

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

San Francisco Field Services Group  
120 Howard Street, Room 760  
San Francisco, CA 94105-0001

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

**Appellant:** [Name of appellant]

**Agency classification:** Human Resources Specialist  
(Labor and Employee Relations)  
GS-201-12

**Organization:** [Appellant's organization/location]

**OPM decision:** Human Resources Specialist  
GS-201-12  
(Parenthetical title at discretion of  
agency)

**OPM decision number:** C-0201-12-04

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Marta Brito Pérez  
Associate Director  
Human Capital Leadership  
and Merit System Accountability

March 22, 2005

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

As indicated in this decision, our findings show that the appellant's official position description does not meet the standard of adequacy described on pages 10-11 of the *Introduction to the Position Classification Standards*. Since position descriptions must meet the standard of adequacy, the agency must revise the appellant's position description. The servicing human resources office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action to the San Francisco Field Services Group.

**Decision sent to:**

[Name and address of appellant]

[Address of appellant's servicing human resources office]

Deputy Assistant Secretary  
Civilian Personnel Policy/  
Civilian Personnel Director for Army  
Department of the Army  
Room 23681, Pentagon  
Washington, DC 20310-0300

Ms. Janice Cooper  
Chief, Classification Appeals  
Adjudication Section  
Department of Defense  
Civilian Personnel Management Service  
1400 Key Boulevard, Suite B-200  
Arlington, VA 22209-5144

## **Introduction**

On August 3, 2004, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On October 28, 2004, we received the agency's administrative report. The appellant's position is currently classified as Human Resources Specialist (Employee and Labor Relations), GS-201-12. However, he believes it should be graded at the GS-13 level. The appellant works in the [appellant's organization/location]. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

This appeal decision is based on a careful review of all information furnished by the appellant and his agency. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant and his supervisor.

## **General issues**

The appellant does not believe that his current official position description (PD) [number] is completely accurate, but his supervisor has certified to its accuracy. 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. A position is the duties and responsibilities that make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply a PD. This decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision. Our fact-finding disclosed that the appellant's PD is not completely accurate, and does not meet the standard of adequacy addressed on pages 10 and 11 of the *Introduction to the Position Classification Standards*. The complexity of the appellant's assignments described under Factor 4-Complexity, in the PD does not reflect our findings addressed later in this decision. Therefore, the PD must be revised to reflect our evaluation.

The appellant compares his work to higher graded positions in his division. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. 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.

The appellant's agency has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to his servicing human resources office. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question in his division. If the positions are found to be basically the same as his, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

### **Position information**

The appellant serves at a major military command headquarters as a staff specialist in human resources (HR) recommending local policies and providing advice and guidance to servicing HR offices, union representatives, and managers and supervisors on employee and labor relations, mobilization planning, leave administration, grievances and appeals, conduct and discipline, incentive awards, and civilian training. He furnishes interpretive advice and guidance on civilian personnel policies and programs, performs necessary research and analysis on specific HR issues, and develops recommendations on program actions needed to improve civilian personnel support to mission requirements. He researches individual grievances, appeals, and complaints or inquiries rising to the command group of [appellant's organization], and recommends positive actions to the decision making levels.

He serves as action officer for handling third party reviews and hearings before the Merit System Protection Board, EEO complaint proceedings, and various other activities covering grievances, unfair labor practices, etc. Upon request from staff of civilian personnel operations and/or advisory centers, he provides guidance on labor relations and contract administration issues involving the National Federation of Federal Employees (NFFE), and develops policies and materials impacting on labor-management relations in the command. He also performs research and provides advice on mobilization planning as it relates to employee relations in the command.

The results of our interviews and other material of record furnish more information about the appellant's duties and responsibilities and how they are performed. Although not completely accurate, we incorporate it by reference into this decision.

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

The appellant's agency has classified his position in the Human Resources Management Series, GS-201, titling it Human Resources Specialist (Labor and Employee Relations), and the appellant does not disagree. We concur with the agency's determination of basic title and series. As noted in the Job Family Position Classification Standard for Administrative Work in the Human Resources Management Group, GS-0200, which covers work in the GS-201 series, agencies may assign parenthetical specialty titles in official position titles if individual circumstances dictate. Therefore, selection of a parenthetical title is at the discretion of the agency. The GS-0200 Job Family Standard contains directly applicable grading criteria for positions in the GS-201 series, and therefore must be used for grade level determination.

### **Grade determination**

The GS-0200 Job Family Standard evaluates positions in the GS-201 series by use of the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Each factor level has a

corresponding point value. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

The appellant disagrees with his agency's determination of Factor 1, believing that his position should be credited at Level 1-8. He does not disagree with his agency's crediting of Levels 2-4, 3-4, 4-5, 5-4, 6-3, 7-c, 8-1, and 9-1. After careful review of the record, we concur with the agency's evaluation of Factors 2, 3, 5, 6, 7, 8, and 9. However, we disagree with its assessment of Factor 4, and have addressed that factor and Factor 1, below.

*Factor 1, Knowledge required by the position*

This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills necessary to apply that knowledge.

Assignments at Level 1-7 require knowledge of and skill in applying a wide range of human resources management (HRM) concepts, laws, case law, policies, practices, analytical and diagnostic methods and techniques sufficient to solve a wide range of complex, interrelated HRM problems and issues. At this level, employees specializing in labor and employee relations apply knowledge and skill in applying a wide range of HR case law, principles, practices, and regulations sufficient to perform detailed analyses and draw conclusions on complex legal issues and problems. They exercise skill in legal research sufficient to locate, interpret, and analyze for applicability and appropriateness, precedent and substantive decisions and legal opinions of various courts and administrative bodies. They apply mediation techniques and other non-adversarial problem solving approaches to resolve problems, including conflict resolution to resolve highly contested case matters. At Level 1-7 the employee demonstrates oral and written communication techniques sufficient to formulate and present arguments and advisory opinions, and to prepare legal and case documents.

Work illustrations at Level 1-7 for employees specializing in employee/labor relations include advising managers about appropriate disciplinary or other corrective techniques concerning conduct or performance problems; researching and applying administrative decisions so as to analyze and craft defensible solutions to problems where precedent cases are not always directly applicable; researching legal precedents and defining legal and factual parameters and issues of a case; conducting systematic studies to develop management interests and respond to union interests; advising negotiating committee members on the interpretation and applicability of arbitration decisions and precedent decisions to local situations; communicating agency wide labor relations policies and procedures to management and staff of the local organizations; relating existing precedents to the specific issues in justifying managements views; serving as the authoritative local interpreter of labor relations law, regulation, Executive order, and decisions of labor relations formal bodies; and providing labor relations consultative service on reorganizations, realignments, relocations, reduction-in-force, transfer of functions, and the impact of these decisions on bargaining unit employees.

At Level 1-8, employees apply a mastery of advanced HRM principles, concepts, regulations, and practices, analytical methods and techniques, and seasoned consultative skill sufficient to resolve HRM problems not susceptible to treatment by standard methods. They apply sufficient knowledge and skill in their HR specialty to design and conduct comprehensive HR studies characterized by boundaries that are extremely broad and difficult to determine in advance; identify and propose solutions to HRM problems and issues that are characterized by their breadth, importance, and severity and for which previous studies and established techniques are frequently inadequate; and develop recommendations for legislation that would modify the way agencies conduct programs, evaluate new or modified legislation for projected impact upon existing agency programs, or translate complex legislation to meet agency needs. Employees at Level 1-8 may plan, organize, and/or direct team efforts to persuade management officials to accept and implement recommendations, where the proposals involve substantial agency resources or require extensive changes in established procedures and methods; provide authoritative advisory service and/or develop authoritative policy interpretations; research complex legal problems involving major areas of uncertainty in approach or interpretation to identify appropriate courses of action; resolve problems characterized by their breadth, importance, and severity for which previous studies and techniques have proven inadequate; may lead a team engaged in special studies affecting major programs and/or policies; and prepare recommendations to significantly change or modify one or more major programs, evaluate the content of new legislation for impact on the agency's program, and/or translate legislation into program goals and objectives.

Work illustrations at Level 1-8 include HR specialists in employee relations who serve as agency or equivalent level senior consultants; review policy and procedures to ensure consistency in their application and recommend modifications; and analyze and solve particularly complex and sensitive problems and issues, such as those involving conflicting laws or untested areas of case law, where policy decisions and case strategy guidance have impact throughout the agency. Specialists in labor relations provide staff advisory services on command-wide issues, and develop command methods of measurement that provide a valid measurement of the success of the program. They furnish advice on organization-wide strategic plans and organizational issues such as multiple reductions-in-force, outsourcing, reconfigurations of mission workload, and develop the future vision of the labor relations program.

The appellant's position meets Level 1-7. Like that level he applies a wide range of HRM concepts, laws, case law, policies and practices to resolve complex labor and employee relations issues. As a HR specialist at the command headquarters staff level, he advises installation managers, union representatives, military commanders, staff of the Civilian Personnel Operations Center (CPOC) and the four area Civilian Personnel Advisory Centers (CPAC), on complex legal and regulatory issues and policies governing the management of civilian personnel within the geographic area covered by [appellant's organization]. He performs detailed research, analysis, and interpretation, and makes recommendations involving HRM regulations and practices on topics including identifying changes in working conditions relevant to the scope of the civilian union bargaining agreement, civilian mobilization and deployment, procedures for dealing with employees possibly exposed to Severe Acute Respiratory Syndrome (SARS), impact of the provisions of the National Security Personnel System (NSPS) on labor and employee relations throughout the command, propriety of deployment of civilian employees in

[name of country] to another country to support U.S. military operations, feasibility of implementing Army's telework program in [name of country], entitlement to standby and/or premium pay pertaining to imposed curfews, appropriate use of compensatory time, and evaluates the impact of new Army regulations on the command's civilian workforce, e.g., Senior Army Workforce development program, mandatory requirements and immunizations involving emergency essential personnel. He is frequently called upon to provide advice or participate in preparing and resolving difficult employee/labor relations cases covering a variety of issues including reasonable accommodation and adverse actions. He reviews facts and pertinent data, interprets and applies Federal sector precedents, and devises legal approaches consistent with precedent and controlling statutes, regulations, policies and labor contract requirements as well as management/agency interests and objectives. To resolve issues he has participated in non-adversarial methods such as mediation, and regularly advises management and CPAC staff on negotiability and interpretation of specific articles in collective bargaining agreements. Similar to Level 1-7, the appellant is skilled in verbal and written communications techniques which he exercises in presenting arguments and advisory opinions and recommendations.

Similar to the work illustrations at Level 1-7, the appellant advises managers and HR staff on appropriate techniques needed to resolve conduct or performance issues, and conducts research to develop solutions to problems where precedents are not fully applicable. He communicates agency wide labor and employee relations policies and procedures to managers/supervisors, military commanders and staff, and HR personnel at the CPOC and CPACs. He serves as the local interpreter of labor and employee relations regulations, laws, and precedent decisions, and furnishes command-wide consultative service on reorganizations and realignments and their impact on bargaining unit employees.

The appellant's position does not meet Level 1-8. Although he functions as a consultant at the command staff level, he is not faced with HRM problems which are not susceptible to treatment by standard methods. While he has carried out HR studies in his specialty, their boundaries were well defined, and previous studies and techniques were adequate as guidance for the projects. Unlike Level 1-8, he does not develop recommendations for legislation that would modify the way the agency (i.e., Department of the Army-DA) carries out its HR employee/labor relations programs, and does not measure the agency-wide impact on changes in HR programs. Such responsibilities are found at the Department of the Army headquarters HRM level. The record shows that the appellant does not direct team efforts to persuade managers to accept and implement recommendations for changes in the HR program, particularly those involving substantial commitment of Army resources and/or extensive changes in established procedures. While the appellant is recognized as a senior advisor in employee/labor relations matters, he may supplement but does not develop authoritative policy interpretations; such matters would be addressed by higher level staff at DA headquarters. In contrast to Level 1-8, his position does not require that he evaluate the content of new legislation for impact agency-wide (i.e., Department of the Army), nor does he translate the provisions of legislation into Army HRM programs and goals.

Unlike the employee/labor relations work illustrations at Level 1-8, his position is not equivalent to a senior agency consultant in employee relations who analyzes and solves particularly complex and sensitive problems, especially those involving conflicting or untested areas of case

law, where recommended policy decisions and case strategy guidance have impact throughout the agency, i.e., Department of the Army. Although the appellant provides staff advisory services command-wide, the record shows that he does not develop methods to measure the success of the overall labor relations program; is not involved in organization-wide strategic planning where outsourcing or organizational reconfigurations may be considered; or in developing the future vision of the command's employee/labor relations program.

This factor is evaluated at Level 1-7 and 1250 points are credited.

#### *Factor 4, Complexity*

This factor measures the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-4, the work consists of resolving problems and issues that often involve conflicting or incomplete information; applying analytical techniques that frequently require modification to accommodate a wide range of variables; and addressing substantive technical issues that are characterized by complex, controversial and/or sensitive matters that contain several interrelated issues. Employees at Level 4-4 conduct detailed planning to gather and interpret information and data for assessing complex problems; assess situations that are complicated by ambiguous, conflicting, and/or incomplete data requiring significant reconstruction to isolate issues and problems; participate in analyzing the effects of changes in law and regulations; reconcile conflicting or incomplete information; define problems in terms compatible with appropriate laws, policies, or regulations; and weigh pertinent facts in formulating a legal or factually supportable position.

Illustrative assignments at Level 4-4 for specialists engaged in employee and labor relations include work analyzing a variety of employee conduct and performance-based problems where the specialist assists parties in problem definition and assessment of alternative approaches to resolve problems; ensuring that managers are aware of the interaction of different laws and assisting them to identify appropriate actions; and representing the organization in formal administrative proceedings. Labor relations assignments include providing services to satellite offices; advising managers on labor management issues; representing the agency in cases before third parties and conducting extensive research into facts and case law; and making technical recommendations regarding settlements.

At Level 4-5, work consists of addressing issues that significantly affect long-range implementation of substantive operational and/or policy programs throughout an agency, bureau, service or major military command with numerous subordinate HR offices. Specialists at this level resolve different and unrelated problems and issues that affect long-range implementation and administration of substantive interrelated mission-oriented programs, and conduct studies to develop responses to management on new requirements in program operations, legislation, or agency regulations. Employees at Level 4-5 interpret interrelated program issues that affect long-range program planning, design, and execution; and integrate the work of a team into authoritative reports outlining options, recommendations, and conclusions reached. The



employee develops new HR techniques and/or establishes new criteria or approaches and methods for program implementation and evaluation requiring a substantial depth of research and analysis which serve as precedents for others; employees perform analyses that are complicated by major areas of uncertainty in the appropriate approach, methodology, or interpretation because of continuing program changes, technological developments, or conflicting requirements.

Illustrative assignments at Level 4-5 for specialists engaged in employee and labor relations include advising top management officials of the agency on issues related to conduct and performance; serving as the principal focal point providing labor relations advisory services on command-wide issues to headquarters staff and HR officials, where the specialist acts as the agency's technical authority on developing regulations or guidelines for the operation of the labor relations program; or being responsible for labor relations program development and evaluation and staff advisory functions.

The appellant's position meets Level 4-4. Like that level, he deals with issues that involve incomplete information and that are characterized by complex or sensitive matters. This is particularly true in identifying issues that potentially involve changes in working conditions, thus requiring bargaining with the union. Like Level 4-4, the appellant performs detailed planning to gather and interpret information and make recommendations to managers and other HR specialists on the best approach in dealing with HR issues, e.g., SARS procedures, status of employees during mobilization and deployment. He also participates in the analysis of new laws and regulations, assessing their impact on the command, e.g., provisions of NSPS, feasibility of implementing the telework program. Similar to Level 4-4 illustrative assignments, he assists other managers and HR staff in resolving difficult employee relations issues, and interprets, supplements and disseminates information to managers on the interaction of different laws and regulations impacting human resources management in the command.

The appellant's position does not meet Level 4-5. Although he works at a major military command headquarters, unlike Level 4-5 his assignments do not involve addressing issues significantly affecting long-range implementation of substantive operational or policy programs covering the Department of the Army. Such issues are addressed at the Department of the Army policy, or the Civilian Human Resources Agency (to whom CPOC/CPACs report) levels. Additionally, while [appellant's organization] is a major overseas command, numerous HR offices are not present. Employees are serviced by only one CPOC and four CPACs, and the total Federal civilian employee population serviced numbers only approximately two-thousand, which is comparable to a medium size military installation in the continental U.S. (CONUS). Unlike Level 4-5, the appellant is not involved with human resources studies of the complexity described at Level 4-5, including those involving new requirements mandated by new legislation or agency regulations; these are dealt with at higher agency levels. In contrast to Level 4-5, he does not develop new HR techniques or criteria for program implementation or evaluation which serve as precedents for others, nor is he faced with dealing with major areas of uncertainty in approach or methodology resulting from continuing program changes or conflicting requirements.

This factor is evaluated at Level 4-4 and 225 points are assigned.

*Summary of FES factors*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-4	225
5. Scope and effect	5-4	225
6. and 7. Personal contacts/purpose of contacts	3-C	180
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
<i>Total</i>		2790

A total of 2790 points falls with the GS-12 range (2755-3150) on the grade conversion table in the GS-0200 Job Family Standard. Therefore, the appellant's position is graded at the GS-12 level.

**Decision**

The appellant's position is properly classified as Human Resources Specialist, GS-201-12. Selection of an appropriate parenthetical title is at the discretion of the agency.