

Introduction

The Chicago 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 Financial Management Analyst, YA-501-02. The position is assigned to the [REDACTED]. The appellant believes her position should be classified with a title of either Management and Program Analyst, 343 or Program Manager, 340, in either the YC pay plan code for Supervisors or the YA-03 band for Subject Matter Experts. We received the agency's appeal administrative report (AAR) on [REDACTED], and the appellant's response to the AAR on [REDACTED]. We have accepted and decided this appeal under section 9902 of title 5, United States Code (U.S.C.).

To help decide this appeal, we conducted a telephone audit with the appellant on [REDACTED], and obtained additional information on her position from e-mail exchanges. We conducted separate telephone interviews with her immediate- and second-level supervisors on [REDACTED], and followed up with her first-line supervisor on [REDACTED]. We spoke with the Secretariat HQ Human Resources Office Head HR specialist for recruitment and classification, and the [REDACTED] HR Liaison on [REDACTED], to obtain information about the facility and clarify information provided in the AAR concerning NSPS. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and her agency.

Background

On [REDACTED], the appellant appealed the classification of her position as Financial Management Analyst, GS-50I-11, under section 5112 of title 5, United States Code (U.S.C.), with this office. Her agency had previously conducted a review of the appellant's work team which confirmed the existing classification of the appellant's position [REDACTED], but resulted in the upgrading from the GS-5 to GS-6 grade level of several technician positions that reported to her as team lead. The appellant believed this action should have affected her grade also. The [REDACTED] AAR advised the appellant's organization was scheduled to convert to the NSPS classification system, and a reorganization anticipated immediately after conversion would include restructuring the appellant's work. The appellant's appeal was cancelled when the agency notified OPM on [REDACTED], that the appellant had been converted to NSPS by pay adjustment effective [REDACTED], and her position was no longer covered by the General Schedule classification system codified at 5 U.S.C. §§ 5101 - 5107.

General issues

On [REDACTED], the appellant was reassigned from the [REDACTED] to position description (PD) number [REDACTED] in the YA-02 pay band (PB) under NSPS. On [REDACTED], the appellant appealed to OPM under provisions defined in NSPS.

The appellant believes her prior position should have been classified to a higher grade level because of the complexity and uniqueness of her position at the time. She also states that she

supervised seven employees in her pre-NSPS position that should have resulted in being placed in a higher pay band when she was converted. However, while she concedes that during the transition into NSPS, and upon her request, her supervisory duties were eliminated from her PD when she was reassigned, she says she still performs unique and complex work that no one else in the agency performs. She says she performs the same complex work, just without the supervisory responsibilities and, therefore, believes she still should be classified at a higher level.

The appellant further disagrees with the accuracy of the PD to which she is assigned. Subchapter (SC) 1920.4 of the Department of Defense (DOD) Civilian Personnel Manual, 1400.25-M, General Instructions for Classifying Positions, contains NSPS classification principles and practices. SC 1920.4.8. Position Records, establishing standards of adequacy for NSPS PDs states a PD must include information about the duties, qualifications, supervisory status, Fair Labor Standards Act status, and other requirements of the job in sufficient detail to classify the position and to serve as the basis for advertising vacancies and evaluate candidates. As discussed in SC1920.4.2.1., NSPS occupations, pay schedules (PS) and PBs represent a broad range of work, both in terms of the kind of work and level of difficulty.

After a thorough review of the information submitted by the appellant and the agency, we find the PD of record adequate for classification purposes. Furthermore, a PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the duties assigned by management and performed by the employee. OPM classifies a real operating position and not simply the PD. Therefore, this decision is based on the actual duties assigned by management and performed by the appellant.

The appellant makes various other statements about her agency and its evaluation of her position. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding her agency's classification review process are not germane to this decision. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of the appellant's position. The appellant discusses several duties that she performed while under the previous PD. However, under the NSPS classification appeal regulations (SC1920.10.3) and 5 U.S.C. § 5112, we can consider only current duties and responsibilities in classifying positions. Therefore, the work she performed during her tenure in the previous position is not germane to the classification appeal process.

The appellant discusses the large amount of work she performs. SC1920.4.2.1. states a position's classification is based on work which is performed on a regular and frequent basis, is crucial to the position's primary purpose, and governs the position's primary qualifications. Thus, volume of work cannot be considered in determining the PD of a position.

The appellant requests OPM determine the accurate classification for other positions within her division. By law, we must classify NSPS position solely by comparing current duties and responsibilities to NSPS standards and guidelines (5 CFR 9901.212-222). Since comparison to

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standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding this appeal

OPM's classification appeal authority 5 U.S.C. § 5112 is narrow and limited to adjudication of an NSPS position's occupational series, official title, career group, PS, and PB. Section 5112 does not include any authority to decide whether pay has been set properly with a PB.

The appellant refers to a simultaneous Equal Employment Opportunity complaint that her pay was adversely affected by not receiving a full desk audit and she believes she may be entitled to "monetary damages." She has not requested in writing a desk audit for her current position.

Desk audits are an optional management tool. Employees are entitled to receive a desk audit only to the extent agency regulations and policies permit. A Federal employee is not entitled to back pay for periods of misclassification. The U.S. Comptroller General states: "This rule was reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976), where the Court stated that "... the federal employee is entitled to receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade." See also *Wilson v. United States*, 229 Ct.Cl. 510 (1981). Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications. *Regina Taylor*, B-192366. Oct. 4, 1978.." (CG decision B-232695, December 15, 1989).

Position information

The [REDACTED] manages and administers the centralized tracking and statistical systems for obligating, reporting and controlling funds appropriated for the [REDACTED]'s PCS and Temporary Duty under Instruction (TDI) programs. [REDACTED] serves as the [REDACTED] central contact point for analysis on matter: concerning those programs and is also responsible for maintaining the PCS [REDACTED] System. Among the key responsibilities for the organization are reviewing and correcting expenditures; facilitating effective use of funds; providing analysis to the program managers; administering and maintaining the various systems; producing financial reports that include trends, overpayments, budget, statistical and fact books; and reviewing how policy changes will impact the programs.

The appellant is currently assigned as one of several analysts in the [REDACTED]. They report to a Supervisory Financial Management Analyst, who reports to the Director, Financial Management. More than a dozen financial technicians in the division report to a different supervisor than the analysts' supervisor. The [REDACTED] also has a Deputy. The current structure is a result of the [REDACTED] reorganization whereby all of the technicians were reassigned to report to one supervisor instead of to analysts such as the appellant.

The appellant states she is "primarily responsible for the management" of some of the [REDACTED]'s programs. The appellant provides execution analysis and the per diem rate to the [REDACTED] [REDACTED] in the [REDACTED] Personnel Command. The appellant states she routinely provides original analysis directly to the [REDACTED] who serves as the Head of [REDACTED] and to the Comptroller of [REDACTED]. She oversees the permanent duty expenditures and obligation processes. The appellant

channels/initiates data flow, identifies problems and offers solutions for her programs. She is responsible for the centralized managed [REDACTED] obligation and expenditure accounts. Using spreadsheets, she calculates expenditure/obligation cost controls for the TDI program. According to the appellant, this requires knowledge of advanced mathematic principles. Her analysis is used by the [REDACTED] to control program growth. The appellant also provides data on specific program changes to demonstrate how different policies affect the cost of the programs. This includes rate development, execution analysis, and oversight for a program value up to \$50 million. She states she also performs "execution analysis-on [REDACTED] budget items totaling \$830 million. She receives general administrative direction from her supervisor. Otherwise, she independently plans and carries out projects and work.

The appellant stresses the complexity of her work requires skill in applying knowledge to difficult work assignments with the need to make recommendations which could significantly change programs. She states the work includes varied duties requiring many different and unrelated processes and methods that are applied to a broad range of activities. She also states that she must use her own judgment and ingenuity to develop applications to accomplish the work. The appellant states her program is in constant uncertainty because of possible unknown phenomena, or conflicting requirements." Additionally, the -decisions regarding what needs to be done include largely undefined issues and elements and require extensive probing and analysis to determine the nature and scope of the problem." The appellant states these programs are "essential to the mission of the agency and effect (sic) a large number of people on a long term basis." She also states that her personal contacts are with "high ranking officials from outside the employing agency at national levels, which she defines as with [REDACTED], Defense Finance and Accounting Service officers and vendor pay offices.

Based on interviews and all other information of record, we find the appellant's description of her work exaggerates the difficulty and complexity of the work assigned to and performed by her. For example, her regular and frequent contacts with [REDACTED] are not with the Head, but usually with a branch chief, who reports to a division head in the [REDACTED]. The appellant's regular and frequent contacts are not directly with high-ranking officials such as [REDACTED]s, Secretary of the [REDACTED] executive staff or Congressional officials. The record shows her position does not require the use of advanced mathematics; it requires basic Excel spreadsheet formulas and mathematical calculations. While the appellant uses regression analysis, it is not required to perform the work of the position. It is not the preferred method for analyzing this type of data for higher organizational-level user needs.

Her position involves relatively routine programs within the big-picture functions of the [REDACTED]. The programs she works with are stable and are affected by such predicable changes as needing new reports. The basic content and structure of her programs do not change based on unforeseen phenomena. These programs do not require the extensive probing and analysis required of unpredictable programs typical of complex [REDACTED] major procurements or national defense situations. Additionally, while gathering and analyzing the data, she does not make decisions on how he programs should operate. Instead, she forwards her data to the branch chief who then prepares the data for the division head to execute the programs. For example, the appellant advised OPM that her statistical analysis of the fiscal year (FY) 2007 enlisted per diem rate demonstrated the casts had increased; and the FY2008 per diem rate was lowered by ten dollars.

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However, she acknowledged, "I do not infer that I made the decision to back peddle Family First policies for Enlisted members ..., but I do infer that my data was used to quantify and resolve the growing cost problem." Thus, we must conclude the appellant is not making decisions on assigned programs, but is compiling the data and transforming it into useable information for policymakers.

Therefore, as discussed previously, we find the appellant's PD of record broadly defines the work in her position, and is adequate for purposes of classification under NSPS. The standard PD states that she performs work in a phase of the budget administration. This includes functions such as formulation and estimation to support plans, programs, and activities; control and reporting of obligations and expenditures; and development, determination, and interpretation of budgetary policies and practices. A variety of other fiscal, accounting, or financial management duties and responsibilities may also be performed in the position.

Evaluation

NSPS positions are identified by an occupational series, title, career group, pay schedule (PS), and pay band (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

The agency placed the appellant's position in the Finance Series, 501, but the appellant believes her position should be classified as either a Management and Program Analyst, 343, or a Program Manager, 340. As stipulated in SC1920.4.2.1., position classification under the NSPS considers the overall nature and purpose of the position's duties and responsibilities, along with the qualifications required. A position's classification is based on work that is performed on a regular and frequent basis, is crucial to the position's primary purpose and governs the position's primary qualifications.

The Finance Series, 501, is for work requiring professional or analytical knowledge of a fiscal, financial management, accounting, or budgetary nature which cannot be classified in a more specific occupation. The work includes a combination of several financial fields with none predominant, or a financial field not readily identified with other existing occupations. The appellant has primary responsibility for managing a defined financial program. This differentiates her position from the Program Manager Series. 340, which involves more broadly management and executive knowledge and ability, with no requirement for competence in a specialized subject-matter or functional area. Positions must be classified to specialized occupations if the qualification requirements include subject-matter or functional competency. As the appellant's work requires specialized subject-matter knowledge, the 340 series is not appropriate.

Positions within the Management and Program Analysis Series, 343, primarily function as analysts and advisors to management on the evaluation of the effectiveness of Government programs and operations, or the productivity and efficiency of management of Federal agencies,

or both. These positions require knowledge of agency programs, missions, policies, and objectives; management principles and processes; and the analytical and evaluative methods and techniques for assessing program development or execution; and the improving of organizational effectiveness and efficiency. Some positions also require an understanding of basic budgetary and financial management principles and techniques as they relate to long-range planning of programs and objectives. However, this work is integral to the other work performed. In Contrast, the appellant's knowledge of the agency's mission and programs is limited to the specific financial program in which she works. The qualification requirements for her work match the 501 series. Thus, appellant's financial analysis duties meet the requirements of SC1920.4.2.1. and control the classification of her position. Therefore, the appellant's position is correctly classified in the 501 Finance Series (constructed title at agency discretion).

Career group and PS determination

At the point of conversion to the NSPS, upon the appellant's request, her position was classified as Financial Management Analyst, GS-501-11. SC 1911 of DOD 1400.25-M, Conversion Into NSPS, provides implementing guidance on how to shift positions to the NSPS based on the classification of the GS positions of record. The Professional/Analytical PS is coded "YA". This PS includes positions in both professional and analytical occupations. NSPS provides three additional PS: Medical, Investigative/Protection, and Scientific. The appellant's position includes no medical, investigative/protection or scientific duties. Therefore, no other appropriate occupation bands exist and the professional/analytic PS is appropriate. The appellant does not supervise any other employees. Therefore, "YA" is the proper category.

Conversion process

The agency applied SC 1911, including Table SC 1911-1, Conversion from GS Nonsupervisory Positions, to convert the appellant's position to the YA pay plan code in the PB 2 range which is slotted for GS-9 to, GS-13 grade level positions. The table includes the definition "GS-9 through GS-11 positions without promotion potential are converted to pay band 2." The appellant and other financial management analysts in the unit, each previously occupying GS-11 positions, were placed in the same PB and PS. They all report to a Supervisory Financial Management Analyst, whose position is placed in the YC-2 range, which covers the professional/analytical manager group. The second-level manager is the Director, Financial Management, whose position is also placed in YC-2. No AD position is in the YA-3 or YC-3 pay bands.

PB determination

PBs encompass a range of work. NSPS defines the YA. PS as consisting of three PBs: PB 1 is for entry and developmental positions only; PB 2 is for work at the full-performance level; and PB 3 is for expert work. PB 2 and PB 3 descriptors represent the threshold ("floor-") of each range of work. A position must meet a descriptor to be assigned to that PB.

PB 2 is for full-performance/journey-level positions. NSPS defines this as:

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The employee is an experienced worker who has gained competencies and skills either by work experience at pay band 1 or through relevant graduate study and/or experience. The employee carries out assignments independently. **This level is appropriate for most installation** (emphasis added) 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 high-performance level and is expected to independently carry out assignments and make significant decisions regarding the [REDACTED] functions. She uses judgment to create the necessary data. Her immediate supervisor generally accepts her work as complete, expects to be informed and/or consulted on overall work progress and provides guidance mostly on mission-related tasks. The appellant's level of independence fully meets PB 2.

PB 3 covers subject matter expert/program-manager level positions. NSPS defines this as "work at this level typically involves responsibility for program development and/or oversight of major Department [REDACTED] level or Component/Command- (or equivalent) level programs. The scope of the work is typically the "big picture- rather than -action officer work" and typically impacts the work of other experts." NSPS provides example of this level as impacting programs that extend across Components or throughout a Component/Commands (or equivalent) organization. Organizations where this work resides typically include DoD agencies, military department headquarters, major military commands, and other organizations with equivalent delegated program responsibilities. Other NSPS programs illustrated at this level include IT networks, nuclear safety, logistics or financial management for major weapons platforms, etc. They also include Component/Command-wide human resources compensation or labor relations, accounting and audit, oversight of a number of large industrial installations (shipyards, logistics centers, depots), etc. Programs are usually located in Component/Command headquarters and are carried out in multiple installations and/or regions.

PB 3 defines a subject-matter expert as "recognized as a technical authority throughout the organization (e.g., component, command, etc.). Subject-matter experts typically advise management and colleagues on difficult problems, conduct special studies, propose options and alternatives, represent the command, etc. The guidance explicitly states "the fact that a position is the senior specialist in an organization performing a certain type of work does not automatically mean the incumbent is an expert."

The appellant's position does not approach or meet the PB 3 level. While the appellant deals with numerous challenges typical of overseeing a program, unlike the PB 3 level her position is not responsible for managing a program affecting Navy-wide functions. Instead, her work is focused on the data flow and not the approval of funds. Her work directly affects how BNP operates and is typical of action officer work. Therefore, PB 2 is credited.

Decision

The position is properly classified as Financial Management Analyst, YA-501-02.