

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



San Francisco Oversight Division  
120 Howard Street, Room 760  
San Francisco, CA 94105

**Declination of Reasonable Offer Decision**  
**Under Section 5366 of Title 5, United States Code**

**Appellant:** [appellant's name]

**Offered position:** USAR Unit Administrator  
GS-2005-7

**Current position:** Supply Technician  
GS-2005-6

**Organization:** [appellant's activity]  
Department of Army  
Dublin, California

**OPM decision:** Appeal denied

**OPM Decision Number:** C-2005-06-01

Signed by Denis J. Whitebook \_\_\_\_\_

Denis J. Whitebook  
Classification Appeals Officer

November 4, 1997 \_\_\_\_\_

Date

As provided in section 536.302 of title 5, Code of Federal Regulations, this decision is final. It is subject to discretionary review only under conditions and time limits specified in section 536.302 (address provided in the Introduction to the Position Classification Standards, appendix 4, section H).

**Decision sent to:**

[appellant's name and address]

[address of appellant's servicing personnel office]

Director  
U.S. Army Civilian Personnel Evaluation  
Agency  
Department of the Army  
1941 Jefferson Davis Highway  
Second Floor  
Arlington, VA 22202-4508

Chief  
Position Management and Classification Branch  
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Department of the Army  
Attn: SAMR-CPP-MP  
Hoffman Building II  
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Director of Civilian Personnel  
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## **Introduction**

On August 27, 1997, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received an appeal from [the appellant] of the termination of his grade and pay retention benefits due to declining a reasonable offer. His position is classified as Supply Technician, GS-2005-6. He works at [his activity, Department of the Army]. His appeal is timely. We have accepted and decided it under section 5366 of title 5, United States Code (U.S.C.).

## **General issues**

The appellant indicates that the position offered to him is not in the Supply Clerical and Technician Series, GS-2005, which he considers his primary series. He also notes that he has not worked in the Miscellaneous Clerk and Assistant Series, GS-303, the series of the offered position, for six years. However, we must determine whether an offer is reasonable based solely on whether it meets the six criteria in section 536.206 of title 5, Code of Federal Regulations (CFR). As indicated later, these points of the appellant do not bear on whether the six criteria are met. Therefore, we could not consider them in making our reasonable offer decision. However, we note that the record indicates that the appellant held a GS-303 position similar to the offered one for over 12 years.

The appellant indicates since he is the Property Book Officer for his facility, he cannot consider another assignment till the facility is reinventoried. Again, this point does not bear on whether the criteria in section 536.206 are met, and so we could not consider it in making our reasonable offer determination.

In reaching our determination, we have carefully reviewed all information furnished by the appellant and his agency.

## **Background**

On March 30, 1997, the appellant was changed from a Supply Technician, GS-2005-7, to a Supply Technician, GS-2005-6, due to a reduction in force or reorganization. In a letter dated June 19, 1997, the agency offered him the position of USAR Unit Administrator, GS-303-7. The offered position was in [an activity, Department of the Army]. The appellant's grade retention benefits were terminated August 16, 1997, based on declining this offer. He believes that the offer was not reasonable.

## **Evaluation**

As indicated earlier, we must find that an offer is reasonable if it meets the six criteria in 5 CFR 536.206. We evaluate the agency's offer to the appellant against those six criteria below.

*(1) The offer must be in writing, and must include an official position description of the offered position.*

The agency made its offer of the USAR Unit Administrator position in writing, in a letter dated June 19, 1997. The official position description for the offered position was enclosed with the letter. The agency sent the letter to the appellant's last known address of record by certified mail. The material of record indicates that this attempt at delivery may have been unsuccessful. However, the record also indicates that agency later faxed the letter to the appellant. The first criterion is met.

*(2) The offer must inform the employee that an entitlement to grade or pay retention will be terminated if the offer is declined and that the employee may appeal the reasonableness of the offer as provided in section 536.302.*

The June 19 letter indicated that the appellant's entitlement to grade and pay retention would end if he declined the offer. The letter also indicated that he could appeal to OPM if he did not believe the offer was reasonable. The second criterion is met.

*(3) The offered position must be of tenure equal to or greater than that of the position creating the grade or pay retention entitlement.*

The offered position was of career tenure, as was the position creating the grade or pay retention entitlement. The third criterion is met.

*(4) The offered position must be in an agency, as defined in 5 U.S.C. 5102, although not necessarily in the same agency in which the employee is serving at the time of the offer.*

The offered position was in the Department of Army, which is an agency. The fourth criterion is met.

*(5) The offered position must be full-time, unless the employee's position immediately before the change creating entitlement to grade or pay retention was less than full-time, in which case the offered position must have a work schedule of no less time than that of the position held before the change.*

The offered position was full-time. The fifth criterion is met.

*(6) The offered position must be in the same commuting area as the employee's position immediately before the offer, unless the employee is subject to a mobility agreement or a published agency policy which requires employee mobility.*

A commuting area is a geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment (5 CFR 351.203). The offered position was in [locality 1]. The appellant's position immediately before the offer was in [locality 2]. These two locations are within roughly 20 miles of each other. They are both on the eastern side of the San Francisco Bay Area. We judge that they

constitute one area for employment purposes. They are therefore in the same commuting area. The sixth criterion is met.

The appellant indicates that [locality 1] is more than one hour away from his current home in [locality 3]. However, where an employee happens to live is not relevant to determining whether the offered position is in the same commuting area as his or her position immediately before the offer.

The agency's offer to the appellant met the six criteria in 5 CFR 536.206. It was therefore a reasonable offer.

### **Decision**

The appeal is denied.