

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

Chicago Oversight Division
230 S. Dearborn Street, DPN-30-6
Chicago, IL 60604-1687

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

Appellant: [appellant's name]

Agency classification: Telecommunications Specialist
GS-391-12

Organization: Information Resource Management Office
[activity] Region
Forest Service
U.S. Department of Agriculture
[city and state]

OPM decision: Telecommunications Specialist
GS-391-12

OPM decision number: C-0391-12-01

/s/ (Douglas K. Schauer)

Douglas K. Schauer
Classification Appeals Officer

January 30, 2002

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:

[appellant's name]
[address]
[city and state and zip code]

Agency:

[human resources officer]
Director of Human Resources Management
[activity] Region
Forest Service
U.S. Department of Agriculture
[address]
[city and states and zip code]

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Introduction

The appellant, [name], is an employee with the Telecommunications Staff of the Information Resource Management Office, [location] Region, Forest Service, U.S. Department of Agriculture (USDA). His position is classified as Telecommunications Specialist, GS-391-12, but he believes that the position should be classified as Telecommunications Manager, GS-391-13. He initially filed his position classification appeal with the Dallas Oversight Division of the Office of Personnel Management (OPM) which accepted his appeal on July 18, 2001. The Dallas Classification Appeals Officer (CAO) subsequently discovered that the CAO with the OPM's Chicago Oversight Division had accepted an appeal from a colleague of [appellant]. The CAOs determined that the two positions were virtually identical, and that it would be in the best interests of fairness and consistency for one CAO to evaluate both positions. The Washington, D.C. office assigned the appeals to the Chicago CAO. [appellant's] appeal was received in the Chicago office on October 1, 2001, and an interview was conducted with him on December 4, 2001, and with his supervisor, [human resources manager].

General Issues

The appellant notes that the grade of two of his contemporaries in other FS regions is GS-13. 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 as a basis for deciding his appeal.

[appellant] believes that the title of his position should be Telecommunications Manager rather than the Telecommunications Specialist title assigned by the agency classifier. In accordance with OPM guidance, most position classification standards prescribe the proper title for positions classified to the subject series. The required title for nonsupervisory positions classified to the GS-391 series is Telecommunications Specialist. Telecommunications Manager is reserved for supervisory positions. Both the agency and the OPM are required to follow titling guidance provided in the standards. Agency management may assign a functional/organizational title to positions within its organization.

The appellant believes that he meets certain aspects of illustrations provided by the GS-391 standard for Factor 1. The illustrations are descriptive of the intent of the factor level and the intent of a factor must be met to assign that level. Thus, a position must fully meet the intent of an illustration in order for a valid positive comparison to be made.

Position Information

The appellant's primary responsibility is to plan for, acquire, and manage wireless firefighting telecommunications equipment and systems for the [location] Region of the Forest Service (FS). He oversees all wireless operations within the region and interfaces this with all other communications networks both within the FS and other concerned Federal and local agencies. He develops regional wireless telecommunications policy, ensuring that it is compatible with agency policy. He designs regional telecommunications systems and/or approves local systems

designed by specialists assigned to the staff of the National Forests. He reviews technology available or projected to solve needs. He may conduct a cost-benefit analysis and/or develop a cost model to use for estimating financial requirements. He looks at the possibility of tying the costs and acquisition with existing contracts managed at the FS level. When proposals are developed by specialists at the National Forest level, he evaluates them for feasibility, compatibility, cost, integration with other planned systems, etc., and recommends to his supervisor approval, disapproval or changes.

The appellant serves as the Regional Frequency Manager for the FS. In this capacity he manages the use of radio frequencies for several Federal bureaus within the southwestern U.S. including BLM, BIA, FS and NPS. He acquires blocks of frequencies (spectrum) and assigns frequencies based on projected use or identifies which portion of frequency bands to use. He ensures that frequencies are clear, and coordinates with other Federal agencies (e.g. DoD) to ensure compatibility. He sits on a joint commission with radio frequency authorities from Mexico, and, with other Federal Department officials, represents the U.S. Government in resolving most disputes or problems concerned with frequency use between the two governments.

The appellant also serves as an advisor to management and action officers throughout the region and provides guidance and assistance to upper level management within the FS. He provides technical supervision and administrative assistance to over 17 specialists working on the National Forests' staffs, and serves as a subject-matter expert to the staff in the regional office. He is considered a telecommunications functional expert by the FS staff in Washington, D.C., and is called upon to serve as consultant and/or worker on major planning efforts, bureau-wide projects, and intra-agency work groups. In the past he has been sent by the U.S. Government to assist governmental organizations in some Latin American countries with telecommunications problems.

Series and Title Determination

The duties performed, responsibilities exercised, and knowledges required by the appellant fall within the definition of the Telecommunications Specialist Series, GS-391. The title prescribed in the GS-391 series standard for nonsupervisory positions is Telecommunications Specialist, however the appellant believes that Telecommunications Manager is a more descriptive title. The standard restricts the use of the Telecommunications Manager title to supervisory and managerial positions responsible for program planning and development, directing operations, and/or administering the overall telecommunications programs for an organization. The appellant may provide technical supervision over the work performed by employees in the National Forests and in his immediate organization, but he does not supervise the employees. Neither is he a manager responsible for his program; this responsibility rests at echelons above his work level. Telecommunications Specialist is determined, to be the proper title for the position.

Grade Determination

The GS-391 series classification guide is a Factor Evaluation System (FES) standard. An FES system standard identifies nine separate factors for a position, and describes different and

increasingly more complex levels for each factor. Each factor level is assigned a point value, and the sum of all factor point values is compared to a points-to-grade conversion chart in the standard to determine the final grade. The appellant disputes the agency's assignment of levels and points for factors 1, 2, 3, 6 and 7. He does not dispute assignment of the other factor levels; therefore, this appeal decision will address only those contested factors. It is essential for accurate application of an FES standard to understand that the factors level descriptions describe the threshold for a level. The description at any factor level constitutes the minimum criteria which must be met for assignment at that level.

Factor 1, Knowledge Required by the Position

Employees at Level 1-7 use knowledge of a wide range of communications concepts, principles, and practices or indepth knowledge in a particular functional area of telecommunications to accomplish work processes through using telecommunications devices, methods, services and facilities. This knowledge is also used to review, analyze, and resolve difficult telecommunications problems. They use either a broad range or indepth specialized knowledge of some or all telecommunications operating techniques, digital and analog communications requirements, local and wide area networking, and procedures used by Federal and industry organizations. Also required is knowledge of agency policy and, in some cases, the policies of other agencies, and knowledge of sources of technical data necessary to evaluate alternative approaches for satisfying communications requirements. This knowledge is used to define, coordinate, plan, and satisfy user requirements for telecommunications equipment, systems, or services or is used in reviewing, developing, or interpreting communications policies and procedures.

At Level 1-8, employees are expert in a major area of telecommunications specialization (e.g., data communications, frequency management, deployment planning, and network switching) or have demonstrated mastery of general telecommunications policy, technology, and programs. They use comprehensive knowledge of communications policy requirements to function as technical authorities in assignments requiring the application of new theories, concepts, and developments to communications problems not susceptible to treatment by accepted methods, technology, or procedures. In addition to mastery of the specialty area, employees at this level use knowledge of their own and other communications specialties to make decisions or recommendations to significantly change, interpret, or develop policies or programs. For program planning functions, employees use knowledge of scientific and technological advances in related fields of electronics and automation.

The information the appellant provided to support his belief that he meets Level 1-8 for Factor 1 does not in fact meet the factor level criteria. In administratively managing the telecommunications equipment and frequency management programs for all National Forests in the entire southwest region of the FS, the appellant fully meets Level 1-7 criteria as described. The next higher factor level establishes a much higher standard for application. Level 1-8 envisions a telecommunications specialist whose assignments consist of conducting studies, completing projects, developing plans, etc. in a telecommunications field for the top-level communications or information technology organization within an agency. This can clearly be seen in the illustrations of typical Level 1-8 assignments shown in the standard. The Forest

Service is defined as a bureau, and neither the FS nor a region within it can be construed to constitute an “agency.” The appellant’s work is similar to that performed by all of the other regional telecommunications specialists, with one exception to be discussed below, and the purpose of that work is not to meet the telecommunications requirements of the USDA or FS, rather the needs of the subordinate region.

Another aspect of Level 1-8 work is the requirement to consider and plan for the use of new developments and techniques or evolving technology to solve telecommunications problems. The appellant explained that the age of the systems and equipment in the region’s inventory ranges from over ten years old to state-of-the-art. He develops plans and budgets to acquire and field new equipment and systems. His plans and budget estimates are then reviewed and approved at the regional level from where they go to the agency for approval and incorporation into FS-wide plans and budget projections. The appellant may consider and make plans for the use of new developments and techniques or evolving technology at his operating level, but his plans and the budget approval necessary to bring his plans to fruition are almost completely out of his control. The appellant has an open channel to the telecommunications management personnel at the highest level within the FS by which he makes suggestions and recommendations within his areas of expertise, and he is occasionally called upon to participate in meetings and conferences convened to resolve various telecommunications issues or problems. But he has no independent authority or responsibility to produce work products on behalf of the USDA or FS such as incorporating new developments or technology into plans, plan for the use of the latest in technological advancements, or budgeting for the acquisition of state-of-the-art systems and equipment.

The appellant believes that he functions as a technical expert in interagency groups for resolving problems in existing telecommunications systems and programs requiring innovative solutions, an illustration provided in the standard as representative of Level 1-8 work. To support this belief he points out that in the past he was sent to two Latin American countries to assist them in solving telecommunications problems, and since 1990 has served as the FS representative on a joint Mexico-U.S. commission established to resolve radio frequency use disputes between the two countries. He also highlights his participation along with his other regional counterparts in agency planning sessions and work groups. This work does not match the illustration described at Level 1-8. In order to match the higher level it must be regular and recurring and constitute at least 25 percent of the appellant’s work. While the work with representatives of Mexico as a representative of the FS may be significant, it does not constitute at least 25 percent of the work of the position. The on-site work with the two Latin American governments was a one time only activity and cannot be considered as regular and recurring for purposes of position classification. The appellant’s work as a participating member of an interagency work group to resolve FS-wide communications issues also fails to meet Level 1-8. Although he participates as technical advisor to agency officials who have the authority to issue agency-wide policy, technical and procedural decisions, he does not personally exercise this authority. The appellant’s position is a match to Level 1-7.

Factor 2, Supervisory Controls

This is a three-part factor, all three of which must be fully met for the factor to be credited.

At Level 2-4 the supervisor sets overall objectives and, in consultation with the employee, determines timeframes and possible shifts in staff or other resources required. The employee is responsible for planning and carrying out the work, resolving most conflicts that arise, integrating and coordinating the work of others as necessary, and interpreting and applying policy on own initiative. Completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or achieving expected results.

At Level 2-5, the supervisor provides administrative direction with assignments in terms of broadly defined missions or objectives. Within these broad areas of direction, the employee has responsibility for planning, designing, and carrying out major studies or projects, and for coordinating with experts both within and outside of the organization. Results of the work are considered technically authoritative and are normally accepted without change. If the work is reviewed, the review is concerned with such matters as meeting objectives, effect of advice on the overall requirements, or precedents which might apply to other programs. Recommendations for new projects and alteration of objectives are usually evaluated for such considerations as availability of resources, broad goals, or national priorities.

The bulk of the appellant's assignments result from an annual radio replacement schedule established by the FS and other plans prescribed or made in conjunction with the supervisor. Special projects are assigned to him on a case-by-case by the supervisor. He works with great independence, and his in-progress work is not normally checked. He presents his findings and recommendations to his supervisor for discussion and approval and for very occasional guidance. He often has to justify and defend his recommendations for new or modified systems or operations and for extraordinary budget items. His completed work may be reviewed, but it is normally accepted as technically authoritative. Within the region he is regarded as the technical expert and authority on subjects related to wireless communication and frequency management.

The appellant believes that his position meets Level 2-5 because he receives assignments in terms of broad objectives, policies and regulations, and he has wide latitude for independently accomplishing his responsibilities. He believes that in his frequency management work he is independently responsible for the final product, and that his other work products are considered authoritative and have been adopted for use by the FS and other agencies in the past. He also feels that his international work and liaison activities with various American Indian tribes meet Level 2-5.

Some aspects of the appellant's supervisory controls may seem to meet some of the characteristics of Level 2-5 criteria, for example, the great independence with which he carries out his assignments. However, it does not fully meet this level. He does not have the authority to independently determine his own work assignments. Completed work is subject to technical review, although this is not often done. Although normally accepted as technically authoritative, the results of his work and the recommendations made may be and are changed to meet other considerations such as budget realities or long term FS plans. In addition, while the appellant is responsible for his individual work products, his first and second line supervisors are responsible

within the FS for the appellant's overall wireless communication program. Because the position does not fully meet Level 2-5, it is assigned Level 2-4.

Factor 3, Guidelines

For positions working at Level 3-4, guidelines provide a general outline of the concepts, methods and goals of telecommunications programs. They are not specific in how they are to be defined, applied and monitored. In some cases guidelines are purposefully left open to local interpretation to allow for local variations. Guidelines are usually broad, lack specificity, and are often insufficient to accomplish particular objectives. Employees at this level use initiative and resourcefulness in researching trends and patterns, deviate from traditional methods, and implement new and improved communications methods and procedures. Assignments at this level may also include responsibility for developing guidelines for use of telecommunications specialists at lower levels in the organization.

Level 3-5 positions work from guidelines that are nonspecific and stated in terms of broad national or departmental policies and goals. At this level the employee is a recognized technical authority on the development and interpretation of communications guidelines, policies, legislation, and regulations covering one or more substantive communications programs and the organizations which administer them. At this level, employees must use initiative, judgment, and originality in researching and interpreting existing national policies and legislation, in determining when new or revised legislation is needed, and in researching and preparing recommendations for the content of such legislation. They take into account the effects of conflicting laws, policies and regulations, and they develop or recommend communications policies and regulations that are flexible enough to remain current in meeting program objectives.

The appellant believes that his position meets Level 3-5 because the general guidance he regularly uses consists of broadly stated statutes, agency regulations and policies, and policies and regulations of other agencies. Our interview showed that there are other guidelines as well, including international agreements, program documents, agency plans, and manufacturer's product/system descriptions and/or specifications. The appellant says that he uses initiative, judgment and creativity in applying national policies and objectives in preparing the contents of his reports to reflect needed change in policies or legislation. He also believes that his meetings with Latin American government telecommunications representatives and those of various American Indian tribes also meet this level because of the resultant need to integrate U.S. federal guidelines with those of other governments.

The guidelines used by the appellant do not exceed Level 3-4. His guidelines are not as broad and non-specific as described at Level 3-5. For example, FS headquarters in Washington may allow for some deviation from plans and schedules, but not to a significant degree. While the appellant is regarded as a wireless communications technical expert within his cadre of regional telecommunications specialists within the FS, there is no evidence that he is a recognized technical authority on the development and interpretation of communications guidelines, policies, legislation and regulations covering his program area. There is also no evidence that the appellant researches and interprets existing national policies and legislation, determines when

new or revised legislation is needed, and researches and prepares recommendations for the content of such legislation as indicated for Level 3-5. Although he may write local policies and guidelines, they are applicable only for his particular region of the FS, not for the entire FS or Department of Agriculture as envisioned at Level 3-5. The appellant's work with foreign governments and Indian tribes that he feels meets this level is actually not a matter for the guidelines factor, rather of other factors addressed in this appeal decision. The appellant is credited with Level 3-4 for this factor.

Factor 6, Personal Contacts and Factor 7, Purpose of Contacts

These two factors are closely related. The factor levels are assigned by matching the level of recurring personal contacts with their directly related purpose. The purpose of contacts, Factor 7, must be directly applicable to those personal contacts described and credited for Factor 6.

At Level 6-2 contacts are with employees from the same agency but outside of the immediate organization, or with the general public in a moderately unstructured setting.

At Level 6-3 contacts are with individuals or groups from outside the employing agency in a moderately unstructured setting. Typical contacts are with telecommunications specialists and managers from other agencies, contractors, or technical level representatives of foreign governments. This level also includes meetings with high ranking managers or program officials several levels above the employee when these are on an ad hoc basis.

Level 6-4 is appropriate for positions having contacts with high-ranking officials from outside the agency at national or international levels in highly unstructured settings. This includes high ranking officials of Federal, State, major municipal, or foreign governments or of comparable private sector organizations.

The appellant's personal contacts include employees at all regions and the headquarters of the FS, with representatives of other agencies, with contractors, and with technical representatives of foreign governments, particularly with Mexico. These meetings can be accurately described as moderately unstructured in they are not always established on a routine basis, the subject is established beforehand but the particular participants are not, and the purpose and extent of each contact is usually different. This exceeds Level 6-2, and is a match to Level 6-3. The next higher level is not met because the appellant does not have the kinds of contacts described at that level. For example, his contacts with representatives of foreign governments are not at the high level described, nor are they in the highly unstructured settings indicative of Level 6-4.

The purpose of contacts at Level 7-2 is to plan and coordinate work or advise on efforts and resolve operating problems by influencing or motivating individuals or groups who are working toward mutual goals and who have basically cooperative attitudes.

At Level 7-3 the purpose is to influence, motivate, interrogate or control persons or groups. The persons contacted may be fearful, skeptical uncooperative or dangerous. Therefore, the employee must be skillful in approaching the individual or group in order to obtain the desired

effect, such as gaining compliance with established policies and regulations by persuasion or negotiation, or gaining information by establishing rapport.

Positions at Level 7-4 justify, defend, negotiate, or settle matters involving significant or controversial issues. The work usually involves active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance. The persons contacted typically have diverse viewpoints, goals or objectives, requiring the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.

Although the appellant believes his position meets Level 7-4, his belief that the sensitive and controversial nature of his role in representing FS and U.S. government in relationship to foreign governments is not substantiated. His activities with the Latin American governments other than Mexico over the past 12 years were one-time instances where the appellant served as a subject-matter expert, and cannot be considered for purposes of crediting this factor. His work with Mexico in frequency coordination and other cross-border wireless communications matters does not meet the intent of Levels 7-4 or 7-3. It does not appear from the interviews that the appellant's meetings with Mexican wireless frequency authorities are so contentious or critical that the problems have to be resolved at his level; there are two higher diplomatic levels where impasses can be referred for resolution. The appellant and his supervisor believe that in putting his annual wireless communications plans together for the region, the appellant must justify and defend his position to the National Forest supervisors and communications specialists and motivate them to accept his point of view and recommendations. However, we do not find that it is a regular and recurring requirement of the appellant's position that he negotiate, influence, motivate or persuade fearful, skeptical, uncooperative or dangerous people or groups. Level 7-2 is appropriate for this factor, and Level 3b for both factors.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-7	1250 points
2. Supervisory Controls	2-4	450 points
3. Guidelines	3-4	450 points
4. Complexity	4-5	325 points
5. Scope and Effect	5-4	225 points
6. Nature of Contacts and		
7. Purpose of Contacts	3b	110 points
8. Physical Demands and		
9. Work Environment	2b	<u>40 points</u>
	<i>Total</i>	2850 points

In accordance with the Grade Conversion Table in the GS-391 position classification standard, the points assigned to the position fall within the range for GS-12 (2755-3150).

Decision

The final classification of the position is Telecommunications Specialist, GS-391-12.