

## Introduction

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 an Instructional Systems Specialist, YA-1750-02. The position is assigned to the Office of the Director, Directorate [REDACTED]

[REDACTED]. The appellant does not dispute the occupational series of her position but believes it should be classified to the NSPS Supervisory/Manager Pay Schedule at Pay Band (PB) 3; i.e., YC-1750-3. We received the agency's 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 a telephone interview on [REDACTED], with her former immediate supervisor, a Major General, who at the time of the agency's audit was Director of [REDACTED] and was promoted to Vice Commander of [REDACTED] effective [REDACTED]. We also spoke with her current supervisor, a Brigadier General on [REDACTED]. We contacted classification staff at the [REDACTED] Agency on [REDACTED], and [REDACTED], respectively, to obtain information about the [REDACTED] and clarify information provided in the AAR concerning NSPS, with a follow-up call to the CPF on [REDACTED]. On [REDACTED], we spoke with a specialist in the Civilian Force Management Branch to obtain information on career-field management within [REDACTED]. We also contacted the Field Advisory Services Division of the Department of Defense's (DoD) Civilian Personnel Management Service on [REDACTED], to clarify information provided in the AAR concerning NSPS. In reaching our classification appeal decision, we carefully considered all of the information obtained from these sources, as well as the written information of record furnished by the appellant and her agency.

## Background

The appellant's Directorate ([REDACTED]), forwarded a request for personnel action (RPA), date unknown, with a position description (PD) proposing classification of the appellant's position as YC-1750-03. The CPF conducted an audit [REDACTED]. On [REDACTED], a draft PD with more information concerning the appellant's responsibilities related to a proposed career field (Operations Career Field) was submitted to replace the PD on which the [REDACTED], audit was based. The classification advisory proposed classifying the PD as a Supervisory Instructional Systems Specialist, YC-1750-02, pending the approval of the proposed subordinate positions, and recommended changes to the PD. The appellant's original supervisor did not agree with the advisory and requested the [REDACTED] Agency ([REDACTED]), to which classification authority was being transferred effective November 2008, review the position. The [REDACTED] classifier found the position to be properly classified as Instructional Systems Specialist, YA-1750-02. He noted one of the two employee positions

proposed to be

aligned under the appellant was a Student Temporary Employment Program (STEP) position and, thus, could not be considered in a supervisory analysis. He briefed the supervisor, who then signed PD number [REDACTED] on [REDACTED]. The appellant subsequently appealed the classification of her position to this office.

#### General issues

The appellant "recommended" OPM compare the scope and level of her responsibilities with PB-3 positions within the [REDACTED] community and her directorate. She states her PD indicates her position is equivalent to those of Division Chiefs, positions at PB-3 or the rank of Colonel, and Division Chiefs and PB-3 Branch Chiefs are at lower levels in the directorate's hierarchy than her position.

By law, we must classify NSPS positions, solely by comparing current duties and responsibilities to NSPS standards and guidelines (5 CFR 9901.221-222). Since comparison to NSPS standards and guidelines is the exclusive method for classifying all positions, we cannot compare the appellant's position to others, which may or may not be classified properly, as a basis for deciding this appeal. Subchapter (SC) 1920.4 of the DoD Civilian Personnel Manual, 1400.25-M, *General Instructions for Classifying Positions*, contains NSPS classification principles and practices. SC 1920.4.6 states comparison to military rank is not a valid consideration in classifying positions. SC 1920.10.4.3 states classification of a position based on comparison to other positions rather than NSPS standards is not appealable.

The appellant comments the agency's evaluation did not assign degrees or numerical factors or elements for determining the grade level. SC 1920.4.7., *Documenting Classification Decisions*, states the documentation of NSPS classification decisions must include the position's occupational series, title, CG, PS, and PB, along with the basis for making the decision (i.e., citation of the DoD classification criteria and any supplemental DoD Component guidance used to make the determination). NSPS classification factors are written in narrative format and do not include numeric factors.

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.

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. The appellant's disagreement regarding her agency's delegation of classification authority also is not reviewable under the classifications appeals process.

#### Position information

[REDACTED] is a major command ([REDACTED]) which provides basic military training, initial and advanced technical training, flying training, and professional military and degree-granting

OPM Decision Number [REDACTED]

professional education. The [REDACTED] Directorate is responsible for developing policies and programming resources for [REDACTED] technical and aircrew training programs including undergraduate flying and initial skills training for [REDACTED] Jet Pilot Training; enlisted accessions; initial training, and nonrated supplemental training. Along with formulating training policy, the Directorate maintains the ability to respond to peacetime contingencies and expeditionary requirements and to execute [REDACTED] command and control in peace and war. The appellant is assigned as one of two civilian advisors to the Director, [REDACTED]. Her position was realigned to the [REDACTED] staff, reporting to the Director, effective [REDACTED]. The second position is involved in information management.

The appellant's PD and performance plan state she serves as [REDACTED] Senior Civilian Advisor and Assistant to the [REDACTED] Director. The documents state the appellant has the authority to make decisions and speak for the Director, represent him at meetings and on boards and committees such as the Civilian Pay Committee, the Performance Review Advisory Committee, the Civilian Personnel Forum, the Headquarters [REDACTED] Advisory Committee, and the Civilian Personnel Advisory Forum. These documents state the appellant is assigned to a senior leadership position which is equivalent to a Division Chief. The appellant is to serve as Instructional Systems Specialist and Personnel Resource Official (PRO) for the Directorate. She is the expert advisor to senior leadership, managers, and employees on the management, development, implementation, and evaluation of a wide range of assigned programs such as, but not limited to, the NSPS, fiscal year civilian education and training requirements, annual appraisal cycles, manpower authorizations, career programs, and civilian vacancy fill action requests.

These documents state the appellant is the HQ [REDACTED] Career Program Manager and Advisor for the [REDACTED], developing comprehensive responses to inquiries from [REDACTED] HQ [REDACTED] personnel, and [REDACTED] training activities. The PD and performance plan state the appellant: (1) establishes, implements, and maintains policy for the operation of the Operations Career Program; (2) develops and interprets education and training policy and provides guidance to the leadership of all organizational levels as well as functional and training managers and other providers on matters relating to the Operations Career Fields and other career fields when tasked; and (3) applies professional skill and knowledge to solving education and training program problems, which affect the Directorate, the [REDACTED], and ultimately the [REDACTED]. These documents state the appellant: (1) independently develops innovative and effective methods for education and training program improvements; (2) plans, develops, implements, and evaluates new or modified educational and workforce development programs which affect the overall training workforce; (3) coordinates plans and programs with other [REDACTED] and [REDACTED] headquarters and organizations, universities, consultants, and professional education associations to request critical training; (4) advises senior leadership on availability of education and training programs; and (5) updates formal training requirements in the [REDACTED] for [REDACTED] Staff review and approval of Directorate civilian training opportunities.

The appellant serves as the Directorate's NSPS Pay Pool Administrator and the Pay Pool Manager's Trusted Agent for pay pool board proceedings. She schedules, facilitates, and advises

pay pool board members and the Pay Pool Manager on board procedures and statutory

constraints. She manages the civilian pay-for-performance budget and discretionary performance payout fund (to include pay-for-performance reserve fund, if applicable) through coordination with HQ [REDACTED] Manpower and Personnel and/or management of an NSPS funds database. She is the Directorate's liaison with [REDACTED], HQ [REDACTED] Manpower and Personnel, and the 12<sup>th</sup> [REDACTED] on human resources.

The appellant is responsible for performing continuous evaluation of civilian personnel programs to recommend process improvements. These documents state she applies professional skills and knowledge to determine appropriate assistance requests for solving civilian personnel issues which affect the Directorate, [REDACTED], and ultimately the [REDACTED]. As the directorate PRO, she determines the appropriateness of fill actions before creating and initiating requests for personnel actions (RPAs) in accordance with procedures and responsibilities outlined in the PRO Guide. The appellant informs Director and Division Chiefs of critical issues and/or actions that arise when staffing personnel action requests for the directorate. She continuously updates and monitors personnel action requests and takes action in a timely manner with [REDACTED] and [REDACTED] offices to reconcile positions between manpower and civilian personnel data systems in accordance with applicable instructions and guidelines.

The PD states the appellant exercises control over nonsupervisory employees assigned to the section in accordance with OPM, DoD, and [REDACTED] Civilian Personnel Instructions. She assigns work based on priorities, difficulty of assignments, and capabilities of employees; develops performance standards and rates employees; interviews candidates for subordinate positions, recommends hiring, promotion, or reassignments; takes disciplinary measures such as warnings and reprimands; and identifies developmental and training needs of employees and provides or arranges it. She provides a work environment that is free from all forms of discrimination, harassment, and retaliation; addresses employees concerns; and supports the agency's EEO program and directorate mission goals.

The PD indicates the appellant's duties consist of 70 percent Instructional Systems Specialist (Instructional Program Administration and Instructional Services) duties and 30 percent Administrator/Resource Advisor duties. After a thorough review of the information submitted by the appellant and the agency, we find the PD of record overstates the appellant's involvement with Instructional Systems Specialist work. 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.

## 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 1920.4, 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 Instructional Systems Specialist Series, 1750, and the appellant agrees. As stipulated in SC 1920.4.2.1., position classification under the NSPS considers the overall nature and purpose of the position's duties and responsibilities, along with the qualifications required. Classification of a position 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. The Instructional Systems Specialist, 1750 occupation, as defined, is for work requiring (emphasis added) professional knowledge of learning theory and the principles, methods, practices, and techniques of one or more specialties of the instructional systems field. Work may require knowledge of one or more subjects or occupations in which educational or training instruction is provided. An Instructional Systems Specialist advises on, designs, develops, or provides educational or training services in formal education or training programs.

The examples provided by the appellant to illustrate such duties do not support classification in the 1750 occupation. The [REDACTED] Deputy Chief of Staff, Operations, Plans, and Requirements, proposed a new career field to corporately manage and develop Operations positions. On [REDACTED], the initial supervisor designated the appellant as the HQ [REDACTED] lead for the Operations Career Field initiative. The appellant stated she ensures the Director's interests and priorities are considered in career field management of the occupations under [REDACTED] purview. We were advised on [REDACTED] that although the concept has been approved, much more detailed planning must be completed before the career field may be implemented. The appellant has not provided any input into this initiative except to review and comment on behalf of her supervisor (there were no recommended changes) on the Operations Career Field

Concept and Implementation Timeline. As [REDACTED] lead, she has been tasked to ensure all eligible [REDACTED] personnel receive detailed information updates about the program along with information about nomination procedures to participate in the program. These are administrative duties which do not show application of professional 1750 knowledge.

The appellant said she surveys the Directorate to determine all formal and informal training course requirements and costs of training for assigned employees. She then prioritizes training requirements. She is the authorized user of [REDACTED] electronic database for submitting fiscal year training requirements to the [REDACTED]. She submits qualification training requests for new employees. Once formal courses are completed, she collects and disseminates survey information to subject-matter specialists to improve and/or revise course material. As the Career Development Education point of contact, she sets suspense dates on nomination calls for in-residence military Professional Military Education opportunities along with fellowship programs. She collects submissions, reviews them, and then endorses the nominations for further competition. During her telephone interview, she indicated contacts with universities are to ascertain the availability of courses needed by Directorate employees. Subject-matter specialists rather than the appellant make recommendations to improve and/or revise course material.

These training-related duties are administrative and do not meet the definition of 1750 work.

The appellant assists the [REDACTED] Director, Deputy Directors, and Division Chiefs with identifying work centers which are short staffed due to deployed military members and/or have vacant

military billets which will not be filled or not filled on a timely basis. She submits the request to

Manpower for coordination/approval. On approval, she advises the Division Chiefs on the appropriate skill sets and career series needed to replace the military authorization. She then assists with development of the documents needed to fill the positions. In establishing a new organization, e.g., the [REDACTED] Division within the Directorate, she assisted in identifying the skill sets and career series needed (all of the civilian positions assigned to the Division are in the Program Manager Career Program) in the new organization. She coordinated with the [REDACTED] on filling the positions. The appellant coordinates with the [REDACTED] Career Program Office and the [REDACTED] Career Program Office [REDACTED] employees to determine their eligibility for and the duration of temporary Rank-In-Person (RIP) promotions and the execution time for Permanent RIPs.

The appellant assists Division Chiefs and supervisors with developing CORE documents and PDs for civilian authorizations within her organization. She determines the appropriateness of fill actions before creating and initiating RPAs. She reconciles positions between the manpower and civilian personnel data systems. The appellant coordinates actions with HQ [REDACTED] Manpower and Personnel Directorate. She coordinates funding information concerning the actions. She coordinates and resolves any procedural issues between [REDACTED] management, the [REDACTED], and the [REDACTED] as needed. She is the point of contact for submitting RPAs related to [REDACTED] Interns (e.g. to update the Leave Without Pay status when interns perform active duty and Guard/Reserve duty.) She monitors the development of the interns' performance standards, training programs, and completion of performance appraisals. She also assists with identifying outplacement jobs once their training program is completed.

The appellant describes her pay pool administrative duties as pertaining to two areas. She manages the pay pool funds allocated to her supervisor, the pay pool manager, using an Excel spreadsheet to calculate the fund balance as deductions are processed. These funds are used to hire, reassign, and promote employees. She uses a Compensation Workbench Tool, a separate Excel spreadsheet with embedded formulas, to compute share and bonus percentages during pay pool deliberations. As administrator, she assures the correct information is updated in accordance with the pay pool board decisions and ensures the personnel data is correctly updated. She indicated beginning this performance year, they are using an electronic system for performance plans and assessments.

While the appellant's personal qualifications may match the 1750 series, the work she is currently performing does not require such skills. SC 1920.4.1, *Understanding Positions and the Basis for Classification*, states classification of NSPS positions is based on the primary work that is assigned and actually performed (emphasis added) by employees. The appellant may have performed 1750 duties previously, but at present, Personnel Resources Officer (PRO) and HR liaison duties have been the focus of her work. This work requires knowledge of manpower and civilian personnel requirements, policies, practices, and procedures and knowledge of training resources programs, principals, and policies. It requires a combination of analytical skills related to 201 civilian personnel and 343 management analysis related to manpower and program resources, with neither series predominant. Such work is consistent with the 301 General Analysis occupational code where the work is analytical in nature and where there is no other more appropriate occupation. This includes (1) a combination of several fields of work with none predominant or (2) a field not readily identified with other existing occupations. Therefore,

the appellant's position is correctly classified in the 301 Series. No specific titles are authorized for this occupation and the agency may construct a title at its discretion. As explained below, the position does not exercise the authorities of a supervisor so a "Supervisory" prefix is neither necessary nor appropriate.

#### *Pay Schedule and Pay Band determination*

The agency placed the position in the Standard Career Group - Professional/Analytical PS, coded YA. This is in accordance with SC 1920, Appendix 3, which states positions classified to the 301, General Analysis, occupation are assigned to the Standard Career Group and the Professional/Analytical Pay Schedule.

The appeal record includes conflicting information concerning the two positions the appellant states are under her direction. The CPF advised an Administrative Support Technician (OA), GS-303-7, position was recently established. However, the CPF stated that no authorization change request has been processed to move the position under the appellant. Even if direction of the GS-303-7 position were assigned to the appellant, a supervisory position cannot be established on the basis of one subordinate position. The CPF also advised students are not Unit Manning Document authorized positions for the organization. SC 1920.4.2.2. states classification cannot be based on work assigned temporarily and/or strictly for training or career development purposes unless the position is in PB-1 of PS YA, YD, YH, or YK. Thus, the proposed STEP student position could not be used in a supervisory analysis. The appellant's position does not meet the criteria for the YC Supervisor/Manager PS. Therefore, YA is the proper pay schedule.

PBs encompass a range of work. NSPS defines the Standard Career Group 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:

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 and headquarters (emphasis added) 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 PRO and HR liaison functions. She independently plans and carries out assignments, coordinating within the Directorate, HQ [REDACTED], Career Field Managers, HR, and higher echelon as required. Her immediate supervisor generally accepts her work as complete, expects to be informed and/or consulted on overall work progress and his interests and priorities. 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 (OSD) 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.

At this level, work involves independently resolving problems or issues impacting programs extending 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. 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

...is 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.

NSPS 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. Unlike the PB 3 level, her position is not responsible for managing a program affecting [REDACTED]-wide functions such as serving as an Instructional Systems Specialist for Foreign Military Sales. Such work would involve a large scale, highly complex training program encompassing multiple sources of training from both Government and private sectors. Instead, her work is focused on making recommendations and interpreting manpower and civilian personnel guidance for managers and employees. She assesses manpower utilization, civilian personnel programs, effective and efficient position management, reorganization/realignment, organization structure, staffing, and training needs for the [REDACTED] Directorate. Her work directly affects how the Directorate operates and is typical of action officer work. Although the PD indicates the appellant has authority to make decisions and speak for the [REDACTED] Director, the record indicates although she may represent the Director on various committees/forums and provides information, the Director retains final decision making authority. This precluded the credit of such authority to the appellant's position. Therefore, PB 2 is credited.

## Decision

The position is properly classified as YA-301-02, with the title at agency discretion.

