11 grade level for both *Nature of assignment* and *Level of responsibility*.

Decision

The position is properly classified as Employee Development Specialist, GS-235-11.