

**72 FLRA No. 53**

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
ALBUQUERQUE SERVICE CENTER  
HUMAN RESOURCES MANAGEMENT  
ALBUQUERQUE, NEW MEXICO  
(Agency/Petitioner)

and

NATIONAL FEDERATION  
OF FEDERAL EMPLOYEES  
INTERNATIONAL ASSOCIATION  
OF MACHINISTS  
AND AEROSPACE WORKERS  
REGION 1, AFL-CIO  
(Labor Organization/Union)

WA-RP-20-0022

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ORDER DENYING  
APPLICATION FOR REVIEW

May 17, 2021

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Before the Authority: Ernest DuBester, Chairman, and  
Colleen Duffy Kiko and James T. Abbott, Members  
(Chairman DuBester dissenting)

**I. Background, Analysis, and Conclusions**

In the attached decision and order clarifying unit (decision), Federal Labor Relations Authority Regional Director Timothy J. Sullivan (the RD) found, as relevant here, that certain Human Resources (HR) employees are “engaged in personnel work in other than a purely clerical capacity” within the meaning of § 7112(b)(3) of the Federal Service Labor-Management Relations Statute (the Statute).<sup>1</sup> Accordingly, the RD concluded that the HR employees must be excluded from the bargaining unit that the Union represents. In reaching that conclusion, the RD applied controlling Authority precedent set forth three years ago in *U.S. Department of VA, Kansas City VA Medical Center, Kansas City, Missouri (Kansas City VA)*.<sup>2</sup>

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<sup>1</sup> 5 U.S.C. § 7112(b)(3). The RD also found that four employees are supervisors within the meaning of § 7103(a)(1) of the Statute, and thus are excluded from the unit under § 7112(a)(1) of the Statute. We do not address that finding here, because the Union’s application for review does not raise it.

<sup>2</sup> 70 FLRA 465 (2018) (then-Member DuBester dissenting).

The Union filed an application for review of the RD’s decision (application), arguing that established law – *Kansas City VA* – warrants reconsideration.<sup>3</sup> Importantly, the Union does not argue that the RD “failed to apply established law nor commit[ed] any errors.”<sup>4</sup> The Union simply disagrees with, and seeks to relitigate the same issues, that were resolved in the Authority’s decision in *Kansas City VA*.

Under § 2422.31(c)(2) of the Authority’s Regulations, the Authority may grant an application for review only when the application demonstrates that established law or policy warrants reconsideration.<sup>5</sup> For the reasons set forth in detail in *Kansas City VA*, we believe that the plain wording of the Statute requires adoption of the test set forth in that decision, and that the test also is supported by the Assistant Secretary for Labor-Management Relations’ pre-Statute interpretations of Executive Order 11,491. None of the Union’s arguments here undercut the rationale set forth in *Kansas City VA* or provide any other basis for reconsidering that decision. Accordingly, we find that the Union has not met its burden to show that established law or policy warrants reconsideration. Mere disagreement with law is not grounds for reconsideration. Therefore, we deny the application.

**II. Order**

We deny the Union’s application for review.

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<sup>3</sup> Application at 4-5.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> 5 C.F.R. § 2422.31(c)(2).

**Chairman DuBester, dissenting:**

In its application for review, the Union argues that *U.S. Department of VA, Kansas City VA Medical Center, Kansas City, Missouri (Kansas City VA)*<sup>1</sup> should be reconsidered for the reasons set forth in my dissenting opinion in that case,<sup>2</sup> and because it “arbitrarily, capriciously[,] and unlawfully strips a significant number of employees” of their rights under the Federal Service Labor-Management Relations Statute (the Statute);<sup>3</sup> creates “a broad application of the personnelist exclusion [that] is not in the public interest”;<sup>4</sup> and conflicts with §§ 7101, 7105(a)(1), and 7112(a) of the Statute.<sup>5</sup> According to the Union, “[r]everting to [pre-*Kansas City VA*] precedent strikes the appropriate balance between preserving worker rights and avoiding conflicts of interest.”<sup>6</sup>

For the reasons stated in my dissenting opinion in *Kansas City VA*,<sup>7</sup> I believe that the majority’s decision in that case was an unlawful advisory opinion, and that it incorrectly discarded long-standing Authority precedent governing the personnelist exclusion. I continue to adhere to those views. Accordingly, I would grant the Union’s application for review in this case and reconsider *Kansas City VA*.

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<sup>1</sup> 70 FLRA 465 (2018) (then-Member DuBester dissenting).

<sup>2</sup> Application at 4.

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* (quoting § 7101’s wording that “labor organizations and collective bargaining are in the public interest”; § 7105(a)(1)’s wording that “the Authority shall . . . be responsible for carrying out the purpose of [the Statute]”; and § 7112(a)’s wording that the Authority shall determine appropriate units “in order to ensure employees the fullest freedom in exercising the rights guaranteed [by the Statute]”).

<sup>6</sup> *Id.*

<sup>7</sup> 70 FLRA at 470-71 (Dissenting Opinion of then-Member DuBester).

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL LABOR  
RELATIONS AUTHORITY  
DENVER REGION

U.S. Department of Agriculture  
Forest Service  
Albuquerque Service Center  
Human Resources Management  
Albuquerque, New Mexico  
(Agency/Petitioner)

and

National Federation  
of Federal Employees  
International Association  
of Machinist and Aerospace Workers  
Region 1, AFL-CIO  
(Labor Organization)

WA-RP-20-0022

DECISION AND ORDER CLARIFYING UNIT

**I. Statement of the Case**

A petition was filed by the U.S. Department of Agriculture, Forest Service, Human Resources Management, Albuquerque, New Mexico (HRM or Agency), under Section 7111(b)(2) of the Federal Service Labor-Management Relations Statute (Statute). The National Federation of Federal Employees, International Association of Machinist and Aerospace Workers, AFL-CIO (NFFE) is the certified exclusive representative of a bargaining unit of the HRM that is part of a nation-wide consolidated unit of employees currently represented by NFFE, Region 1 (Union). The purpose of the petition is to clarify the bargaining unit status of a group of employees of the HRM. The Petitioner asserts that these HRM employees should be excluded from the bargaining unit as they are “engaged in personnel work in other than a purely clerical capacity” as described in 5 U.S.C. § 7112(b)(3). Additionally, the Petitioner argues that four of the employees should be excluded as supervisors per Section 7112(b)(1) of the Statute. The Union disagrees that these employees are excluded under Sections 7112(b)(1) or (3) of the Statute.

The Region investigated this case pursuant to section 2422.30 of the Authority’s Regulations.<sup>1</sup> Both

<sup>1</sup> “RDs have broad discretion to investigate a representation petition as the [RD] deems necessary. An RD may determine,

parties participated in witness interviews and were afforded the opportunity to provide evidence. The Region sent questionnaires to all of the Forest Service – Human Resources (FS HR) employees implicated in this petition and took affidavits from 38 of those employees. The Region also took affidavits from 6 FS supervisors who collectively oversee the petition’s HR employees. All affidavits and evidence submitted for the investigation were considered in rendering this decision and have been shared with both parties. There has been no further response or rebuttal from the parties as to this evidence.

Because the record indicates that the HR employees identified in this petition are engaged in personnel work in more than a clerical capacity, within the meaning of section 7112(b)(3) of the Statute, I find that these HR employees are excluded from the Union’s bargaining unit. Accordingly, I will clarify the Union’s bargaining unit to reflect their exclusion. Additionally, the record indicates that the four Lead employees identified in this petition are supervisors within the meaning of section 7103(a)(10) of the Statute, and therefore, I find that they are excluded from the Union’s bargaining unit in accordance with 7112(b)(1) of the Statute.

**II. Findings**

The USDA, Forest Service (FS) manages 193 million acres of public property. The mission of the FS is to “sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations.” The National Forest System consists of 154 forests and 20 grasslands, which is divided among 9 regions. Each of the 9 Regional Foresters coordinate planning, activities, and allocate the budget to the forests within their region. The forests are subdivided into Ranger Districts that oversee day-to-day management and local interest activity. In addition to the National Forest System, the FS consists of four additional program units. First, the FS Research program unit, which provides scientific and technical support to forests through its network of forest and range experiment stations and a forest products laboratory. Second, the State and Private Forestry program unit, which works with state and local forests and private landowners to improve forestry on non-federal land and to facilitate cooperative fire management. Third, the FS International Programs program unit that manages the FS’s global efforts. Fourth, the Administration program unit carries

on the basis of the investigation... that there are sufficient facts not in dispute to form the basis for a decision or that, even where some facts are in dispute, the record contains sufficient evidence on which to base a decision.” *Soc. Sec. Admin.*, 68 FLRA 710, 712 (2015) (internal citations and quotation marks omitted).

out FS's business and human resource programs - providing leadership, direction, quality assurance, and customer service.

Following the FS's consolidation and centralization of its human resources (HR) functions beginning in 2004, the Human Capital Management Service Center, which is known today as Human Resources Management (HRM), was established in Albuquerque, New Mexico. In Case No. DA-RP-09-0001, NFFE petitioned the FLRA to represent the new HR unit.<sup>2</sup> An election was held and the FLRA certified NFFE, in February 2010, as the exclusive representative of a unit of non-professional employees of the HRM. In Case No. DA-RP-14-0016, after the professional employees voted to be included in the unit, the FLRA certified NFFE as the exclusive representative of this HRM unit:

**Included:** All General Schedule nonprofessional and professional employees of the United States Forest Service, Albuquerque Service Center, Human Resources Management, Albuquerque, New Mexico.

**Excluded:** All supervisors, management officials, and employees described in 5 USC 7112(b)(2), (3), (4), (6), and (7).

Subsequently, the HRM unit was added to NFFE's mixed consolidated nationwide unit, established in Case No. 3-UC-60004.

This petition seeks to clarify the bargaining unit status of the following positions encumbered as of the Pay Period 12 (ending June 20, 2020) at the United States Forest Service, Albuquerque Service Center, HRM, Albuquerque, New Mexico:

- a. Human Resources Specialist GS-0201-07
- b. Human Resources Specialist GS-0201-09
- c. Human Resources Specialist (Recruitment & Placement) GS-0201-07

- d. Human Resources Specialist (Recruitment & Placement) GS-0201-09
- e. Human Resources Specialist (Recruitment & Placement) GS-0201-11
- f. Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12<sup>3</sup>
- g. Human Resources Assistant GS-0203-07
- h. Human Resources Assistant (Recruitment & Placement) GS-0203-08
- i. Human Resources Specialist (Classification Recruitment & Placement) GS-0201-11
- j. Human Resources Specialist (Classification) GS-0201-11

As of Pay Period 12, there were 81 employees in the 10 positions to be clarified. Representative testimony, via sworn statements, has been utilized in this case in the interest of government efficiency and responsible stewardship of taxpayer dollars. The parties agreed that representative testimony is appropriate as the employees within each position are significantly similar.<sup>4</sup> Specifically, all of the employees work at the HRM office in Albuquerque and the employees in a position perform the same tasks and duties.<sup>5</sup>

The positions involved in this petition are organized under the FS's Field Operations, Strategic Operations, and National Talent Acquisition Recruitment & Placement (NTA RP) programs. The Washington Office Team, the Recruitment and Development Human Resources Team, and the Albuquerque Service Center Human Resources Team, are all part of the Field Operations program. The Classification Branch is part of the Strategic Operations program. The National Fire and Aviation Team, the National Collective Hiring Team, the

<sup>2</sup> The Agency petitioned the Authority to review the Regional Director's decision to include certain positions in the bargaining unit, including many at issue in this petition. Ultimately, the Authority held that the positions did not meet the Section 7112(b)(3) exclusion because while the employees were engaged in personnel work, it was not in more than a "purely clerical capacity" as they did not perform such work in a nonroutine manner nor exercise independent judgment and discretion. *USDA, Forest Serv., Albuquerque Serv. Ctr., Human Capital Mgmt., Albuquerque, N.M.*, 64 FLRA 239, 241-42 (2009) (Member Beck concurring).

<sup>3</sup> The Agency alleges that in addition to being excluded under Section 7112(b)(3) of the Statute, four of the five Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12 are excluded as supervisors per Section 7112(b)(1). These employees are noted in the parties' representative testimony agreement.

<sup>4</sup> Appendix A sets out the representative testimony, as agreed to by the parties.

<sup>5</sup> Prior to the parties agreeing to representative testimony, the investigation sent job questionnaires to all implicated employees. The questionnaires focused on the employees' job duties and tasks. The questionnaire responses indicated that employees in the same position performed similar, if not the same, duties and tasks. Representative testimony in this case is appropriate and distinguishable from the recent Authority decision in *US Dep't of Defense, FAA*, 71 FLRA 28 (2019) (*DoD FAA*). In *DoD FAA*, the Authority determined that representative testimony was not appropriate because the employees reported to different management and the bargaining unit exclusion at issue, Section 7112(b)(2) "confidential employee," turned critically on the relationship between each employee and their managers. Here, representative testimony is appropriate as the employees are similarly situated and performing substantially similar tasks.

Expedited Hiring Team, the National Collective Recruiting Team, and the National Temporary Team, are all within the NTA RP program.

Employees are assigned to specific teams within a program. But, the evidence shows that employees from different programs or different teams perform some, if not all, of the same tasks. Supervisors can direct employees, with the exception of those engaged in strictly classification work, to perform work on different teams to support work flow needs, as some teams experience "busy seasons" in support of FS's seasonal staffing needs. The distinction among the programs and teams is the type of positions the employees service.

The evidence shows that the employees, with the exception of those engaged in purely classification work, perform duties consisting of: (1) creating and posting job announcements, (2) completing qualification reviews of applicants, (3) processing selectees for hiring, and (4) advising hiring managers. Those employees engaged in purely classification work, Human Resources Specialist (Classification) GS-0201-11, perform duties consisting of: (1) classifying positions, (2) completing desk audits, and (3) advising managers. The employee encumbering the Human Resources Specialist (Classification, Recruitment & Placement) GS-0201-11, performs duties consisting of a combination of all of the above.

Six supervisors, who collectively oversee all of the employees named in this petition, provided evidence. Human Resources Officer, Emily Berger, provided evidence regarding the work of employees on the Service Center Team. Supervisory Human Resources Specialist, Douglas Crosbie, is a Branch Chief of National Collective Hiring and Recruitment and provided evidence regarding the work of employees on the National Collective Recruitment Team, the Pathways Team, and the Expedited Hiring Team. Human Resources Officer, Mark Curtis, is also a Branch Chief of National Collective Hiring and Recruitment, and provided evidence regarding the work of employees on the Washington Office Team. Supervisor Human Resources Specialist, Ginger DeRusha, is the acting Branch Chief of the National Temporary Employment Team, and provided evidence regarding the work of employees on the National Temporary Employment Team. Supervisory Human Resources Specialist, Katherine McEuen, is the Branch Chief of the National Fire and Aviation Team, and provided evidence regarding the work of employees on the National Fire and Aviation Team. Supervisory Human Resources Specialist, Kevin Rice, is the Branch Chief of the Classification Branch, and provided evidence regarding the work of employees from the Classification Branch.

All of the supervisors consistently explained that FS grants employees Employment Authority and/or Delegation Classification Authority, based on the individual's experience and proficiency - as such authority is assessed on a case-by-case basis. Employment Authority, which is an internal FS designation, is required to approve and issue personnel actions such as a certificate of qualified applicants and a Request for Personnel Action, commonly referred to as a SF-52 form. Employees with Employment Authority can review and approve the work of other staffers on their team, as directed by their supervisors. Delegation Classification Authority is required to approve and issue any classification decisions, including the results of a desk audit.

All of the supervisors oversee employees in Human Resources Specialist positions. The supervisors consistently explained that an employee in the 0201 series position is intended to develop from the GS-07 and GS-09 levels to fully performing at the GS-11 level. The supervisors also consistently noted that as employees progressed through career ladder promotions, employees are granted Employment Authority only when their direct supervisor deems them qualified. Accordingly, some employees in Human Resources Specialist positions have Employment Authority at the GS-09 level, while others still do not have the Employment Authority at the GS-11 level. All of the supervisors noted that all employees in Human Resources Specialist positions, at all GS levels, are actively working towards obtaining Employment Authority.

Supervisors of Human Resources Assistant positions, DeRusha and McEuen, both explained that employees in the 0203 series position are considered technicians. Specifically, DeRusha noted that Human Resources Assistants perform duties based on guides and generally do not interpret policies as part of their work. DeRusha noted that some employees in Human Resources Assistant positions could have limited Employment Authority, depending on the team the employee is assigned to. DeRusha also clarified that employees in the Human Resources Specialist 0201 series positions at the GS-07 level are different from employees in the Human Resources Assistant 0203 series positions at the same level - in that Human Resources Specialists are in a developmental position and their work is all about analysis with legal references. McEuen explained that Human Resources Assistants perform clerical work, spending a majority of their time performing tactical work such as performing qualification reviews, building vacancy announcements from standard Position Descriptions, responding to most FS HRM Contact Center CRM cases, issuing qualification certificates, and completing the hiring process. McEuen confirmed that all of the Human Resources Assistants'

personnel actions have to go through their supervisor for review and approval.

Both employees and supervisors noted that FS uses multiple HR systems. Examples of some of these HR systems include EmpowHR, an integrated suite of commercial and Government applications that supports all critical HR components in a single enterprise system, and eTracker/52 Tracker, a web-based HR system that can be used for managing, processing, and tracking SF-52 forms and Notification of Personnel Action (SF-50 form). The employees consistently explained that they had access to most, if not all, of the HR systems. Exceptions were based on the work of an employee's assigned team. For example, employees and supervisors noted that the Incident Qualification Certification System (IQCS), which is a collaborative effort between the U.S. Forest Service and the Department of Interior wildland bureaus to establish minimum qualification standards for key positions in Fire and Aviation Management, is only accessed by teams staffing fire positions. Overall, the evidence from employees and supervisors indicates that employees subject to this petition have access to FS's HR systems and use those systems while performing the personnel work assigned to their position.

**a. Human Resources Specialist GS-0201-07**

Harley Tucker is a Human Resources Specialist GS-0201-07, and has been assigned to the National Fire & Aviation Team since November 2019. Tucker's duties include: preparing and processing the hiring, promotions, and transfers of FS employees. Specifically, Tucker's work with hiring involves positions that are open to the general public under a direct hiring authority. Tucker does not have Employment Authority but was working towards obtaining it as she progresses through the Human Resources Specialist grade levels (GS-07, GS-09, and GS-11). Accordingly, some of Tucker's work must be reviewed by someone with Employment Authority such as a higher-level team member or supervisor before it is considered final.

**(1) Creating and Posting Job Announcements**

Tucker creates job announcements using pre-created templates on USAJOBS.

**(2) Completing Qualification Reviews of Applicants**

Tucker conducts second level qualification reviews of applicants that a hiring manager has selected. In order to determine if the selectee is qualified for the position, Tucker reviews the selectee's application documents, including the resume, against the position qualifications from the Position Description, IFPM requirements (specific to fire positions), and veterans' eligibility. Tucker's qualification determinations, as documented in a worksheet, are forwarded to an

Employment Officer for review and final Employment Authority approval.

**(3) Processing Selectees for Hiring**

Tucker is responsible for processing the hiring of a qualified selectee, which is documented in a SF-52 form. Tucker fills out the SF-52 form by selecting the appropriate codes specific to the position and hiring action in accordance with the job announcement and Position Description. When coding the SF-52 form, she refers to the Office of Personnel Management (OPM) Guide to Processing Personnel Actions (GPPA), which outlines the codes and when to use them. Tucker then forwards the completed SF-52 form to an Employment Officer for review and final Employment Authority approval. Tucker also requests and collects necessary documentation from selectees to be added to the selectee's employee case file.

**(4) Advising Hiring Managers**

Tucker advises hiring managers on several of the HR functions with which she is involved. Specifically, Tucker must explain HR policies and system functionalities to hiring managers in support of her HR actions involving hiring and promotions. When requested, she advises hiring managers of a particular applicant's qualifications for a position based on her review of the applicant's resume and work experience. While Tucker's qualification decisions are reviewed and approved prior to becoming final, Tucker independently advises hiring managers on qualification determinations. Tucker is also assigned HR Help cases that require her to independently explain qualifications to other employees.

**b. Human Resources Specialist GS-0201-09**

Arlene Apodaca is a Human Resources Specialist GS-0201-09, and has been assigned to the National Fire and Aviation Team for over a year. Apodaca's duties include: preparing and processing the hiring, promotions, transfers, and pay increases of FS employees. Apodaca has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-09 level. Apodaca exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

**(1) Creating and Posting Job Announcements**

One of Apodaca's duties involves creating job announcements for USAJOBS. Apodaca receives information on the position to be announced from the FS Region hiring the position, then creates the job announcement using the applicable Position Description and corresponding job assessment questions. Apodaca also refers to the position's job analysis and crediting plan to apply the position specific requirements when creating the job announcement. Apodaca consults the

hiring manager of the position regarding which hiring authority to use, based on the manager's needs and the type of applicants for each authority. Apodaca can recommend specific hiring authorities for a position, but ultimately the hiring manager makes the decision. As Apodaca has Employment Authority, she can post job announcements she creates for positions at, or below, the GS-09 level without any additional review or approval.

(2) Completing Qualification Reviews of Applicants

Apodaca independently reviews and assess applicants' resumes and qualifications in accordance with established policies and guidance, such as the OPM qualifications for a position. In completing her review of applicants, she reviews the applicant's resume to determine if they have the required specialized experience as listed in the Position Description. Apodaca performs qualification reviews of applicants to determine eligible candidates for the hiring manager, and secondary reviews of a hiring manager's selectee. Additionally, Apodaca performs qualification reviews using such rules and regulations as OPM requirements and Position Descriptions in the same manner for promotion and pay increases for FS employees. Apodaca uses her Employment Authority to independently make qualification determinations for positions at or below the GS-09 level.

(3) Processing Selectees for Hiring

To process a selectee's hiring, Apodaca creates a position in the EmpowHR system and codes a SF-52 form. On the SF-52 form, Apodaca determines the appropriate codes for the position including the hiring authority and setting the pay. Apodaca sets the pay based on the position and duty location in accordance with OPM standards; there is no deferment from the pay setting guidelines including the OPM standards. If Apodaca needs to set the pay for a selectee with a higher previous rate, she follows the guidelines specific to that situation and sends it to the hiring manager to approve. Apodaca also prepares a confirmation letter for the selectee using a template from eForms, modifying the template to fit the hiring of the specific position.

(4) Advising Hiring Managers

In addition to advising hiring managers as she creates job announcements, Apodaca advises hiring managers on qualifications; she explains her application of the position requirements from the Position Description and other applicable policies to an applicant's resume. Apodaca also explains qualification determinations with applicants when requested.

**c. Human Resources Specialist  
(Recruitment & Placement) GS-0201-07**

Jon Andujo is a Human Resources Specialist (Recruitment & Placement) GS-0201-07, and has been assigned to the Albuquerque Service Center Human Resources Team since October 2019. Andujo's duties include: preparing and processing the hiring, promotions, pay increases, and transfers of FS employees. Andujo does not have Employment Authority, but is working towards obtaining it as he progresses within his position. Accordingly, some of Andujo work must be reviewed and approved by a supervisor with Employment Authority.

Stephen Burke, Jr. is a Human Resources Specialist (Recruitment & Placement) GS-0201-07, and has been assigned to the National Temporary Team since June 2019. Within the National Temporary Team, Burke works on the Pre-Team. The Pre-Team performs the following HR duties: creates and issues job announcements in USA Staffing; builds and issues certificates in eTracker and USA Staffing; and conducts qualification reviews of applicants. Burke has performed the HR tasks assigned to the Post-Team as well, which include HR actions related to 1039 temporary seasonal employees. Burke believes that he could be assigned to work on either team. Burke's duties include preparing and processing the hiring of FS employees. Burke has Employment Authority, authorizing him to independently approve the following hiring actions: 1039 New Hire Actions, 1039 Re-Hire Actions, 30-day Critical Need Actions, Corrections/Cancellations of Temp Hire Actions, Extensions of Appointments for Temp Hire Actions, and Temp NTE Appointments for non-permanent employees. Burke exercises his Employment Authority in accordance with Departmental and Forest Service policies in handbooks and manuals and 5 CFR.

Sabrina Cordova is a Human Resources Specialist (Recruitment & Placement) GS-0201-07, and has been assigned to the Washington Office Team since April 2020. Prior to being assigned to the Washington Office Team, Cordova worked on the National Fire and Aviation Team and the National Temporary Team in her time with the FS since 2017. Cordova's duties include: preparing and processing the hiring, promotions, pay increases, and transfers of FS employees. Cordova does not have Employment Authority, but is working on receiving the designation in the future. Accordingly, her Lead reviews and approves any work that requires the use of Employment Authority.

Betty Valdez is a Human Resources Specialist (Recruitment & Placement) GS-0201-07, and has been assigned to the National Temporary Team since October 2019. Previously, Valdez worked as an

Administrative Assistant with HRM for 3 years. Valdez's duties include preparing and processing the hiring of FS employees. Valdez does not have Employment Authority but anticipates receiving the designation in the future. Accordingly, Valdez' Employment Officer reviews and approves any of her work that requires Employment Authority.

Dominic Vigil is a Human Resources Specialist (Recruitment & Placement) GS-0201-07, and has been assigned to the Expedited Hiring Team since the beginning of 2020. Vigil's duties include preparing and processing the hiring, promotions, transfers, and pay increases of FS employees. Vigil has Employment Authority, limited to approving hiring actions up to, and including, positions at the GS-09 level. Vigil exercises his Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

(1) Creating and Posting Job Announcements

All five of the employees in the Human Resources Specialist (Recruitment & Placement) GS-0201-07 position create and post job announcements as part of their duties. With the exception of Burke, who works largely with temporary seasonal positions, the employees can consult with the hiring manager of the vacancy as they prepare the job announcement. All of the employees refer to the Position Description among other rules and regulations, including FS policies, when creating the job announcement. Some of the employees have their job announcements reviewed by a supervisor, Lead, or peer, prior to posting.

(2) Completing Qualification Reviews of Applicants

All of the employees in the Human Resources Specialist (Recruitment & Placement) GS-0201-07 position perform qualification reviews of applicants. They perform these qualification reviews by referencing documents pertaining to the position, such as the Position Description or OPM guidelines, against the applicants' submitted materials and resume that document work experience. They must document their qualification reviews using a qualification work sheet. The employees with Employment Authority can approve their own reviews. Employees without Employment Authority send their qualification review work sheet for review and approval by a staffer with Employment Authority. After the qualification determinations are approved, the Hiring Manager of the job announcement will receive notification of the qualified candidates from which he can select to fill the position in a certificate.

(3) Processing Selectees for Hiring

With the exception of the Human Resources Specialist (Recruitment & Placement) GS-0201-07 employees assigned to the National Temporary Team,

Burke and Valdez, the employees are involved in processing the hiring of a selectee to a position. As Burke noted, the National Temporary Team is divided into two teams: the Pre-Team processes hiring prior to selection, and the Post-Team after a hiring manager has made a selection. Both Burke and Valdez perform tasks on the Pre-Team, but Burke believes his position can be assigned to either the Pre or Post Team – as he has experienced. The other employees, as part of processing a selectee for hiring, must document the hiring and specifics of the position in a SF-52 form. Both Cordova and Vigil specifically refer to OPM's GPPA when completing a SF-52 form. Completing or "coding" the SF-52 form involves setting the selectee's pay, which the employees do by following the pay setting rules and regulations including OPM's pay tables. Certain pay setting situations, such as a selectee with a higher previous rate, require the employees to follow specific rules. The employees without Employment Authority would then send the completed SF-52 form to a staffer with Employment Authority for review and approval. Vigil, who has Employment Authority, can approve a SF-52 form he completed for positions at the GS-09 grade level and below.

(4) Advising Hiring Managers

All of the Human Resources Specialist (Recruitment & Placement) GS-0201-07 positions advise hiring managers on the hiring process. Specifically, all of the employees answer any questions that a hiring manager may have during the hiring process, including the applicable policies and procedures that the employees follow. Both Andujo and Cordova advise hiring managers on the different hiring authorities, in accordance with OPM regulations. Hiring managers may also refer applicants back to the employees regarding the employees' determinations - such as whether an applicant is qualified. Additionally, all of the employees counsel other FS employees and applicants on the hiring process

**d. Human Resources Specialist  
(Recruitment & Placement) GS-0201-09**

Christine Bajart is a Human Resources Specialist (Recruitment & Placement) GS-0201-09, and has been assigned to the National Temporary Team since August 2019. Within the National Temporary Team, Bajart works on the Pre-Team. Bajart's duties include: preparing and processing the hiring of FS employees. Bajart has Employment Authority authorizing her to independently approve the following hiring actions: 1039 New Hire Actions, 1039 Re-Hire Actions, 30-day Critical Need Actions, Corrections/Cancellations of Temp Hire Actions, Extensions of Appointments for Temp Hire Actions, and Temp NTE Appointments for non-permanent employees. Bajart exercises her Employment



Authority in accordance with Departmental and Forest Service policies in handbooks and manuals and 5 CFR.

Felicia Salazar is a Human Resources Specialist (Recruitment & Placement) GS-0201-09, and has been assigned to the National Fire and Aviation Team since March 2019. Salazar's duties include: preparing and processing the hiring, promotion, and pay increases of FS employees. Salazar has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-13 level. Salazar exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

Deric Sanchez is a Human Resources Specialist (Recruitment & Placement) GS-0201-09, and has been assigned to the Albuquerque Service Center Human Resources Service Team since February 2020. Prior to February 2020, Sanchez was assigned to the National Fire and Aviation Team beginning in March 2019. Sanchez' duties include: preparing and processing the hiring, promotion, transfer, and pay increases of FS employees. Sanchez has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-11 level. Sanchez exercises his Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR. The evidence shows that Sanchez was having some of his work reviewed until becoming acclimated to his new team assignment.

(1) Creating and Posting Job Announcements

All three employees create job announcements for FS positions on USAJOBS. The employees also may consult with hiring managers prior to creating the job announcements in a pre-hire consultation, to clarify the specifics of the position to be announced. Bajart also noted that she creates job announcement for Wage Grade (WG) positions, which, unlike GS positions, have specific requirements for the questionnaire included in a job announcement. Accordingly, she contacts the hiring manager to determine the appropriate questionnaire for the position. All of the employees refer to the Position Description when creating the job announcement.

(2) Completing Qualification Reviews of Applicants

The employees all perform qualification reviews of applicants and, using their Employment Authority, determine which applicants are qualified for a position. Bajart performs second level qualification reviews for applicants to confirm that the preliminary qualification review was properly performed. The employees review or assess applicants' resumes against the established position requirements, found in the Position Description or job announcement, to identify qualified applicants. The applicants' qualification determinations are then forwarded to the hiring manager for their selection.

Salazar and Sanchez also perform similar qualification reviews to determine FS employees' eligibility for promotions and pay increases.

(3) Processing Selectee for Hiring

Salazar and Sanchez process the hiring of a selectee after the hiring manager makes a selection. For Sanchez, processing the hiring of a selectee involves identifying any pre-hiring requirements specific to the position based on the Position Description and FS SOPs. For both Salazar and Sanchez, part of processing a selectee's hiring requires the setting of certain specifications of the position, including pay. Both refer to OPM's locality pay tables when they set pay for a selectee and must apply specific OPM and FS regulations for special situations, such as a selectee with a higher previous rate. Bajart, as part of the Pre-Team within the National Temporary Team, does not currently process hiring actions that occur after a hiring manager selects an applicant. However, Bajart has performed such hiring actions, including processing a selectee for hiring, in the past. Additionally, it is possible that she could be assigned to perform those hiring actions in the future.

(4) Advising Hiring Managers

The employees all advise hiring managers on the HR policies and regulations that are involved in the employees hiring actions including creating job announcements and performing qualification reviews. Salazar is responsible for advising a hiring manager of the applicable rules and regulations for announcing a specific position. Sanchez, during a pre-hire consultation, advises the hiring manager on the different hiring authorities and their requirements available for announcing the position. If a hiring manager or applicant has a question regarding a qualification determination that Sanchez made, they would directly contact him and he would advise them of the specific position requirements he applied.

**e. Human Resources Specialist  
(Recruitment & Placement) GS-0201-11**

Juana Acosta is a Human Resources Specialist (Recruitment & Placement) GS-0201-11, and has been assigned to the National Fire and Aviation Team since 2012. Acosta is assigned to a sub-group within her team that mainly services FS Regions 6, 8, and 9. Acosta can be assigned to work with any of the FS Regions, as needed. Acosta's duties include: preparing and processing the hiring, promotions, transfers, and pay increases of FS employees. Acosta has Employment Authority limited to approve hiring actions up to and including positions at the GS-13 level. Acosta exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

Estella Aguilar is a Human Resources Specialist (Recruitment & Placement) GS-0201-11, and has been assigned to the National Collective Hiring Team/Pathways since approximately the beginning of 2019. The Pathways program is an OPM program designed to invite talented students and recent graduate into work in federal agencies. Acosta's duties include: preparing and processing the hiring, promotions, and pay increases of FS employees. Acosta has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-12 level. Acosta exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

Monica Corral is a Human Resources Specialist (Recruitment & Placement) GS-0201-11, and has been assigned to the National Fire and Aviation Team since approximately mid-2018. Corral's duties include: preparing and processing the hiring and promotions of FS employees. Corral has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-13 level. Corral exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

Theresa Lara is a Human Resources Specialist (Recruitment & Placement) GS-0201-11, and has been assigned to the National Fire and Aviation Team since October 2019. Lara's duties include: preparing and processing the hiring, promotions, transfers, and pay increases of FS employees. Lara has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-13 level. Lara exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

Tyson Sam is a Human Resources Specialist (Recruitment & Placement) GS-0201-11, and has been assigned to the Washington Office Team since April 2020. Prior to joining the Washington Office Team, Sam held his current position on the National Fire and Aviation Team. Sam's duties include: preparing and processing the hiring, promotions, and pay increases of FS employees. Sam has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-13 level. Sam exercises his Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

#### (1) Creating and Posting Job Announcements

All of the Human Resources Specialist (Recruitment & Placement) GS-0201-11 employees create job announcements for FS positions as part of their duties. While the employees create announcements for different types of FS positions, ranging from firefighters

to administrative staff at FS's headquarters, they all refer to the Position Descriptions when creating job announcements. Some of the employees consult with hiring managers during a pre-hiring consultation to understand the staffing need, and advise hiring managers on hiring authorities and other rules and regulations that implicate a job announcement.

#### (2) Completing Qualification Reviews of Applicants

All of the employees perform qualification reviews of applicants. While the employees review different types of positions, with different requirements, all of the employees refer to the Position Description, or job announcement which is based on the Position Description, when reviewing an applicant's resume to determine if they are qualified. As all of the employees have Employment Authority, they each send hiring managers a list of the applicants they have determined are qualified for the position. The hiring manager will then select an applicant for the position based on the employees' determinations.

#### (3) Processing Selectees for Hiring

After a hiring manager selects an applicant, the employees are involved in processing the selectee for hiring, including coding a SF-52 form for the hiring of the selectee. The process of coding the SF-52 form involves setting pay for the selectee. The employees apply OPM standards, such as the locality pay table, in setting pay. All of the employees, with the exception of Lara, occasionally deal with pay setting circumstances that are more complicated and require applying specific rules and regulations, such as pay for a selectee with a higher previous rate. All of the employees approve the SF-52 form after coding it.

#### (4) Advising Hiring Managers

All of the employees advise hiring managers on the hiring process as part of their duties. Most of the employees advise hiring managers in a pre-hiring consultation when creating job announcements, and all respond to any questions or concerns that hiring managers have throughout the hiring process. Specifically, they answer any of the hiring managers' questions and explain the applicable rules and regulations pertaining to hiring actions that the employees make, such as applicant qualification determinations. Those employees involved in processing promotions, pay increases, and transfers for FS employees also provide similar support to hiring managers through the processing of those personnel actions. All of the employees, if requested, advise applicants, which can be FS employees, on the hiring and personnel actions that they make.

**f. Lead Human Resources Specialist  
(Recruitment & Placement) GS-0201-12**

Kelly De Hoyos is a Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12, and has been assigned to the National Collective Recruitment Team since September 2019. De Hoyos's duties include: preparing and processing the hiring, promotions, pay increases, and demotions of FS employees. Unique to the National Collective Recruitment Team, De Hoyos develops recruitment plans, working with universities and other FS recruiters in identifying potential candidates for specific FS positions. De Hoyos has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-12 level. De Hoyos exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

De Hoyos reviews the work of other employees on her team, and along with her supervisor, provides them with training and guidance. Although she is not a selecting official, De Hoyos is part of the hiring process for her team, having served on hiring panels and anticipates continuing to do so. De Hoyos also assigns work to employees on her team. De Hoyos relies on instructions from her supervisor, branch chief, and assistant director when assigning and reassigning work. She specifically works with her supervisor, to take into consideration team members' skill level, development opportunities, workload, and performance in assigning work to employees. De Hoyos is responsible for addressing employee performance related to timeliness and quality. Specifically, De Hoyos will work with an employee whose work is deficient by guiding and training them before reporting back to her supervisor. De Hoyos makes recommendations to her supervisor regarding overtime, promotions, and performance appraisals for employees on her team. Crosbie, who is at the top of De Hoyos' chain of command, confirmed that Leads' input on employee performance are considered by supervisors for the purposes of determining employees' proficiencies for such actions as granting Employment Authority. If De Hoyos's supervisor is unavailable, she can approve leave requests for her team. De Hoyos attends meetings with supervisors and other leads within her branch.

Carolyn Thomas is a Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12, and has been assigned to the Washington Office Team since December 2016. Thomas's duties include: preparing and processing the hiring, promotions, pay increases, and demotions of FS employees. Thomas has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-15 level. Thomas exercises her Employment Authority in accordance with

Departmental and FS policies in handbooks and manuals and 5 CFR.

Thomas reviews and approves work for a set number of employees on her team, using her Employment Authority. Thomas trains and otherwise directs employees on her team in accomplishing their work. While Thomas is not a selecting official in hiring and promotions within her team, she does participate on hiring panels. When the team's workload dictates, Thomas assigns work to employees on her team, daily distributing SF-52 tracker actions to employees for completion. Thomas can also reassign such work. Overall, Thomas takes into consideration employees' experience, abilities, and performance as well as the team's workflow, when assigning and/or reassigning work. Thomas advises her supervisor of errors in employees' work that she reviews, but does not maintain employee performance records. Curtis, who is at the top of Thomas's chain of command, confirmed that there is an expectation that Leads provide employees with training and feedback as they assign and review the employee's work. If Thomas's supervisor is unavailable, Thomas can approve leave requests for her team. Thomas attends meetings with supervisors and other leads within her branch.

Maricela Diaz is a Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12, and has been assigned to the National Collective Hiring/Pathways Team since January 2020. Diaz's duties include: preparing and processing the hiring and promotions of FS employees. Diaz has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-13 level and WG-10 level. Diaz exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

Diaz uses her Employment Authority to review and approve the work of employees on her team. Diaz is not a selecting official, but has previously sat on hiring panels for positions on her team and believes her opinions on candidates would be valued by her supervisor. While work is distributed according to pre-established regional assignments made by her supervisor, Diaz can make a recommendation to her supervisor to assign and/or reassign work based on employees' workloads and capabilities. Diaz shares feedback with her supervisor based on her review of employees' work, and believes she could recommend an employee for a career ladder promotion. Crosbie, who is at the top of Diaz's chain of command, confirmed that supervisors consider Leads' input on employee performance for the purposes of determining employees' proficiencies. If Diaz's supervisor is unavailable, she can approve leave

requests for her team. Diaz attends meetings with supervisors and other leads within her branch.

Elizabeth Walters is a Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12, and has been assigned to the National Collective Hiring/Pathways Team since August 2019. Walters's duties include preparing and processing the hiring, pay increases, and promotions of FS employees. Walters also serves as the Presidential Management Fellows (PMF) Coordinator. PMF is a two-year training and leadership development program, administered by OPM and run by FS in accordance with established rules and regulations for the program. Walters has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-15 level. Walters exercises her Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR.

Walters reviews and approves the work of employees on her team using her Employment Authority. Although not a selecting official, Walters has participated in interviews for positions on her team in the past, and submitted her recommendation on candidates to the hiring manager. Walters assigns HR help cases and eTracker requests to employees on her team based on regional assignments, but she can also assign or reassign work based on workload and employees' capabilities. Walters is not involved in the performance appraisals of employees on her team, but does discuss any issues with their work as she reviews and approves it using her Employment Authority. Crosbie, who is at the top of Walters' chain of command, confirmed that Leads' input on employee performance are considered by supervisors for the purposes of determining employees' proficiencies. If Walters' supervisor is unavailable, she would seek higher-level approval before making decisions on employees' leave requests. Walters attends meetings with supervisors and other leads within her branch.

#### (1) Creating and Posting Job Announcements

All of the employees create job announcements as part of their duties. The employees can meet with the hiring manager in a pre-hiring consultation to gather additional information on the position as well as advise hiring managers regarding hiring authorities available for the position. The employees all follow applicable rules and regulations in completing their work. Some provided examples of such rules and regulations include OPM regulations, the Position Description, and FS SOPs.

#### (2) Completing Qualification Reviews of Applicants

The employees complete reviews of applicants' materials, such as resumes, in order to determine if the applicant is qualified for the position. When making these qualification determinations, the employees adhere to the Position Description and any other applicable rules

and regulations. Additionally, Diaz must determine if an applicant meets the Pathways Program's specific requirements. As all of the employees have Employment Authority, they can approve their qualification determinations and send them to the hiring manager for his selection.

#### (3) Processing Selectees for Hiring

After a hiring manager has selected a qualified applicant to hire, the employees are responsible for processing the hiring of the selectee. Such processing involves coding a SF-52 form for the selectee's hiring. The employees must apply OPM and FS rules and regulations when setting the position specifications, including pay. Again, all of the employees exercise their Employment Authority in approving the SF-52 form they coded as well as the work of lower-level staffers.

#### (4) Advising Hiring Managers

The employees advise hiring managers on the applicable rules and regulations involved in personnel actions, including hiring and position qualifications. If a hiring manager or an applicant, who could be a current FS employee, has a question regarding qualification determinations that they made, the employees provide an explanation of the applicable qualification rules and regulations in support of their decisions.

### **g. Human Resources Assistant GS-0203-07**

Barbara Jordan is a Human Resources Assistant GS-0203-07, and has been assigned to the National Temporary Team since December 2019. Jordan's duties include: preparing and processing the hiring of FS employees. Jordan does not have Employment Authority. Accordingly, Jordan must have some of her work reviewed by someone with Employment Authority, such as a higher-level team member or supervisor.

#### (1) Creating and Posting Job Announcements

The evidence does not demonstrate that Jordan creates and/or posts jobs as one of her duties.

#### (2) Completing Qualification Reviews of Applicants

Jordan performs qualification reviews of applicants to temporary FS jobs. In completing a qualification review, Jordan compares the applicant's resume to the Position Description to determine if the applicant meets the requirements for the position. Jordan also reviews or assesses applicants' resumes and qualifications in accordance with established policies and guidance, such as training slides provided by the FS, the coding instruction booklet specific to EmpowHR, job announcements, and OPM regulations. For some applicants, Jordan may need to review a resume to determine if the applicant meets the requirements for a Veterans Recruitment Appointment (VRA) per the

regulations. After Jordan completes her qualification review, she sends her recommendations to her Employment Officer for review and Employment Authority approval.

Jordan is also responsible for completing "1039 Audits," which are audits of a seasonal employee's number of hours worked within a given year. Under OPM regulations, temporary seasonal employees can only maintain non-competitive rehire eligibility by working no more than a combined total of 1,039 hours anywhere in the FS within their service year. Specifically, when Jordan reviews a hiring action for a seasonal position early in the season, she will perform an audit to determine if the employee did not exceed that limit. Jordan sends her findings to her Employment Officer for review and Employment Authority review. If a hiring manager contacts her to clarify whether a certain effective date for a temporary seasonal position is permissible, Jordan can independently answer the hiring manager without consulting her Employment Officer.

### (3) Processing Selectees for Hiring

After a hiring manager selects an applicant, Jordan codes a SF-52 form for the hiring of the selectee. In doing so, Jordan refers to the coding manual, OPM regulations, and training slides provided to her team. Jordan, among other things, sets pay for the selectee on the SF-52 form by referencing OPM's pay tables and the DOD's Defense Civilian Personnel Advisory Service's wage schedules for Wage-Grade positions. Jordan can set pay for a position in Alaska or for a selectee with a higher previous rate, which are more complicated pay setting situations. Jordan then sends the coded SF-52 form to her Employment Officer for review and Employment Authority approval.

### (4) Advising Hiring Managers

Jordan advises hiring managers throughout the hiring process when they approach her with a question.

## **h. Human Resources Assistant (Recruitment & Placement) GS-0203-08**

Geraldine Griego is a Human Resources Assistant GS-0203-08, and has been assigned to the National Fire and Aviation Team for approximately the last 5 years. Griego's duties include: preparing and processing the hiring and promotion of FS employees. Griego does not have Employment Authority. Accordingly, Griego must have some of her work reviewed by someone with Employment Authority before it is considered final.

### (1) Creating and Posting Job Announcements

The evidence does not demonstrate that Griego creates and/or posts jobs as one of her duties.

### (2) Completing Qualification Reviews of Applicants

Griego performs qualification reviews of applicants by first reviewing the job announcement for the position requirements. Then Griego will access the applicant's IQCS master record, which is a system of records from the National Wildfire Coordinating Group that maintains fire specific certifications, to determine if the applicant has attained the certifications required for the position. Griego completes a qualification worksheet as she performs her review, noting the applicant's specialized experience. Griego will also note whether the position requires a drug test by reviewing the Position Description. When Griego has completed a qualification worksheet on an applicant, she then forwards it for review and approval by a staffer with Employment Authority. If an applicant does not qualify, she will provide the reason(s) why to the reviewing staffer. If a hiring manager has a question regarding a qualification review that Griego performed, the hiring manager would contact the staffer who used their Employment Authority to approve the qualification decision rather than Griego herself.

Griego also prepares and processes career ladder promotions and temporary promotions of FS employees. Griego reviews employees' time in their position to determine if they are eligible for a career ladder promotion. For temporary promotions, Griego completes a qualification worksheet by reviewing the employee's resume to determine if they are qualified. Griego forwards her qualification recommendations to a staffer with Employment Authority.

### (3) Processing Selectees for Hiring

Once a hiring manager has selected an applicant to hire, Griego creates a SF-52 form for the hiring of the selectee. Griego uses the SF-52 form checklist, and a FS created document provided to her team, to fill out the form. Occasionally, Griego will need to set pay for the selectee by reviewing the OPM locality pay table. In situations where the selectee had a higher previous rate, Griego will refer to her pay guides and determine the appropriate pay range for the hiring manager to select from. Griego then sends the completed SF-52 form for review and approval by a staffer with Employment Authority.

### (4) Advising Hiring Managers

Griego advises hiring managers throughout the hiring process when they approach her with a question.

## **i. Human Resources Specialist (Classification Recruitment & Placement) GS-0201-11**

Charles Fakeye is a Human Resources Specialist (Classification Recruitment & Placement) GS-0201-11

with the Classification Branch, and has been assigned to work with the National Fire and Aviation Team since May 2018. Fakeye's position is intended to be 50% staffing work and 50% classification work with the priority of his team being staffing. Fakeye's work in actuality is closer to 60% staffing and 40% classification. Fakeye's duties include: preparing and processing the hiring, promotions, pay increases, and transfers of FS employees. Fakeye's duties also include classifying FS positions and performing desk audits. Fakeye has Employment Authority limited to approve hiring actions up to, and including, positions at the GS-11 level. Fakeye exercises his Employment Authority in accordance with Departmental and FS policies in handbooks and manuals and 5 CFR. Additionally, Fakeye has Delegation Classification Authority, including desk audits, for all FS fire positions.

(1) Creating and Posting Job Announcements

The evidence does not demonstrate that Fakeye creates and/or posts jobs as one of his duties.

(2) Completing Qualification Reviews of Applicants

Fakeye performs qualification reviews of applicants to determine which applicants are qualified for a position. Specifically, Fakeye applies the position requirements from the Position Description and job announcement to applicants' resumes to determine if they are eligible to be hired into the position. Fakeye also verifies veteran preference adjudications. Additionally, Fakeye prepares Maximum Entry Age (MEA) Waiver packages for consideration. The maximum age to enter most FS fire positions is 37-years of age, but there are exceptions, including for Veterans. Fakeye must review the applicant's records and apply the exceptions to determine if the applicant is eligible for the waiver. Using his Employment Authority, Fakeye sends his qualification determinations to hiring managers who will then select a qualified applicant for the position.

(3) Processing Selectees for Hiring

After a hiring manager selects a qualified applicant for a position, Fakeye is involved in processing the hiring of the selectee. Specifically, Fakeye sets the pay for selectees, which is done by coding a SF-52 form. Fakeye applies OPM standards as well as policy and guidance provided by the FS in setting the pay. Fakeye is also involved in the processing of selectees for hiring when using the FS HR systems, such as EmpowHR, to complete the staffing process.

(4) Classifying Positions

Fakeye also classifies FS positions. Specifically, Fakeye classifies new positions, adds/removes supervisory duty to existing positions, and makes other classification changes to FS positions. Whenever a manager requests the classification of a fire

position, Fakeye's supervisor will assign the task to a qualified HR staffer, such as Fakeye. Fakeye applies the standards set forth in OPM's Classification Handbook, as well as OPM's Occupational Groups and Families Handbook. As Fakeye has Delegation Classification Authority for all fire positions, he can approve his own classification work and decisions.

(5) Performing Desk Audits

Fakeye can also perform desk audits of positions. When performing a desk audit, Fakeye reviews a position encumbered by an employee to verify that the position is properly classified per OPM classification regulations. Fakeye uses his Delegation Classification Authority to approve the findings from desk audits that he completes. Based on those desk audit findings, a manager could decide to upgrade or downgrade the classification of a position. Fakeye reviews the position, and the work being performed by the employee encumbering it, in reference to the classification rules and regulations of OPM's Classification Handbook and Occupational Groups and Families Handbook.

(6) Advising Hiring Managers and Managers

Fakeye advises hiring managers on the rules and regulations he applies in his work in the hiring process. This includes Fakeye answering a hiring manager's questions pertaining to Fakeye's determinations on applicant qualifications. If a manager had questions regarding classification work that he completed, Fakeye would explain the rules and regulations that he applied. Similarly, if a manager had questions regarding a desk audit that Fakeye performed, Fakeye would advise the manager of the classification rules and regulations that he applied.

**j. Human Resources Specialist  
(Classification) GS-0201-11**

Linda Bernal is a Human Resources Specialist (Classification) GS-0201-11, and has been assigned to the Classification Branch. Bernal has been performing her job for approximately 10 years, and due to FS going through a realignment and centralization, she was recently assigned to the Classification Branch. Prior to the realignment and centralization, Bernal was still performing classification work but was assigned to the Washington Office Team. Bernal's duties include: making classification changes to FS positions, performing desk audits, completing re-certification of position classifications, and performing new classifications. Bernal is the primary point of contact for classifications from her previous team; she reviews hiring managers' proposed duties for a position, and advises on organizational charts, mission statements, and OPM guidance. Bernal has Delegation Classification Authority

for FS positions up to, and including, the GS-13 level. Due to the realignment and centralization of FS's classification staff and the transition period, Bernal was not exercising her Delegation Classification Authority completely independently as before.

(1) Creating and Posting Job Announcements

The evidence does not demonstrate that Bernal creates and/or posts jobs as one of her duties.

(2) Classifying Positions

When Bernal classifies a position, she determines the appropriate title, series, and grade of the position in accordance with OPM standards. Once she has classified a position, it becomes a legal document that can only be appealed through a formal process. In classifying a position, Bernal analyzes the specifics of the position using OPM standards, which includes determining the primary purpose of the position and how it fits within OPM's prescribed standards. Bernal also determines the bargaining unit status of the position by consulting the Position Description, the applicable master labor agreement, and the specific exclusions of the bargaining unit. Bernal has Delegation Classification Authority to approve her classification determinations for positions at, and below, the GS-13 level.

(3). Performing Desk Audits

Bernal performs desk audits of FS positions, and applies OPM classification standards to the specific work being performed in a position. Accordingly, Bernal has Delegation Classification Authority for such classification determinations for positions up to, and including, the GS-13 level.

(4). Advising Managers

Bernal advises managers on OPM classification standards as they pertain to Bernal's classification determinations and desk audit findings. Additionally, Bernal advises FS employees on classification matters both formally through the HR Help Desk, as well as informally when directly contacted.

### III. Analysis and Conclusions

Section 7112(b)(3) of the Statute excludes from a bargaining unit, employees who are "engaged in personnel work in other than a purely clerical capacity." In *US Dep't of Veterans Affairs, Kansas City VA Medical Center, Kansas City, Missouri*, 70 FLRA 465 (2018) (Member DuBester dissenting) (*Kansas City VA*), the Authority determined that past interpretations of whether an employee was "engaged in personnel work in other than a purely clerical capacity" were inconsistent with the Statute. The Authority further determined that employees engaged in personnel work were excluded from bargaining units unless their work was "purely clerical"

and that "purely clerical" would mean that the employee was exclusively focused on administrative tasks like filing and typing. The Authority clarified that personnel work that "involves evaluating, advising, recommending, and making assessments is not purely clerical." *Id.*<sup>6</sup> The Authority reversed prior Authority decisions "that overly relied on analyzing whether duties were performed in a routine manner or whether employees exercised independent judgment and discretion." *Kansas City VA*, 70 FLRA at 468.<sup>7</sup>

Section 7112(b)(1) of the Statute excludes from a bargaining unit employees who are, except as those noted in Section 7135(a)(2), management officials or supervisors. The Authority has found an employee to be a supervisor when: (1) the employee has the authority to engage in any of supervisory functions noted in Section 7103(a)(10) of the Statute; and (2) the exercise of such authority requires consistent exercise of independent judgment, rather than being routine or clerical in nature. *U.S. Dep't of the Interior, Nat'l Park Serv., U.S. Park Police*, 69 FLRA 31, 33 (2015) (*U.S. Park Police*). In determining whether an employee consistently exercises independent judgment, the Authority considers both the degree to which an employee's judgment is limited by higher-level management or constrained by established standards and policies. See *U.S. Dep't of Energy, W. Area Power Admin., Lakewood, Colo.*, 60 FLRA 6, 8-9 (2004) (*WAPA*). The Authority will consider whether an employee possesses "secondary indicia" of supervisory status if the evidence does not show that the employee independently possesses supervisory authority. *U.S. Dep't of the Interior, Bureau of Indian Affairs, Navajo Area Office, Gallup, N.M.*, 45 FLRA 646, 654-55 (1992) (*BIA*). Included in the secondary indicia consideration is whether an individual (1) attends management meetings, including supervisory training sessions and (2) has the authority to grant time-off to employees. *Id.* Additionally, the Authority has found that an individual is a supervisor where an individual's exercise of independent judgment in evaluating employee performance "is relied on by upper-level management in taking an action listed among the indicia of supervisory authority specified in [§] 7103(a)(10)," effectively making the individual's evaluation a "recommendation of that action." *U.S. Park Police*, 69 FLRA at 33.

<sup>6</sup> Ultimately, the Authority found the staffing assistants at issue in *Kansas City VA* were excluded from the bargaining unit because they were responsible for, among other things: answering questions from managers about staffing by conducting research and reviewing personnel documents; qualifying job applicants and ensuring that applicant selections comply with applicable policies and procedures; and determining whether to forward application materials to the hiring departments.

<sup>7</sup> E.g., *U.S. Dep't of State, Bureau of Consular Affairs, Passport Servs.*, 68 FLRA 657, 661-62 (2015).

**a. Human Resources Specialist GS-0201-07**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Specialist GS-0201-07: (1) creates and posts job announcements; (2) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description), and makes recommended assessments to higher-level HR staffers for their review and approval; (3) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy and guidance with approval by higher-level HR staffers; and (4) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on established policy and guidance. Specifically, Tucker creates and posts job announcements for FS positions on USAJOBS. Tucker's work is reviewed by a higher-level HR staffer, as she does not have Employment Authority; nevertheless, Tucker applies established policies and guidance, such as the Position Description and OPM's GPPA, in her review of a selectee's qualifications and when coding the SF-52 form for a selectee's hiring. Additionally, Tucker advises hiring managers on HR policies and system functionalities that she applies to her work.

Human Resources Specialists GS-0201-07 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Human Resources Specialist GS-0201-07 positions, encumbered by Harley Tucker and others, are excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**b. Human Resources Specialist GS-0201-09**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Specialist GS-0201-09: (1) creates and posts job announcements; (2) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description), and makes assessments to hiring managers; (3) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy and guidance; and (4) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on established policy and guidance. Apodaca creates and posts job announcements for FS positions to USAJOBS and then performs qualification reviews of applicants to such positions by applying policy, guidance, and criteria - such as OPM guidelines and the Position Description. Apodaca then processes a selectee's hiring into a position, including setting pay, by coding a SF-52 form according to OPM regulations. In

her work with the hiring process, she advises hiring managers, and occasionally applicants, regarding applicable policy and guidance.

Human Resources Specialists GS-0201-09 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Human Resources Specialist GS-0201-09 positions, encumbered by Arlene Apodaca and others, are excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**c. Human Resources Specialist (Recruitment & Placement) GS-0201-07**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Specialists (Recruitment & Placement) GS-0201-07: (1) creates and posts job announcements; (2) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description); those with Employment Authority make assessments to hiring managers, and those without Employment Authority make recommended assessments to higher-level HR staffers for their review and approval; (3) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy and guidance; employees without Employment Authority must get approval by higher-level HR staffers; and (4) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on established policy and guidance. Specifically, the employees in the position create and post job announcements for FS positions, and then perform qualification reviews of applicants by applying policy, guidance, and criteria - such as OPM guidelines and the Position Description. The employees also apply such policy and guidance as OPM's GPPA and pay tables when processing a selectee's hiring in a SF-52 form. Those employees without Employment Authority have their work reviewed to ensure appropriate application of policy and guidance. All of the employees, whether with or without Employment Authority, advise hiring managers on the hiring process and answer any questions the hiring managers may have.

Human Resources Specialists (Recruitment & Placement) GS-0201-07 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Human Resources Specialist (Recruitment & Placement) GS-0201-07 positions, encumbered by Jon Andujo, Stephen Burke Jr., Sabrina Cordova, Betty Valdez, Dominic Vigil, and others, are



excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**d. Human Resources Specialist  
(Recruitment & Placement) GS-0201-09**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Specialists (Recruitment & Placement) GS-0201-09: (1) creates and posts job announcements; (2) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description), and makes assessments to hiring managers; (3) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy and guidance; and (4) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on established policy and guidance. The employees in the position create and post job announcements for FS positions on USAJOBS and then perform qualification reviews of applicants using a position's requirements by applying policy, guidance, and criteria - such as OPM guidelines and the Position Description. Both Salazar and Sanchez process the hiring of a selectee according to OPM policies. While Bajart does not currently process such actions, she has in the past, and could be assigned such work in the future. All of the employees provide guidance on HR policies to hiring managers regarding the hiring actions they perform.

Human Resources Specialists (Recruitment & Placement) GS-0201-09 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 469-69. Therefore, I find the Human Resources Specialist (Recruitment & Placement) GS-0201-09 positions, encumbered by Christine Bajart, Felicia Salazar, Deric Sanchez, and others, are excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**e. Human Resources Specialist  
(Recruitment & Placement) GS-0201-11**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Specialist (Recruitment & Placement) GS-0201-11: (1) creates and posts job announcements; (2) evaluates applicants' qualifications according to established policies and criteria, and makes assessments to hiring managers; (3) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy; and (4) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on policy and guidance. All of the employees create and post job announcements

for FS positions on USAJOBS and then determine if applicants are qualified for a position by applying policy, guidance, and criteria - such as OPM guidelines and the Position Description. After a hiring manager selects an applicant, the employees process the hiring of the selectee, including setting pay in accordance with OPM policies. While the employees work with a variety of FS positions, they all provide hiring managers with guidance and answer any questions throughout the hiring process.

Human Resources Specialists (Recruitment & Placement) GS-0201-11 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Human Resources Specialist (Recruitment & Placement) GS-0201-11 positions, encumbered by Juana Acosta, Estella Aguilar, Monica Corral, Theresa Lara, Jeremy Seaton, Tyson Sam, and others, are excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**f. Lead Human Resources Specialist  
(Recruitment & Placement) GS-0201-12**

The evidence, including the duties outlined in the Position Description, shows that the Lead Human Resources Specialists (Recruitment & Placement) GS-0201-12: (1) creates and posts job announcements; (2) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description), and makes assessments to hiring managers; (3) processes personnel actions for selectees and employees in accordance with established policy and guidance; and (4) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on established policy and guidance. The employees in the Lead position, De Hoyos, Thomas, Diaz, and Walters, all create and post job announcements for FS positions. They all also perform qualification reviews by applying policy, guidance, and criteria - such as OPM guidelines and the Position Description, with Diaz also applying the requirements of the Pathways Program. Applying OPM and FS regulations, the employees process the hiring of a selectee by coding an SF-52 form. All of the employees advise hiring managers on the hiring process and explain any rules or regulations that they used in reaching their determinations.

Lead Human Resources Specialists (Recruitment & Placement) GS-0201-12 are involved in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12 positions,

encumbered by Kelly De Hoyos; Maricela Diaz; Carolyn Thomas; Elizabeth Walters, and others, are excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

The evidence also supports a finding that De Hoyos, Thomas, Diaz, and Walters are supervisors for the purposes of Section 7112(b)(1) of the Statute. Each of these Leads possesses or consistently exercises independent judgment regarding at least one of the supervisory indicia listed in Section 7103(a)(10) of the Statute. *U.S. Park Police*, 69 FLRA at 33. De Hoyos, Thomas, Diaz, and Walters all assign and/or reassign work, taking into consideration such factors as employees' experience, work load, and performance. *WAPA*, 60 FLRA at 8-9. Further, the Leads direct employees. Similar to the other Leads, De Hoyos trains employees, providing them with both instruction and feedback related to key job duties. All of the Leads are also involved in the hiring process of employees on their teams. While none of the Leads have selecting authority, they all participate on interview panels, providing recommendations and feedback to the selecting official. Moreover, the Leads each possess secondary indicia of supervisory status. *BIA*, 45 FLRA at 654-55. The Leads all provide feedback to their supervisors regarding employees' performance, training, and proficiency. *BIA*, 45 FLRA at 650-51. The evidence shows that the feedback is considered and can be relied upon for the purposes of determining employees' competencies related to such actions as promotions and Employment Authority designation. While Employment Authority designation is not tied to a particular grade level, supervisors and employees consistently expressed that obtaining Employment Authority is an expectation in reaching the full performance level of the 0201 series position. *Id.* Therefore, I find that Kelly De Hoyos; Maricela Diaz; Carolyn Thomas; Elizabeth Walters are excluded from the Union's bargaining unit under Section 7112(b)(1) of the Statute.

**g. Human Resources Assistant GS-0203-07**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Assistant GS-0203-07: (1) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description), and makes recommended assessments to higher-level HR staffers for their review and approval; (2) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy and guidance with approval by higher-level HR staffers; and (3) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on established policy and guidance. Jordan performs qualification reviews of applicants based

on OPM, FS, and Veterans Recruitment Appointment regulations and policies. Jordan also processes the hiring of selectees by coding a SF-52 form, which includes setting the selectee's pay by applying OPM regulations. In addition to the SF-52 form, Jordan is tasked with performing 1039 Audits to ensure employees in temporary positions are in compliance with OPM specific regulations on hours worked. Jordan has some of her work reviewed by higher-level HR staff because she does not have Employment Authority, but she responds to hiring managers directly regarding any questions that they may have on the hiring process.

Human Resources Assistant GS-0203-07 is involved in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Human Resources Assistant GS-0203-07 position, encumbered by Barbara Ann Jordan, is excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**h. Human Resources Assistant  
(Recruitment & Placement) GS-0203-08**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Assistant (Recruitment & Placement) GS-0203-08: (1) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description), and makes recommended assessments to higher-level HR staffers for their review and approval; (2) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy and guidance with approval by higher-level HR staffers; and (3) advises hiring managers, applicants, and FS employees on personnel actions (e.g., position qualifications) based on established policy and guidance. Griego completes reviews of applicants' qualifications using both OPM policies and IQCS for applicable fire positions. She also codes SF-52 forms for all hiring actions, following the applicable OPM regulations and FS guidance. Griego does not have Employment Authority, and some of her work must be reviewed and approved by higher-level HR staff. However, she independently advises hiring managers on the hiring process.

Human Resources Assistants (Recruitment & Placement) GS-0203-08 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA 468-69. Therefore, I find the Human Resources Assistant (Recruitment & Placement) GS-0203-08 positions, encumbered by Geraldine Griego and others, are

excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**i. Human Resources Specialist (Classification Recruitment & Placement) GS-0201-11**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Specialist (Classification Recruitment & Placement) GS-0201-11: (1) evaluates applicants' qualifications according to established policy and guidance (e.g., Position Description), and makes assessments to hiring managers; (2) processes personnel actions by coding SF-52 forms for selectees and employees in accordance with established policy and guidance; (3) advised hiring managers on personnel actions (e.g., position qualifications); (4) evaluates and assesses the classification of FS positions in accordance with established policy and guidance; and (5) advises managers on classification determinations based on established policy and guidance. Fakeye performs qualification reviews, using established regulations and the Position Descriptions, and also applies veterans preference and MEA policies. Using OPM and FS guidance, he processes the hiring of selectees by appropriately coding the SF-52 forms. Fakeye also applies OPM classification standards when he performs classification related reviews of FS positions, including desk audits. Fakeye advises managers on both hiring and classification rules and regulations, and answers any questions they may have pertaining to his work.

Human Resources Specialists (Classification Recruitment & Placement) GS-0201-11 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Human Resources Specialist (Classification Recruitment & Placement) GS-0201-11 positions, encumbered by Charles Fakeye and others, are excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**j. Human Resources Specialist (Classification) GS-0201-11**

The evidence, including the duties outlined in the Position Description, shows that the Human Resources Specialist (Classification) GS-0201-11: (1) evaluates and assesses the classification of FS positions in accordance with established policy and guidance; and (2) advises managers on classification determinations based on established policy and guidance. For example, Bernal applies OPM policies when she performs her classification work and will advise managers of those policies both informally and through the HR Help Desk.

Human Resources Specialists (Classification) GS-0201-11 are engaged in personnel work in other than a purely clerical capacity, because their work involves evaluating, advising, and making assessments. *Kansas City VA*, 70 FLRA at 468-69. Therefore, I find the Human Resources Specialist (Classification) GS-0201-11 positions, encumbered by Linda Bernal, and others, are excluded from the Union's bargaining unit under section 7112(b)(3) of the Statute.

**IV. Order**

Accordingly, for the reasons stated herein, IT IS HEREBY ORDERED that the Union's bargaining unit is clarified to exclude the following:

**Human Resources Specialist GS-0201-07** encumbered by: Clendenin, Kristina and Tucker, Harley.

**Human Resources Specialist GS-0201-09** encumbered by Apodaca, Arlene and Brooks Jr, Herbert.

**Human Resources Specialist (Recruitment & Placement) GS-0201-07** encumbered by: Andujo, Jon; Brown Jr, John; Burke Jr, Stephen; Cordova, Sabrina; Fierro, Sylvia; Gonzales, June; Olivas, Steven; Sena, Roberta; Springer, Savannah; Valdez, Betty; Vigil, Dominic.

**Human Resources Specialist (Recruitment & Placement) GS-0201-09** encumbered by: Abeyta, Daniel; Baca Valdez, Janice; Bajart, Christine; Callarman, Phoenix; Corral, Flor; Gonzales, Elaine; Hernandez, Moraima; Jones, Jessica; Lederer, Heidi; Leyva, Anthony; Lovato, Edward; Maldonado, Celina; Mattox, Lacey; Mike, Sean; Moreno, Alicia; Noga, Jesse; Romani, Cindy; Saenz, Mildred; Salazar, Felicia; Sanchez, Deric.

**Human Resources Specialist (Recruitment & Placement) GS-0201-11** encumbered by: Acosta, Juana; Aguilar, Estella; Alabi, Aliu ; Aragon De Szumans, Margarita; Bahe, Marsha; Buchanan, Roy; Burson, Roberta; Corral, Monica; Derosa, Arminda; Gallegos, Gregory; Grant, Sharon; Gregg, Juli; Grubbs, Marilyn; Jaramillo, Jessica; Lara, Theresa; Livingston, Bobby; Martinez, Luis; McGrew, Toinette; Medina, Lawrence; Muncy, Maxine; Ortiz, Corrina; Ramirez, Ryan; Ramos, Kimberly; Riley-Chee, Phyllis; Ruiz Phol, Lori; Sam, Tyson; Seaton, Jeremy; Sotela, Sophia; Toledo, Travis; Worthington, Anita; Yanez, Rhonda; Zolman, Jaime.

**Lead Human Resources Specialist (Recruitment & Placement) GS-0201-12** encumbered by: De Hoyos, Kelly; Diaz, Maricela; Ortiz, Leandro; Thomas, Carolyn; and Walters, Elizabeth.

**Human Resources Specialist (Classification Recruitment & Placement) GS-0201-11** encumbered by: Barraza, Martha; Fakeye, Charles; and Louis, Geraldin.

**Human Resources Specialist (Classification) GS-0201-11** encumbered by: Bernal, Linda; Garcia, Robert; and Hilton, Karen.

**Human Resources Assistant GS-0203-07** encumbered by Jordan, Barbara.

**Human Resources Assistant (Recruitment & Placement) GS-0203-08** encumbered by Griego, Geraldine; and West, Bruce.

#### **V. Right to Seek Review**

Under section 7105(f) of the Statute and section 2422.31(a) of the Authority's Regulations, a party may file an application for review with the Authority **within sixty days of the date of the Decision and Order**. The application for review must be addressed to the Chief, Office of Case Intake and Publication, Federal Labor Relations Authority, Docket Room, Suite 201, 1400 K Street NW, Washington, DC 20424-0001. The parties are encouraged to file an application for review electronically through the Authority's website, [www.flra.gov](http://www.flra.gov).<sup>8</sup>

DATED at Denver, Colorado this 22st day of January, 2021.

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Timothy J. Sullivan  
Regional Director  
Denver Region  
Federal Labor Relations Authority  
1244 Speer Boulevard, Suite 446  
Denver, CO 80204

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<sup>8</sup> To file an application for review electronically, go to the Authority's website at [www.flra.gov](http://www.flra.gov), select **eFile** under the **Filing a Case** tab and follow the instructions.