

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

Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242-1027

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

Appellant: [appellant's name]

Agency classification: Education Services Officer
GS-1740-12

Organization: [appellant's activity]
U.S. Army Medical Command
Department of the Army
[appellant's installation]

OPM decision: Supervisory Education Services Specialist
GS-1740-12

OPM decision number: C-1740-12-01

/s/ Bonnie J. Brandon

Bonnie Brandon
Classification Appeals Officer

September 25, 2001

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).

Since this decision changes the classification of the appealed decision, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 C.F.R. 511.702). The 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.

Decision sent to:

Appellant:

[appellant's name and address]

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Introduction

On June 14, 2001, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. We received the agency's administrative report on July 3, 2001. The appellant's position is currently classified as Education Services Officer, GS-1740-12. However, he believes the classification should be at the GS-13 grade level. He works in the [appellant's activity], U.S. Army Medical Command, Department of the Army, [appellant's installation]. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

The appellant filed an appeal with the Department of Defense's Civilian Personnel Management Service (CPMS) before appealing to OPM. CPMS sustained the GS-12 grade and changed the title to Supervisory Education Services Specialist. At the time the appellant's agency submitted its administrative report to us, the human resources office had not implemented CPMS's decision to change the title for the appellant's position.

In reaching our decision, we have carefully reviewed the information of record provided by the appellant and his agency. An Oversight Division representative also conducted telephone interviews with the appellant, his immediate supervisor, and a human resources specialist in the Civilian Personnel Advisory Center at [the appellant's installation] to obtain information about the appellant's position.

General issues

The appellant's main issue is that of "parity" with other education program managers in the Army Continuing Education System whose positions are graded at the GS-13 level. He believes that his work is equivalent to the work done by the other GS-13 education program managers. 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.

As part of its appeal decision on the appellant's position, CPMS required the Department of the Army to conduct a consistency review to determine if the appellant's position is similar to the education program manager positions at Fort Detrick and Walter Reed Army Medical Center. We understand that the Department of the Army's Medical Command will conduct the consistency review. If the positions are found to be essentially the same, the Department of the Army is expected to correct the classification to achieve internal consistency. In issuing our decision on the appellant's position, we also expect the Department of the Army to review the classification of identical, similar, or related positions to ensure consistency with this decision (as previously stated on page ii of this decision).

Position information

The appellant is assigned to a standard position description, number [number]. Both he and his immediate supervisor agree that the position description is accurate.

The appellant has responsibility for the Army Continuing Education System program at [his installation]. He plans, develops, coordinates, administers, and evaluates the education program. The program is comprised of counseling and testing services; remedial courses and tutoring services and special subject courses such as speed reading, military defensive driving, and courses to increase military occupational skills scores; college level courses, offered on post, off post, and through distance learning technology; undergraduate and graduate level degree programs; high school completion and general education equivalency programs; and tuition assistance for soldiers to attend college. The program uses two learning centers, computer laboratories, and a library. The appellant uses surveys and information developed through his contacts with commanders and military staff to identify educational needs. He negotiates and coordinates with universities and colleges for courses and programs that meet the educational needs at [his installation]. The budget for the appellant's education program in Fiscal Year 2001 was approximately \$1.5 million.

The education program is available for [the appellant's installation] and [another military installation] (which is 25 miles away) military members and their families and the civilian workforces. The education program is also available to various other military entities located within the region that [the appellant's installation] supports (in [a state]), including the Army National Guard, U.S. Army Reserves, Navy, and Marines. The [appellant's installation] and [another installation] working and dwelling population is approximately 32,000 and the regional military supported population is approximately 37,800.

The appellant's organization is part of [the human resources organization]. He supervises five employees, including a secretary and four GS-9 professional guidance counselors. He serves as the contracting officer representative over 13 contractors working for three different companies. This involves his developing and modifying statements of work, ensuring that the work performed is adequate, and dealing with the contracting officer and the contract company to resolve contract worker performance and conduct problems. The contract workers include six instructors, two test examiners, one learning center director, one counselor support person, an in/out processing clerk, and two administrative persons. The appellant's supervisor is the GS-13 Community Support Officer.

Series, title, and standard determination

The appellant's position is covered by the GS-1740 Education Services Series. This series includes professional positions the duties of which are to administer, supervise, promote, conduct, or evaluate programs and activities designed to provide individualized career-related or self-development education plans. The appellant's position is currently titled *Education Services Officer*. According to the GS-1740 standard, the official title for positions that involve directing or managing an education services program is *Education Services Specialist*. Since the appellant's position also meets the supervisory classification criteria in the General Schedule Supervisory Guide (GSSG), the correct title is *Supervisory Education Services Specialist*.

Since the appellant's position is responsible for managing the education services program, that work is graded using the Grade Evaluation Guide for Positions of Managers of Operating

Education Programs. We have also applied the GSSG to specifically grade the appellant's supervisory duties and responsibilities.

Grade determination

Evaluation using the Grade Evaluation Guide for Positions of Managers of Operating Education Programs

The Grade Evaluation Guide for Positions of Managers of Operating Education Programs (Guide) uses three factors: student load, variety and complexity of instructional activity, and level of responsibility. Our evaluation with respect to these factors follows.

Factor 1, Student load

Student load is defined as the average number of students enrolled and participating in education and training courses provided by the program manager at the facility itself, at other institutions, and through facility arrangements by correspondence. Ordinarily, four to eight quarters are used to determine the average student load. Each participating student is counted only once for each quarter, regardless of how many courses he or she may be enrolled in during that quarter.

In the appellant's case, we used student load figures from three categories. We found that the fiscal year (FY) 2001 student load average (from four quarters) for college courses, including correspondence courses, was 502.25. Each student was counted only once during each quarter.

We used FY 2001 enrollment figures (four quarters) for courses taken in the learning centers on post, which includes remedial courses and preparatory, pre-examination courses (e.g., ACT, GMAT, GRE). The appellant's tracking system counts in this category *enrollments* rather than *enrollees*. This means that the FY 2001 figures include a count for a student each time he or she enrolls in one of these courses during the quarter. However, according to the Guide, each student can only be counted once. Due to the large number of enrollments in this category (3,355 for the fiscal year), we could not figure precisely the student load. However, we estimated that half of the 3,355 enrollment number might represent a single count for each student taking courses during each of the four quarters. Using this method of estimation, we found that the student load for this category was 419.38.

Lastly, we used FY 2001 enrollment figures (four quarters) for military subject correspondence courses taken through military or armed forces organizations. As with the previous category, the appellant's system tracks these numbers as enrollments rather than enrollees. Using the aforementioned estimation method, we found that the student load for this category was 51.63.

The sum of the three categories equals a student load average of 973.26. This number is found within the Guide's Degree B range of 800 to 1600. Degree B equates to 4 points.

Factor 2, Variety and complexity of instructional activity

This factor contains two subfactors: course range and variety and instructional program complexity.

Factor 2 (a), Course range and variety

The Guide defines “course” as a definite and distinctive subdivision of a broad subject field that normally can be carried by a single instructor through a school semester or other representative training period. Each course involves common learning objectives for the group of students enrolled in it.

This subfactor measures the number and variety of courses provided through the education program that have resulted from the active efforts of the program manager. For courses and programs provided at the facility, “active efforts” involves work such as conducting surveys of educational needs; developing or obtaining course curriculum, content, and instructional materials; negotiating for an educational institution to provide a course at the facility; arranging for necessary classroom space, supplies, and equipment; recruiting for, or arranging for, the participating institution to provide qualified instructors; and coordinating with the facility librarian to provide necessary library services. For courses and programs conducted at institutions outside of the facility, “active efforts” on the manager’s part include conducting surveys of needs; persuading the institution to establish a course or program specifically for the students of the facility (these may be specialized courses or courses that have not previously been given by the institution); working with the institution in developing course or program content to ensure that the needs of students are met; and arranging for tuition assistance. For credit to be given for courses conducted outside of the facility, a manager must have made efforts to persuade an institution to establish specialized courses or courses that have never before been given or work with an institution to develop course or program content.

This subfactor credits courses conducted during a school year (or calendar year) that are different in subject or level (e.g., French I, French II, Spanish I, Spanish II). Duplicates, repeats, or slight variations or modifications of courses are not creditable. Courses that are designed for individual rather than group study are not counted (e.g., correspondence courses, on-the-job training courses) unless the program manager was actively involved in developing the course content, training materials, etc. Courses that are given at outside institutions that are part of a broader instructional program and which have not, individually, resulted from active efforts of the program manager, are not credited under this subfactor. In this situation, the overall instructional program may be credited as one course. Creditable courses given at the facility are counted, even though they are part of an instructional program.

In the appellant’s case, we counted a full year’s worth of undergraduate and graduate level college courses given on post by different universities and colleges. The courses covered the period of fall 2000 to summer 2001. We did not count duplicate, repeat, or similar courses. We found that [a university] offered 47 creditable courses, [a college] offered 18 creditable courses, [a university] offered 23 creditable courses, [a university] offered 21 creditable courses, and [a university] offered 2 creditable courses. These courses total 111 creditable courses.

For courses offered outside of [the appellant's installation], we did not count each individual course as creditable, since the appellant did not have to engage in active efforts, to the extent described in the Guide, to make the courses available. However, we gave credit for these courses under the Guide's caveat of crediting the overall instructional program as one course. We counted the Degree Builder courses offered via distance learning technology as one creditable course and the service member opportunity college Army degree courses offered off post and via distance learning technology as one creditable course. This amounts to 2 creditable courses.

We did not credit the appellant's program's remedial English, math, and reading courses, since they are designed as individual studies, which are specifically excluded under this subfactor. We also did not credit various other courses such as speed reading, read to lead, general technical, and skilled technical. The content of these courses does not meet the degree of intensity of creditable courses.

Creditable courses total 113, which is within the Guide's Degree C range of 80 to 125 creditable courses. Degree C equates to 6 points.

Factor 2 (b), Instructional program complexity

This subfactor measures the extent to which the nature and variety of goal-oriented instructional programs add substantially to the difficulty of the overall instructional activity. The Guide defines goal-oriented programs as collections or groups of courses combined into integrated curricula to accomplish specific education or training goals. Goal-oriented programs lead to generally recognized certificates, diplomas, or degrees. For the purposes of the Guide, a goal-oriented program must consist of at least five discrete courses. The subfactor takes into account learning levels, defined in the Guide as levels of education and training that reflect significant differences in terms of the basic kinds of program planning, instructional and testing methodology, materials needed, and counseling approaches. Learning levels include primary, intermediate, secondary (high school), undergraduate, graduate, and occupational/vocational.

Instructional programs are credited under this subfactor when they are given at the facility under the administrative control of the program manager. If programs are provided outside of the facility at other institutions, they are credited if their establishment resulted from the active efforts (as defined under Factor 2 (a)) of the program manager. In crediting instructional programs under this subfactor, each is counted only once. For example, two baccalaureate programs in English are counted as one program, even if they are given by different institutions. Also, each learning level is counted only once.

In the appellant's case, we found 39 creditable goal-oriented instructional programs and 5 learning levels. We credited 6 master's degree programs offered on post by [a university], 2 master's degree programs offered on post by [a university], 16 associate degree programs offered on post by colleges of [a community college district], 7 bachelor's degree programs offered on post by [a university] and [a university], 1 master's degree program offered on post by [a university], and 1 master's degree program offered on post by the National Graduate School. We credited four vocational certification programs offered on post (emergency medical

technician, licensed vocational nurse, medical records, physical therapy) and one general education equivalency (GED) program/high school completion program (the two programs are counted as one since they are similar). Lastly, we credited the appellant's testing and counseling activities as one goal-oriented program. According to the Guide, such credit may be given when testing and counseling represent an exceptional workload (e.g., more than double the number of students participating in educational programs). This workload at [the appellant's installation] is exceptionally heavy. In FY 2001, the appellant's guidance counselors had over 16,000 counseling sessions and text examiners gave over 3,100 tests.

In crediting goal-oriented programs, we did not count similar degree programs (e.g., a master's degree in business administration was offered by two universities but counted only once). Also, we did not count programs provided at outside institutions, since the appellant did not have to engage in active efforts, to the extent described in the Guide, to get the programs established.

The learning levels credited for the appellant's position include intermediate (since participants in the GED program are sometimes below the high school level), secondary/high school, undergraduate, graduate, and vocational.

The Guide describes four levels, or degrees, of complexity within this subfactor. The actual numbers of instructional programs and learning levels are taken into account, but they are not the main focus. The Guide explains that the numbers of instructional programs and learning levels described at each degree level do not, in themselves, determine the appropriate degree to be credited. The position must substantially meet the overall level of difficulty described to be credited.

We found that the appellant's instructional program complexity meets Degree B, even though the numbers themselves exceed this degree. At Degree B, programs of moderate complexity include five to eight goal-oriented instructional programs for students at three or four different learning levels, several of which are provided at the facility. At this level, instructional programs are generally standardized, however, the instructional approaches must be specifically geared to meet the needs of students. The instructional programs credited to the appellant's position are mostly standard programs, such as degree programs in business, management, health services, information management systems, criminal justice, and computer programming and vocational programs in the areas of emergency medical technician and physical therapy. The appellant gets involved in negotiating for programs to be offered at lower tuition rates, reviewing and approving the kinds of courses offered as part of a program, making sure the level of difficulty of courses is suitable for his serviced population, changing the times courses are offered, and ensuring that qualified instructors are provided for the programs and courses. For those students at remedial levels, programs and instructional methods must be tailored to their level.

At the next higher level, Degree C, programs involve 10 to 15 goal-oriented instructional programs encompassing 4 or 5 learning levels. A significant number of the programs are nonstandardized and involve problems of program development or updating. Instructional approaches also have to be tailored to accommodate student needs. The appellant does not fully meet this level in that his creditable instructional programs do not involve the complexity described in the Guide. In one instance, the appellant worked with a university to modify a

master's of education program so that student teaching would not be required. However, other instructional programs offered at [the appellant's installation] are standard and do not require the appellant to be involved significantly in developing, modifying, or updating programs. We assign Degree B which equates to 4 points for this subfactor.

Factor 3, Level of responsibility

This factor measures the nature and extent of initiative and originality required, the extent of the authority and freedom permitted the program manager by higher authority, and the difficulty and responsibility of work contacts and relationships (other than with supervisors and subordinates) within and outside the agency. It considers the nature and extent of supervision and guidance given by higher authority and by applicable guidelines and precedents and the judgment required to follow, select, and adapt such guidelines. It takes into account significant contributions made by the program manager (and approved by higher authority, as necessary) in the way of changes and innovations to improve and advance the education program.

At Degree B, program managers frequently modify and improve existing program activities by updating course content and instructional methodology or provide additional program or course activity within broad guidelines established by higher authority. In either case, the changes are largely based on, or adapted from, similar activities and models developed elsewhere. Initiative and judgment are required to determine the need for change, adapt existing models to the local situation, and implement the new or revised programs. Contacts, which typically involve a substantial variety of individuals and groups, have the following characteristics, or equivalent:

- recurring contacts with other schools or training facilities similar to those of the program manager's own facility to discuss common problems and ways to solve them;
- numerous contacts with education and training institutions for the purpose of negotiating agreements for participating in established programs;
- numerous contacts with students' parents or guardians to discuss difficult student problems; and
- regular continuing contacts with outside individuals and local civic groups to improve the usefulness of community facilities for educational and recreational purposes.

The appellant's level of responsibility meets Degree B. He is active in improving the education program. He works with various institutions to provide on post new degree programs, such as the two new master's programs in education and quality systems management, and new vocational and certification programs. The appellant also works with various institutions to provide programs that will support the Army's Degree Builder program. As military skills requirements change, he must modify programs or plan new ways to provide educational services to meet new needs. Some of these plans involve issues such as increasing the numbers of teachers or test examiners and adding a new learning center.

The appellant's supervisor gives him the latitude to independently operate the education program. The program is carried out within the broad parameters of Army Continuing Education System guidance. The appellant develops local policies, standard operating procedures, and goals and objectives. He has contacts with staff of universities to negotiate agreements and work out the terms of agreements, battalion commanders and their staff to identify needs and to work with them to develop programs to meet the needs, the contracting officer and contract management to deal with problems involving contract workers, Army headquarters staff and counterparts at Army installations to share information and work on projects, and various military commanders and staff on post and within the serviced region to identify and meet educational needs.

The appellant's level of responsibility does not fully meet Degree C. At that level, the program manager makes significant creative contributions towards program advancement and improvement in aspects of individual programs. For example, the manager develops new major courses or program activities from models and precedents that are only vaguely applicable to the relatively complex needs of the facility. Although major changes may require approval of higher authority, the recommendations of the program manager are usually accepted without significant modification. Contacts typically involve a wide variety of individuals and groups for the purpose of obtaining cooperation in establishing and implementing programs that are new or different in significant respects from existing programs. New or revised programs, while basically acceptable in principle to those concerned, have significant aspects that are controversial or otherwise require a substantial amount of persuasion to obtain cooperation or approval. This degree involves contact activity having characteristics equivalent to the following illustrative examples:

- establishing and maintaining contacts with education and training institutions, business groups, and individual specialists to obtain support in establishing new programs and staffing them with people who can contribute to the success of the programs;
- maintaining contacts with civic, business, and other groups and organizations of the community to convince business groups to provide part-time work and on-the-job training for students and full-time employment after graduation;
- negotiating a variety of special-purpose education and training contracts with colleges and vocational training institutions or industrial companies in the area, often requiring considerable persuasion to overcome apathy and reluctance to change traditional practices; and
- initiating and following through on contacts with local and state departments of education and regional education associations to obtain acceptance of certain program coverage and to secure recognition for accreditation of certificate requirements.

The improvements and modifications made by the appellant to the education program do not meet the level described for Degree C. He does not develop new, unique major programs that involve significant controversial issues. Consequently, his contacts do not have the degree of

difficulty involved with promoting such changes and obtaining cooperation to make the changes work.

We assign Degree B for 4 points to this factor.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Student load	Degree B	4
2. Variety and complexity of instructional activity		
- 2 (a) Course range and variety	Degree C	6
- 2 (b) Instructional program complexity	Degree B	4
3. Level of responsibility	Degree B	4
<i>Total</i>		18

The point total of 18 equates to the GS-12 grade level.

Evaluation using the GSSG

The GSSG uses six factors: program scope and effect, organizational setting, supervisory and managerial authority exercised, personal contacts, difficulty of typical work directed, and other conditions. Our evaluation with respect to these factors is briefly described in this section.

Factor 1, Program scope and effect

The program directed by the appellant meets level 1-2. At this level, the program directed is administrative or technical in nature. It supports and significantly affects installation level operations or provides services to a moderate, local, or limited population of clients comparable in size to a major portion of a small city. The appellant's education program supports the educational needs at [the appellant's installation]. The program also supports the educational needs of military members in the [state's] regional support area. As discussed earlier in this decision, large numbers of military and civilian employees take part in the appellant's education, counseling, and testing program.

The program does not meet the full intent of level 1-3. At this level, the program directed is technical, administrative, or professional in nature. The program has coverage that encompasses a major metropolitan area, a State, or small region of several States. The services may directly affect a large or complex multimission military installation. At the installation level, the work directly involves or substantially impacts the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions. Although the appellant's program is offered on a large military installation and is used by a large number of individuals, the program does not substantially impact the provision of essential support operations to numerous complex functions, as described at this level.

Factor 2, Organizational setting

The appellant's position meets level 2-1. At this level, the position is accountable to a position that is two or more levels below the first (i.e., lowest in the chain of command) SES, flag or general officer, or equivalent higher level position in the direct supervisory chain. The appellant reports to a GS-13, who reports to a Lieutenant Colonel, who reports to a Colonel.

Factor 3, Supervisory and managerial authority exercised

The supervisory authority exercised by the appellant meets level 3-2c. As at this level, the appellant plans work to be accomplished by subordinates and sets and adjusts short-term priorities; assigns work; evaluates work performance of subordinates; gives advice, counsel, and instruction to employees; interviews candidates for positions; hears and resolves complaints from employees; identifies developmental and training needs of employees; and finds ways to improve production or increase the quality of the work directed. In addition to interviewing candidates, the appellant also makes selections. The appellant's supervisory responsibilities do not meet level 3-3, where second-level supervision is typically exercised over subordinate supervisors, units, and employees.

Factor 4, Personal contacts

The appellant's nature of contacts meets level 4A-2. As at this level, the contacts *related to supervisory responsibilities* are with higher ranking managers, supervisors, and staff of program and administrative activities throughout the installation and members of the business community (contract companies). The purpose of the appellant's contacts meets level 4B-2. At this level, the purpose of contacts is to ensure that information provided to outside parties is accurate and consistent; plan and coordinate the work directed with that of others outside the organization; and resolve differences of opinion among managers, supervisors, employees, contractors, or others.

Factor 5, Difficulty of typical work directed

The difficulty of the typical work directed by the appellant meets level 5-5. This factor measures the difficulty and complexity of the basic work most typical of the organization directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility. This factor focuses on the highest grade which best characterizes the nature of the basic (mission-oriented, not support) nonsupervisory work performed or overseen and which constitutes 25 percent or more of the workload of the organization.

In the appellant's case, we found that the highest level of work constituting at least 25 percent of the workload is GS-9. This is based on the following, mission-oriented work supervised or overseen by the appellant. He has four GS-9 guidance counselors. One of these positions has been authorized to be filled at the GS-11 level, but this has not occurred yet. However, this one GS-11 position would not change the overall base level of work found in the appellant's organization. Since the appellant has technical and oversight responsibility over the contract workers, we considered the mission-oriented work accomplished by them. The six instructors

and the learning center director are doing work that does not exceed the GS-9 level. The two test examiners and counselor support person are doing work below the GS-9 level. The other three contract workers are doing support work, which is not considered in the base level.

Factor 6, Other conditions

The appellant's position meets level 6-3. At this level, supervision and oversight require coordination, integration, or consolidation of administrative, technical, or complex technician work comparable to GS-9 or 10. The other special conditions (e.g., variety of work, shift operations, fluctuating subordinate workforce, etc.) in Factor 6 do not apply to the appellant's position.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Program scope and effect	1-2	350
2. Organizational setting	2-1	100
3. Supervisory and managerial authority exercised	3-2c	450
4. Personal contacts		
- Nature of contacts	4A-2	50
- Purpose of contacts	4B-2	75
5. Difficulty of typical work directed	5-5	650
6. Other conditions	6-3	975
<i>Total</i>		2,650

The point total for all six factors is 2,650, which equates to the GS-11 grade level.

Decision

The appellant's position is properly covered by the GS-1740 Education Services Series, graded at GS-12, and titled *Supervisory Education Services Specialist*.