

Introduction

The Dallas Field Services Group (now the Dallas Oversight and Accountability Group) of the U.S. Office of Personnel Management (OPM) accepted a classification appeal on [REDACTED], from [REDACTED]. The appellant's position is covered under the National Security Personnel System (NSPS) and is currently classified as a Supervisory Program Manager, YC-340-02. The position is assigned to the Office of the Program Manager, [REDACTED], at [REDACTED]. The appellant does not dispute the occupational series of his position but believes it should be classified in a different pay schedule (PS) and pay band (PB), i.e., the YA pay plan code for the Professional/Analytical PS in the PB 3 range. We received the agency's administrative report on [REDACTED]. We have accepted and decided this appeal under section 9902 of title 5, United States Code.

Background

The appellant's position was previously classified as a Program Manager, GS-340-14. On [REDACTED], the agency converted his position to the NSPS structure. When initially converting the appellant's position, the agency applied criteria in Subchapter (SC) 1911 of the Department of Defense (DOD) Civilian Personnel Manual, 1400.25-M, *Conversion Into NSPS*. SC 1911 provides implementing guidance on how to shift positions to the NSPS based on the classification of the General Schedule (GS) positions of record. In applying Table SC 1911-4, *Conversion From General Schedule Supervisor/Manager Positions*, the agency converted the appellant's position to the YC pay plan code for the Supervisor/Manager PS in the PB 2 range slotted for GS-12 to GS-14 positions.

However, the appellant said his nonsupervisory work was not evaluated separately prior to the NSPS conversion as stipulated by SC 1911.3.1.1.6.1, which recommends components review supervisory positions to determine if the nonsupervisory work being performed meets criteria for a higher PB. On [REDACTED], the appellant initiated a request to review his position's PS and PB with his immediate supervisor. Uncertain of NSPS classification appeal procedures, the appellant's supervisor requested and received advice from the Civilian Personnel Branch within [REDACTED] Human Resources Division. Their response, dated [REDACTED], advised the appellant's supervisor to contact the local [REDACTED] for assistance in filing an official appeal with either DOD or OPM. Their reply also said an [REDACTED] NSPS workgroup leader reviewed the appellant's position and determined it was correctly assigned to the YC pay schedule.

In a [REDACTED] memorandum to the local [REDACTED], the appellant requested a classification decision from OPM. He subsequently sent the appeal request directly to OPM on [REDACTED]. In response to the appellant's filing a classification appeal with our office, the [REDACTED] prepared an evaluation statement, dated [REDACTED], confirming the position's current classification.

Position information

The appellant's position is responsible for managing the [REDACTED] most efficient organization (MEO) program and its approximately 425 authorized full-time equivalent (FTE) employees. As required by the Office of Management and Budget (OMB) Circular A-76, Performance of Commercial Activities, [REDACTED] identified the following base operations support services as commercial activities: information technology (IT) and telecommunications, engineering and maintenance operations, logistics, public information, human resources and administration, environmental, operations and training, and the [REDACTED] range management. The Government's bid subsequently won the competition, and the MEO was implemented as a separate [REDACTED] organization as required by the competitive sourcing process. The MEO provides [REDACTED] services to the approximately 36,000 individuals within [REDACTED] community of military service members, civilian employees, retirees, and military family members. In addition, they assist in the daily management operations of the [REDACTED] training area located 20 miles away.

As the MEO program manager, the appellant is primarily responsible for ensuring the functions are operating in this pseudo-contractor environment within adequate service and cost levels. In addition to a Contractor Performance Manager (YA-301-02) position, the appellant currently serves as the first-level supervisor for the eight positions (hereinafter referred to as MEO chief) responsible for the day-to-day activities of the MEO functions. MEO chief positions, functions directed, and approximate FTE strengths are as follows:

- Supervisory General Engineer (YF-801-02) in Engineering and Maintenance Operations with 141 FTE;
- Supervisory IT Specialist (Network) (YC-2210-02) in IT Telecommunications with 90 FTE;
- Supervisory Logistics Management Specialist (YC-346-02) in Readiness and Logistics with 55 FTE;
- Supervisory Human Resources Specialist (Military) (YC-201-02) in Human Resources Administration with 72 FTE;
- Training Area Manager (YA-301-02) in [a camp] Military Training Reservation with 19 FTE;
- Supervisory Industrial Hygienist (YJ-690-02) in the Environmental Office with 12 FTE;
- Supervisory Operations Specialist (YC-301-02) in Operations and Training with 6 FTE; and
- Supervisory Public Affairs Specialist (YC-1035-02) in the Public Information Office with 5 FTE.

The appellant's position performs a wide range of supervisory and managerial responsibilities including, but not limited to, determining work objectives, evaluating work performance, awarding and training employees, approving overtime, deploying personnel, assigning work, and taking disciplinary actions when necessary. As is common in cross-functional matrix organizations, the MEO chiefs work with a considerable degree of independence in their production-related tasks and are responsible for directing the wide variety of supervisory and nonsupervisory staff occupying professional, administrative, technical, and clerical occupations.

The MEO is a performance-based organization and is required to operate under standards established in the solicitation package and the Performance Work Statement (PWS), which describes the activity to be performed; performance factors; and the quantity, quality, and timeliness of the work to be produced. As program manager, the appellant is specifically responsible for monitoring the MEO's accomplishment of PWS goals and ensuring the MEO's actual costs are within parameters established by the in-house estimate. He also identifies the tasks not supportable due to resource shortfalls and recommends corrective actions whenever possible.

The Deputy [REDACTED] Commander, who occupies a Supervisory Program Manager (YC-340-03) position, is the appellant's immediate supervisor and has certified to the accuracy of the duties described in the appellant's official position description (PD), number [REDACTED]. The appellant's PD and other material of record furnish much more information about his duties and responsibilities and how they are performed, and we incorporate it by reference into this decision. We conducted telephone audits with the appellant on [REDACTED], and [REDACTED]. We also conducted a telephone interview with the immediate supervisor on [REDACTED]. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as all other information of record furnished by the appellant and his agency, including the PD of record.

Evaluation

NSPS positions are identified by an occupational series, title, career group, PS, and PB. In deciding this appeal, we compared the appellant's current duties and responsibilities to the classification criteria in SC 1920, *Classification*, which describes the NSPS classification structure and provides general instructions for classifying existing positions.

Occupational series and title determination

Appendix (AP) 4 of SC 1920 is used to determine a position's occupational series and title. It defines Program Manager, 0340, positions as:

Manage or directs one or more programs including supporting service organizations. The paramount qualification requirement is management and executive knowledge and ability, with no requirement for competence in a specialized subject matter or functional field. Positions must be classified to specialized occupations if their qualification requirements include subject-matter or functional competency, or require special certification such as the Defense Acquisition Workforce Improvement Act.

The appellant's position primarily requires applying management and executive knowledge and ability within an A-76 contracting environment. Though requiring sufficient knowledge of the MEO functions' work to determine whether PWS goals are being effectively and efficiently accomplished, his position does not require specialized knowledge related to the individual MEO functions he manages. Therefore, the 0340 occupational series is appropriate for the appellant's

position. Neither the agency nor appellant disagree. The authorized title for supervisory positions in this occupational series is Supervisory Program Manager.

Career group determination

SC 1920 AP 3 sorts occupational series into career groups and assigns program manager positions, like the appellant's, to the Standard Career Group.

Pay schedule and pay hand determination

SC 1920 AP 5 contains the classification criteria used to determine the PS and PB for Standard Career Group positions. The AP describes PB criteria encompassing a range of work. PB 2 and PB 3 levels represent the threshold of each range of work, and a position must fully meet a PB descriptor for it to be assigned.

NSPS interpretative guidance states that supervisory positions which include performing nonsupervisory work are classified in the PS and PB with the highest rate range. The agency classified the appellant's position to the YC pay plan code for the Supervisor/Manager PS in the PB 2 range with which the appellate agrees.

The appellant believes his supervisory and nonsupervisory work are separable and considers his MEO management work as his position's PS- and PB-controlling work. Furthermore, the appellant said he spends less than 10 percent of his time on supervisory work. His immediate supervisor believes the appellant's work percentages are difficult to calculate as his nonsupervisory and supervisory work often overlap and are indistinguishable (e.g., in developing recruitment and retention strategies, streamlining work processes, redirecting resources, etc.). Nonetheless, he said the appellant spends roughly 25 percent of his time on supervisory work.

In his initial [REDACTED], request to OPM, the appellant includes a copy of his [REDACTED], appeal request to his supervisor indicating his work should be classified to the YA pay plan code for the Professional/Analytical PS in the PB 3 range based on the following rationale:

...The majority of the tasks and work associated in the performance of my duties relate to "managing the "contract", ensuring the Garrison's mission priorities are accomplishment [sic] and performed to specificationsThe duties and responsibilities in my position description focus more on managing the MEO vice supervising MEO Division Chiefs. Supervision is in addition to, instead of a core requirement for my position or justification for the current GS-0340-14 classification. The scope and level of responsibility within my position justifies and supports Pay Band 3 designation...My primary responsibility is managing and administering the contract in accordance with OMB Circular A-76 requirements. Also within the organization, I am functioning as a subject matter expert in the execution of A-76 requirements...

Implicit in the appellant's rationale is that he is performing nonsupervisory 0340 work and, moreover, that it may be isolated from the supervisory work so as to warrant separate evaluation.

Specifically, the appellant believes his primary work is performed in the capacity of managing the MEO program, rather than the people, and should constitute nonsupervisory duties. This rationale conflicts with his agreement that his position is covered by the 0340 occupational series since managing or directing a program "including support services- is inherently supervisory in nature; i.e., managing mission and support organizations through the work of subordinate supervisors and their employees who perform mission and support services. Supervisory work is inherent in the appellant's MEO program management since "administering the contract" means ensuring that the appellant's subordinate supervisors and their staffs adhere to and perform their work within the confines and requirements of the contract.

The underpinning of the appellant's rationale is that the *Classification Criteria for Standard Career Group-Supervisor/Manager Pay Schedule*, is limited to and only covers the actual supervision of people without regard to program planning, management and related functions. This conflicts with the language of that document. Immediate supervisors are responsible for assigning work (work planning), overseeing the work, and making sure employees develop the knowledge and skill required to perform their work. In addition, intermediate supervisors make decisions on technical (program) and personnel problems presented by subordinate supervisors, and evaluate subordinate supervisors (mission accomplishment and people management). In addition, the Manager level includes responsibility for "ensuring subordinate supervisors meet their organizational goals and objectives (program)." Therefore, we find the appellant's work related to managing the MEO is not covered by and is not classifiable to a nonsupervisory PS or PB, and is fully encompassed by and covered under the *Supervisor/Manager Pay Schedule*.

The appellant's rationale is that his position's duties and responsibilities would meet the PB 3 level based on the nonsupervisory criteria in SC 1920 AP 5 Part 1, *Classification Criteria for Standard Career Group-Professional/Analytical Pay Schedule*. That is not the case. However, to fully address his assertions, our analysis of the appellant's duties and responsibilities against Part 1 criteria follows.

PB 2, as defined in SC 1920 AP 5 Part I, *Classification Criteria for Standard Career Group Professional/Analytical Pay Schedule*, includes full performance/journey level positions. Employees at this level are experienced workers who gained competencies and skills either by work experience at the PB 1 level or through relevant graduate study and/or experience. The employees carry out assignments independently. This level is appropriate for most installation and headquarters positions in DOD occupations in this pay schedule.

"The appellant's position fully meets the PB 2 level. As at this level, the appellant's position is at the full performance level and is expected to independently carry out assignments and make significant decisions regarding the MEO functions. He uses judgment to interpret the broad guidelines provided in the OMB Circular A-76, [REDACTED] Regulation 5-20, and Federal Acquisition Regulations. The immediate supervisor expects to be informed and/or consulted on overall work progress, difficulties encountered, and on requests for additional funds typically requiring approval from higher-level officials. The appellant may, at his discretion, make decisions on allocating MEO dollars, moving personnel to cover staff shortfalls, streamlining work processes, etc. For example, the PWS requires the MEO's Human Resources Administration to issue identification cards for the [REDACTED] community, but DOD subsequently implemented the

common access card (CAC) designed to improve network access security. The CACs require a significantly longer processing time; this, combined with a high turnover rate, impeded the MEO function from fully meeting PWS goals. In response, the appellant modified the function's walk-in processing procedures to include an appointment reservation system. He consulted with his supervisor as the amended processing procedures required advertising notices to the [REDACTED] community. The appellant's level of independence fully meets PB 2.

PB 3 includes positions considered either subject-matter experts or project/program managers. Work at this level typically involves responsibility for program development and/or oversight of major Department-level or component/command- (or equivalent) level programs. The scope of work is typically the "big picture" rather than "action officer work" and typically impacts the work of other experts. PB 3 work involves independently resolving problems or issues, impacting programs extending across components or throughout a component/command (or equivalent) organization. Organizations where this work typically resides include DOD agencies, military department headquarters, a major military command, and other organizations with equivalent delegated program responsibilities.

SC 1920 AP 5 provides definitions for language used at the PB 3 level. It specifically defines a PB3 project/program manager as performing the following:

Manages project/program requirements, objectives, and metrics; and resolves conflicts among schedules, funding, and resources. Develops Command/Component program policies, resolves critical problems or issues related to policy application, and coordinate major program functions within the Command/Component and subordinate installations.

The appellant's position does not fully meet the PB 3 level. The appellant deals with numerous management challenges typical of MEOs (e.g., negative employee morale, high turnover rate, and constant performance monitoring). However, unlike the PB 3 level his position is not responsible for managing a program affecting [REDACTED]- or [REDACTED]-wide functions. Instead, his work is installation-level and directly impacts how the MEO's operate, which affects the quality, quantity, and timeliness of the [REDACTED] services provided to the [REDACTED] and [REDACTED] communities. The appellant performs a wide range of program management functions including, but not limited to, determining overall program direction; overseeing the MEO budget totaling approximately \$25 million for salaries and \$24 million for supplies and equipment; allocating resources; requesting, justifying, and/or defending the need for additional resources; tracking cost information; and developing reports identifying the issue, cause and effect, and corrective action when a PWS goal is or may not be met. For example, the IT Telecommunications function is experiencing difficulties meeting PWS goals due to staff turnover problems. The appellant is working with the MEO chief to develop retention strategies for improving morale and stemming turnovers. This example is indicative of the types of issues resolved by the appellant, where problems are more specific and insular than those broader and far-reaching policy application problems usually resolved at the PB 3 level.

In addition, the appellant regularly conducts quality control inspections to ensure PWS-based plans and procedures are being implemented. He may implement changes enhancing a function's efficiency or effectiveness after reviewing data on current staff, workload, and available resources. The MEO is also subject to periodic inspections by a Quality Assurance Evaluator (QAE), who reviews the MEO against a Quality Assurance Surveillance Plan that describes the procedures to be used in ensuring the functions are meeting the PWS's minimum requirements. If not, the QAE prepares contract discrepancy reports for the appellant, who will then conduct a preliminary analysis of the problem, consult with the appropriate MEO function, and respond to the QAE within 15 days. These examples are typical of an "action officer" as it does not require the appellant to weigh a decision's impact, scope, and consequences on the "big picture." PB 3 is not met.

Summary

The appellant's position meets the criteria in SC 1920 AP 5 to be classified as a supervisor with the YC pay plan code. PB 2 is the appropriate level based on AP 5's level conversion chart.

Decision

The position is properly classified as Supervisory Program Manager, YC-0340-02.