

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

Atlanta Field Services Group  
75 Spring Street, SW., Suite 1018  
Atlanta, GA 30303-3109

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

**Appellant:** [name]

**Agency classification:** Unemployment Insurance Program  
Specialist  
GS-106-12

**Organization:** [organization]  
[organization]  
Office of Regional Administrator  
Office of Field Operations  
Employment and Training  
Administration  
Region [#]  
U.S. Department of Labor  
[location]

**OPM decision:** Unemployment Insurance Program  
Specialist  
GS-106-12

**OPM decision number:** C-0106-12-01

/s/ Robert D. Hendler

Robert D. Hendler  
Classification and Pay Claims  
Program Manager

August 16, 2005

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]

[address]

[location]

[name]

Human Resources Officer

U.S. Department of Labor

[address]

[location]

Director, Human Resources Center

U.S. Department of Labor

200 Constitution Avenue, NW., Room C5526

Washington, DC 20210

## **Introduction**

On January 19, 2005, the Atlanta Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. She works as an Unemployment Insurance Program Specialist, GS-106-12, in the [organization], [organization], Office of Regional Administrator, Office of Field Operations, Employment and Training Administration, Region [#], U.S. Department of Labor (DOL), [location]. The appellant requests that her position be reclassified to the GS-13 grade level. We received the complete appeal administrative report on February 24, 2005. We have accepted and decided his appeal under section 5112(b) of title 5, United States Code (U.S.C.).

## **General issues**

The appellant believes that the duties and responsibilities and the qualifications required of her position are comparable to those of GS-13 positions in her immediate organization. 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, which may or may not be classified correctly, as a basis for deciding the appeal.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers her position so similar to others that they all warrant the same classification, she may pursue the matter by writing to her agency's human resources headquarters. In doing so, she should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as hers, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain the differences between her position and the others.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and the agency, including the interviews with the appellant and the supervisor, and all information of record.

## **Position information**

The appellant is assigned to position description (PD) number [#]. The supervisor certified the accuracy of the PD. The appellant did not certify accuracy. She believes she functions as an agency expert in her program assignments and disagrees with the agency's assessment of the knowledge required by the position and scope and effect of the position. We find that the PD of record contains the major duties assigned to and performed by the appellant and we incorporate it by reference into this decision.

The appellant performs assignments involving DOL oversight of operation of the Unemployment Insurance (UI) program by the eight State agencies falling under the Region [#] Regional Office (RO). Her primary responsibilities involve specific areas of the State Quality Service Plans

(SQSP), Benefit Timeliness and Quality/Nonmonetary Determination Processing (BTQ/NMD), UI Data Validation, and UI Required Reports (UIRR). Her principal areas of responsibility include the analyzing of program performance goals, monitoring the implementation of DOL required policies and procedures, and conducting scheduled reviews of reports and other required materials submitted by State agencies related to corrective action and continuous improvement plans. The appellant conducts required on- and off-site desk reviews of State agency administrative and internal operations. This includes reviewing State plans, analyzing State laws, regulations, and administrative procedures to determine compliance with Federal and other legal or regulatory requirements, and preparing and coordinating RO reports. As the primary point of contact for technical assistance for her program assignments, the appellant responds to requests for clarifications or interpretations of policy from RO staff and State agency program officials and staff of the eight states within the Region.

In carrying out assignments, the appellant performs required reviews of State agency operations of the BTQ/NMD program. She analyzes program requirements, reviews State agency developed plans for program administration, recommends the establishment or revision of operational procedures, and serves as the RO representative at BTQ/NMD conferences and meetings. She reviews SQSPs submitted by State agencies to determine that they are complete and comply with negotiated agreements or legal requirements, and she monitors SQSPs to ensure that requirements for corrective action and continuous improvement plans have been included. She maintains, tracks, and monitors SQSP information and associated documents submitted by the states and performs quarterly reviews to determine State agency success in achieving agreed upon performance goals or improvements. The appellant also represents the RO at national SQSP meetings. She coordinates all activities of RO staff involving the compilation of information for reports to DOL headquarters on activities in the areas of SQSP, BTQ/NMD, UI Data Validation, and UIRR in the region. She provides report input for her assigned areas and gathers input from RO staff assigned responsibility for other areas of these programs for incorporation in the reports.

The appellant works under the direction of the division chief who provides limited direction and sets overall project objectives. She may also receive guidance and assistance from any of the three higher graded specialists within her organization. The supervisor, in consultation with the appellant, develops deadlines and project plans. The appellant independently carries out assignments and keeps the supervisor apprised of potentially controversial issues. Review of completed work is in terms of effectiveness in meeting organizational goals and overall feasibility.

### **Series, title, and standard determination**

The agency classified the position in the Unemployment Insurance Program Specialist Series, GS-106, and titled it Unemployment Insurance Program Specialist. The appellant does not disagree with the series or the title determination. The agency used the Guide for the Evaluation of Program Specialist Positions (the Guide), as directed by the GS-106 position classification standard, to evaluate the position. We concur with the agency's series, title, and standard determinations.

## Grade determination

The Guide distinguishes among grade levels on the basis of two broad classification factors: *Nature of assignment* and *Level of responsibility*. *Nature of assignment* is primarily concerned with the degree of complexity and difficulty of problems typically involved in the assignment. The elements covered under this factor include the nature and complexity of material developed, the nature and purpose of the review of program administration and operation, the nature and purpose of negotiation, consultation, and coordination, and the knowledges and skills required. *Level of responsibility* measures the level of authority and accountability in terms of the extent and degree of latitude and freedom allowed in carrying out the assignment and the use made of the results. The elements covered under this factor include supervisory controls over the position, extent and level of contacts with persons within and outside the agency, and scope and impact of recommendations, decisions, and commitments.

### *Nature of assignment*

At the GS-12 grade level, assignments involve complete studies for the development of revised guideline material (i.e., statements of policy, model operating procedures, and other publications). These materials are used by officials of State agencies as guides in revising their own policies and procedures as well as in developing program plans and project proposals to meet Federal requirements. Typically, GS-12 specialists select successful methods and techniques used by other State agencies and adapt and extend such methods and techniques into new patterns to solve problems in similar situations. Assignments at the GS-12 grade level involve on-site review of the administration and operation of State and local agency programs where the primary focus of the review is on the internal operations of the agency being reviewed. They negotiate acceptable changes in operations and procedures in areas where weaknesses are observed, or recommend solutions to problems based on latest information and trends in the field. In addition to this review, GS-12 specialists personally conduct follow-up program evaluations where the agreements reached to correct the inadequacies noted are conditional and the remedial actions recommended require actions such as major changes in operating procedures or practices, reassignment or training of staff personnel, elimination or realignment of functions, or amendments to the program plan or budget to provide for additional resources.

GS-12 assignments may also involve the review of program plans and project proposals not only to determine compliance with statutory requirements, but also to determine the extent to which State and local agencies utilize the most advanced administrative and technical methods, techniques, and resources in responding to the needs of the clientele served (e.g., adequate referral systems including follow-up procedures, quality control systems, and formal or informal agreements to share resources with other organizations in the community). In carrying out this assignment, GS-12 specialists frequently meet with State and local agency officials to negotiate necessary changes to bring the plans or proposals into consistency with Federal requirements. The specialist will also explore problems and questions adversely affecting program operations (e.g., technical and professional skills of workers, adequacy of facilities, coverage of services) and assist State officials in developing plans based on the needs to be met and the types of activity which will best meet those needs.

The GS-12 grade level is met. Comparable to this level, the appellant's work involves assisting State agencies in developing new or revising existing policy and procedural guidelines to meet Federal regulatory requirements and achieve acceptable levels of performance in properly determining and processing UI benefits, reducing errors, etc. For example, she researches and analyzes procedures and techniques developed and successfully implemented by "high performing" states in the appellant's region and other DOL regions. These are states having high rates of proper eligibility and benefits determinations and low error rates. The appellant determines if regional states performing poorly in meeting acceptable levels of performance could improve by adopting and implementing these procedures and techniques directly. She is also responsible for determining the need for adapting and extending procedures and techniques to ensure compatibility with the operations of the adopting State agency.

As at the GS-12 grade level, the appellant conducts required on-site reviews of State agency BTQ and NDM administration and operations. These reviews involve meeting with State agency officials and staff to negotiate operational and procedural changes to ensure consistency with legal requirement or to resolve problems or weaknesses that could affect the receipt of program funding from DOL. Like the GS-12 grade level, the appellant is responsible for follow-up monitoring of corrective action plans submitted by the State agencies to track progress in accomplishing negotiated performance goals. For example, she performs quarterly reviews of the progress made by the State in successfully implementing the steps identified in the corrective action plan. When the appellant determines that sufficient progress is not being made, she discusses the problems with the State agency and prepares documentation for the RO to notify the State of actions it must take to comply with the steps it agreed to during negotiations.

At the GS-13 grade level, program specialists develop national guideline material which includes the whole range of actions, relationships, standards, etc., for which established guidelines have been relatively unsuccessful or largely inapplicable. Assignments also involve the specialists in negotiating workable agreements to correct problems for which precedent conditions beyond the direct service operations must be met (e.g., amendment to State laws, cooperative agreement with other jurisdictions). They provide authoritative advice on program content to officials of State and local agencies and encourage and assist them in setting up new or experimental programs in areas where related precedents or guidelines are generally unavailable. In conducting program reviews of services, facilities, and practices in State and local agencies, GS-13 program specialists typically serve as team leaders. They negotiate and elicit from agency officials workable agreements to correct problems where there are apparently program weaknesses but no guides to follow in assessing and correcting them (e.g., remedying conditions which are beyond the direct service operations). Negotiations involving the more serious questions of nonconformity (i.e., refusal of State agency director to comply with mandatory Federal requirements) are handled at higher management levels.

The GS-13 grade level is not met. The appellant's assignments do not involve activities of the broad scope and depth of those typical of this level, nor do they require her to function as a team leader for reviews of GS-13 level complexity. Unlike work at the GS-13 grade level, the appellant's responsibilities do not involve development of guideline materials which are applicable to UI programs on a nationwide basis or are intended to address issues for which existing guidelines are inapplicable. Her primary responsibilities involve activities that are

concerned with providing oversight of State agency administration and operation of specific areas of UI programs and assisting the State agencies in adhering to these guidelines and policies to properly administer these programs. The goal of these activities is to ensure that the State agencies are operating programs in a manner that meets legal and regulatory requirements. The appellant's activities are also undertaken to ensure that UI eligibility is properly determined in a timely manner and benefit amounts are correct. The work she performs does not routinely require her to encourage or assist State agency officials in setting up new or experimental programs for which precedents or guidelines do not exist as found at the GS-13 grade level. Her work primarily involves established UI programs having applicable administrative and procedural guidelines and policies.

This factor is credited at the GS-12 grade level.

#### *Level of responsibility*

At the GS-12 grade level, the supervisor or a higher level program specialist typically provides guidance to program specialists during the time they are developing the project or program evaluation plan. Once the plans are approved, the GS-12 specialists proceed with considerable independence and function in all aspects of the assignment within the limits of acceptable practices and administrative policy. The program specialists may request assistance from the supervisor on difficult technical problems involving the application of new or questionable techniques and methods. GS-12 assignments involve extensive contacts with officials of State agencies and other public and nonprofit organizations and institutions not only to resolve problems of noncompliance and negotiate remedial agreements, but also to advise on and render technical assistance. Decisions and recommendations made by GS-12 specialists are rarely changed by higher authority. The final product (e.g., evaluation report, program standard) is reviewed for soundness of judgment, recommendations, and consistency with national objectives.

The GS-12 grade level is met. Comparable to this level, the appellant develops projects and plans for required on- and off-site reviews of program administrative operations. Her supervisor provides guidance by establishing the primary objectives of projects to be undertaken and, through consultations with the appellant, provides guidance in developing project plans and deadlines. The supervisor makes assignments on the basis of review of the annual work plan and follow-up discussions related to the appellant's assigned program areas. When assignments generated by requirements from higher levels of the agency involve issues or matters that are new, the supervisor reviews them prior to assigning them to the appellant. As at the GS-12 grade level, the supervisor or a higher grade specialist provides additional oversight and assistance on controversial issues and personally handles pertinent legislative issues. The appellant is expected to independently carry out her assigned responsibilities, discuss plans and issues with agency contacts, and inform the supervisor of any issues that arise that are potentially controversial or significantly impact administration of DOL UI programs. The review of completed work is on the basis of its overall effectiveness in meeting the agency's mission and goals, and the feasibility of recommendations made.

At the GS-13 grade level, specialists recommend to State and local agency officials new approaches, including a set of alternatives for the solution of anticipated problems that are likely to occur, designed to effect desirable changes in program administration and operation. Such recommendations are based on the specialist's own knowledge of the broad specialized area for which he or she is responsible, and on his or her own evaluation of the needs, trends, and resources in the area. Supervisory control normally does not extend beyond approval of priorities, schedule, staff requirement, the extension of a project in progress, and proposed members to serve on review committees. Review committees are convened to review effectiveness and soundness of proposed guideline material.

The GS-13 grade level is not met. The supervisory controls the appellant works under do not permit the degree of independent action envisioned at this level. Unlike the GS-13 grade level, the appellant receives assistance and guidance on the objectives of projects to be carried out and expected deadlines for completion of the work. Assistance is provided during the planning and developmental phases of those projects. The appellant's supervisor is also involved in the review of assignments to determine if there are issues with which the appellant may not be familiar or that may warrant supervisory intervention or assistance from higher graded staff. The appellant recommends approaches for existing problems which have been detected through the program review process. Her work does not require involvement in recommending solutions for anticipated problems or developing innovative methods as is typical at the GS-13 grade level. Her proposed solutions typically are based on methods and procedures that have been developed and implemented to successfully resolve similar problems encountered by other State agencies. The appellant coordinates and facilitates meetings between the program staffs of the State agency experiencing problems and the State agency that developed/implemented solutions.

This factor is credited at the GS-12 grade level.

Both *Nature of assignment* and *Level of responsibility* are evaluated at the GS-12 grade level. Therefore, the appellant's duties are properly evaluated at the GS-12 grade level.

### **Decision**

The appellant's position is properly classified as Unemployment Insurance Program Specialist, GS-106-12.