

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

Appellant: [appellant]

Agency classification: Engineering Technician
GS-802-10

Organization: Project Section
Facilities Management Service
Veterans Affairs Medical Center
U.S. Department of Veterans Affairs
[city and state]

OPM decision: Engineering Technician
GS-802-10

OPM decision number: C-0802-10-04

/s/ Robert D. Hendler

Robert D. Hendler
Classification and Pay Claims
Program Manager
Center for Merit System Accountability

December 9, 2008

Date

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

As indicated in this decision, our findings also show that the appellant's official position description (PD) does not meet the standard of adequacy described on pages 10-11 of the *Introduction*. PDs must meet the standard of adequacy; therefore, the agency must revise the appellant's PD to reflect the facts contained in this certificate. The servicing human resources office must submit a compliance report containing the corrected PD and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action to the Chicago Oversight and Accountability Group.

Decision sent to:

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[city and state]

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Introduction

On August 8, 2007, the Chicago Oversight and Accountability Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. The appellant's position is currently classified as Engineering Technician (ET), GS-802-10. However, the appellant believes it should be classified at the GS-11 grade level. The position is assigned to the Project Section, Facilities Management Service (FMS), Veterans Affairs Medical Center (VAMC), U.S. Department of Veterans Affairs (VA) in [city and state]. We received the initial agency administrative report (AAR), including the appellant's comments, on September 18, 2007. However, the appellant's PD was written in a narrative format and contained only a summary evaluation statement instead of in the factor evaluation system (FES) format as required for positions covered by a an FES standard required to apply the Job Family Standard for Technical Work in the Engineering and Architecture Group, 0800, issued in May 2007. A revised PD evaluated by application of the JGS was subsequently provided to this office.

We conducted an initial telephone audit with the appellant on July 17, 2008, with follow-up calls to address his rationale concerning work environment and other issues, which he provided in writing on October 30, 2008. We requested and received additional work examples by email from him in November 2008. We also conducted a telephone interview with the then immediate supervisor on July 17, 2008, and a follow-up interview with the appellant's new supervisor on October 30, 2008. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant states he previously served at two other Federal locations in positions classified as ET, GS-802-11, including one at another VAMC with similar duties. He accepted his current position at the [city and state] VAMC almost 15 years ago. The appellant states a former supervisor requested his position be upgraded, but this supervisor told the appellant that VAMC denied the upgrade because the facility did not warrant a GS-11 ET position. The appellant requested a desk audit in writing on three occasions but did not receive a response to the requests. The appellant then appealed the agency's classification decision to OPM.

In his original appeal request, received by OPM on July 2, 2007, the appellant based his appeal on the existence of GS-801-11 positions at other agencies in his local commuting area. He stated he compared his duties to the no longer current Engineering Technician Series, GS-802, position classification standard (PCS) and believed his duties meet the GS-11 standard. In particular, he cited his performance record, level of responsibility and his independent relationship with his supervisors.

The *Introduction* and the *Classifier's Handbook* contain General Schedule (GS) classification principles and practices applicable to all positions classified under the provisions of chapter 51 of 5 U.S.C. As discussed in the *Classifier's Handbook*, OPM considers a PD adequate for classification purposes when it is considered so by one knowledgeable of the occupational field involved and of the application of pertinent PCS, and classification principles and policies; and supplemented by otherwise accurate, available, and current information on the organization, functions, programs, and procedures concerned. The *Introduction* also states PDs for

nonsupervisory positions should define clearly the major duties assigned and the nature and extent of responsibility for carrying out those duties.

We find the additional duties the appellant described in support of his appeal are nearly identical to those already described in the PD of record, absent the appellant's inclusion of additional similarly related duties to those in the PD and the enhanced discretion to complete projects that are a reflection of his tenure in the position. The appellant does not provide any significant major duties not already described in the body of the PD; and, therefore, we find the PD of record adequate for classification purposes. However, after completing our fact-finding and evaluation, we find one aspect of the official PD is inaccurate. The PD does not reflect Factor 9 and fails to describe properly the appellant's work environment. As PDs must meet the standard of adequacy discussed in section III.E of the *Introduction*, the appellant's agency must revise his PD to meet this standard.

Explicit in the appellant's rationale is a concern that his position is classified inconsistently with other positions. He refers to positions in other agencies in his local community which perform similar work but are classified at a higher grade level as well as the previous positions he occupied in VA. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of the appellant's position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCSs and guidelines (5 U.S.C. 5106, 5107, and 5112). Comparison to PCSs is the exclusive method for classifying positions. Accordingly, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Therefore, we cannot compare the appellant's position to other positions which may or may not have been properly classified as a basis for deciding his appeal. .

Concerning the appellant's claim about the grade level of his position at the other VAMC, like OPM, the appellant's agency must also classify positions based on comparison to OPM PCSs and guidelines. Section 511.612 of title 5, Code of Federal Regulations (CFR), requires that agencies review their own classification decisions for identical, similar, or related positions to insure consistency with OPM certificates. Thus, the agency has the primary responsibility for insuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so similar as to warrant the same classification, he may pursue the matter by writing to his agency headquarters human resources office. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same, the agency must correct its classification to be consistent with this appeal decision. Otherwise, the agency should explain the differences between his current position and the previous one.

A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the duties assigned by management and performed by the employee. OPM classifies a real operating position and not simply the PD. Therefore, this decision is based on the actual duties assigned by management and performed by the appellant.

The appellant makes various other statements about his agency and its evaluation of his position. Since our decision sets aside all previous agency decisions, the appellant's concerns regarding his agency's classification review process are not germane to this decision.

Position information

The appellant is responsible for the design and management of various construction and maintenance projects at the [city and state] VAMC. This VAMC provides comprehensive tertiary psychiatric care, primary and secondary medical care, specialty care, extended and long-term care, preventive medicine, and related social support services for veterans as well as a variety of outpatient services. As a member of an integrated healthcare delivery system the, 484-bed facility includes nursing home care, a medical care unit, a primary care clinic, physical medicine, and a mental health clinic. The facility is comprised of 30 buildings on more than 200 acres in a park-like setting. The VAMC includes four additional Community-Based Outpatient Clinics (CBOC) spread throughout lower Michigan. The VAMC is co-located with a national cemetery, which while controlled by the Veterans Cemetery Administration collaborates on maintenance projects with the VAMC.

The duties of the position require the appellant to prepare design and specifications for construction and maintenance work. This includes architectural design, mechanical and electrical design, fire sprinkler design, lighting design, plumbing, heating, air conditioning, ventilation design and asbestos abatement design. The VAMC has historic structures and requires special attention and work modifications as a result. The appellant coordinates all assigned projects from conception through completion. The position serves as the Contracting Officer's Technical Representative on all contracted projects. This requires reviewing designs for technical soundness and inspecting all work done by contractors and VAMC staff to ensure compliance. The appellant is responsible for resolving problems with the contractors should they arise. He maintains and updates VAMC record drawings.

Work examples provided by the appellant include replacing windows. This entailed researching for a design which would meet VAMC needs and Historical Society requirements, reviewing bids, negotiating with building tenants and contractors, and overseeing contractor work. The appellant intervened when problems arose which required opening the wall and ceiling and changing the design of the windows because the color was too dark. A steam project affecting the entire facility necessitated coordinating road closures and planning how to provide steam for heat and hot water to certain buildings during the course of the project. Asbestos exposed during the course of the project required a construction stop order. The appellant obtained an estimate from the contractor for asbestos removal and containment. The decision to remove contaminated soil and replace it needed to be coordinate with the contracting office, legal office, engineering and the contactors. Costs were controlled by using recorded invoices for disposal of only the actual materials removed.

In reaching our classification decision, we carefully considered all of the information gained from the telephone audit and supervisory interviews, as well as all other information of record furnished by the appellant and his agency, including the PD of record. The appellant's PD and other material of record furnish more information about the appellant's duties and

responsibilities and how they are performed, and we incorporate it by reference into this decision.

Series, title, and standard determination

The agency allocated the position to the Engineering Technical series, 0802, titled it Engineering Technician, and evaluated it by application of the JFS for Technical Work in the Engineering and Architecture Group, 0800. The appellant does not disagree with the series or title, and after careful review of the record, we concur. The published JFS for Technical Work in the Engineering and Architecture Group, 0800 must be used for grade-level determination.

Grade determination

The JFS for Technical Work in the Engineering and Architecture Group, 0800, is written in FES format. Positions graded under the FES are compared to nine factors. Levels are assigned for each factor, and the points associated with the assigned levels are totaled and converted to a grade level. Under the FES, each factor-level description in a PCS describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails fully to meet the criteria in a factor-level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level.

The agency assigned Levels 1-7, 2-3, 3-3, 4-3, 5-3, 6-3, 7-B, 8-2, and 9-1. The appellant disagrees with the agency's evaluation except for Factors 1 and 6, although he stated he performs additional duties than those included in the analysis. After a thorough review, we concur with the agency's evaluation of Factor 1. Our evaluation will focus on the remaining eight factors.

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility and the review of the work completed. The primary components of this factor are how the work is assigned, the employee responsibility, and how the work is reviewed.

The position reports to a project section supervisor (Supervisory General Engineer, GS-801-12). The appellant states he works independently and responds to complex problems. Additionally, he states he has helped train new supervisors as that position has turned over several times during his tenure at the facility. According to the PD and verified by the supervisor, projects are assigned to the appellant, who then works independently and with a wide amount of discretion in determining the best method to complete the project.

At Level 2-3, the supervisor outlines possible problem areas; defines objectives, plans, priorities and deadlines; and provides assistance on controversial or unusual situations with no clear precedents. The employee is responsible for independently planning and carrying out the assignments in conformance with accepted policies and practices. He or she resolves commonly encountered work problems and deviations by exercising judgment in selecting the necessary

processes, instructions, guidelines, or accepted practices to accomplish the tasks. The employee brings controversial information and finding to the supervisor's attention for direction. The supervisor only reviews plans and completed works to ensure it conforms with policy and for the appropriateness of the employee's approach, technical soundness, and adherence to deadlines.

At Level 2-4, the supervisor only outlines broad objectives, available resources and discusses projects and timeframes with the employee. The employee determines individual projects to address and how to accomplish those tasks. This includes determining the most appropriate avenues to pursue, deciding the methods and practices to apply to all phases, and interpreting regulations and policy. The employee applies new methods to solve complex, intricate, sensitive and/or unprecedented problems. The employee coordinates projects which involve multiple units, organizations, or agencies. The supervisor reviews the appellant's work for soundness of approach, effectiveness in producing results, feasibility of recommendations, and adherence to requirements.

The appellant's position meets Level 2-3. As at this level, the supervisor assigns the work, stating what projects must be completed. The incumbent is fully responsible for determining the best method to accomplish the tasks and overseeing the completion of the work. He resolves most problems and his technical judgment is usually the final determination. The supervisor is responsible for reviewing the overall soundness of the project as opposed to a detailed review of each aspect of a project and only rarely needs to provide technical insight. For example, a project might involve 100 pages of technical information and 20 drawings. The supervisor will skim through the information, but not review each item.

The manner the supervisor reviews the completed work meets the criteria for Level 2-4 in that the supervisor is only reviewing the overall soundness of the project. However, unlike Level 2-4 the projects are determined by the supervisor and not by the appellant. Although historical preservation issues complicate the work, the work does not routinely require using new methods to resolve complex, intricate, sensitive and or unprecedented problems as would be the case in locations with complex research facilities with new and exacting technical requirements. Since the appellant's position fails to meet fully Level 2-4, it must be credited at Level 2-3 for 275 points.

Factor 3, Guidelines

This factor covers the nature and extent of guidelines for performing the work and the judgment needed to apply the guidelines or develop new guidelines. Guidelines either provide reference data or impose certain constraints on the use of knowledge. Guidelines are different from general knowledge, referring specifically to specific operating standards, policies, or methods which are designed for use at the local level.

The appellant states he has been involved with several complex projects which required additional guidelines and research. He states the historic nature of the facility also leads to increased possibilities and research to conduct the work so it meets historic designations as well as the VA standards. The supervisor indicates when projects are assigned; the appellant must utilize VA templates and modify them as needed to fit the project specifications.

At Level 3-3, the employee uses a variety of guidelines, manuals, and standard reference materials which have to be adapted and extended to deal with situations encountered in planning and accomplishing the work. While agency guidelines, such as agency policies, regulations, and precedents are available, they may not be completely applicable to a particular assignment or provide specific guidance due to situations that may arise during the course of the work. The employee must exercise judgment in interpreting these guidelines, analyze results and recommend changes.

At Level 3-4, the principal guidelines, manuals, and other reference materials regularly used in the work are presented in general terms. Guidance on how to perform the work is scarce or of limited use. The employee must use judgment, initiative and resourcefulness in deviating from established methods to solve complex and/or intricate issues and problems, develop new methods and criteria, and/or propose new polices and practices.

The appellant's position meets Level 3-3. As at Level 3-3, the appellant uses a variety of guidelines which include but are not limited to agency instructions, policies, technical publications and contract quality assurance requirements. Like Level 3-3, the appellant exercises seasoned judgment to modify his approach when guides are not completely applicable to the issue at hand. He interprets technical requirements and recommends approval or rejection of contractor's proposed manufacturing processes or alternate material requests. The appellant's work matches the extension and interpretation of guidelines typical of Level 3-3. Guidelines available are of greater specificity than those found at Level 3-4. Some projects require resolving additional issues, such as historical building requirements, but the work does not require developing new methods and criteria. Instead, the work requires modifying approaches or procedures, e.g., developing a cost-effective, ecologically sound, and technically appropriate approach to containing and disposing of asbestos exposed during the steam project. Therefore, Level 3-3 is credited for 275 points

Factor 4, Complexity

This factor covers the nature, number, variety and intricacy of tasks, steps, processes or methods of the work performed, and the difficulty and originality involved in the work. These three components all must all be at the higher level in order to be credited there.

The appellant writes that working at an 80-year-old historic facility "is a [sic] everyday challenge in designing and construction and requires ingenuity, problem solving, and leads into correcting unusual circumstances to resolves [sic] the present needs to satisfy patient and staffs requirements."

At Level 4-3, the work consists of a number of different and unrelated processes in completing assignments or projects. The employee analyzes the work to adjust or deviate from standard work methods based on work situations or conditions and coordinates and plans the phases of the assignment or project. He or she uses independent judgment and skill to interpret all of the information, plan work, or refine methods and techniques to determine the best course of action.

At Level 4-4, work consists of many different and unrelated processes and methods requiring ingenuity and skill to resolve a broad range of problems. The employee analyzes, selects, and adapts appropriate methods from a wide range of alternatives to: assesses unusual circumstances; evaluates operations, equipment, and activities; and applies qualitative and quantitative analytical techniques. He or she exercises seasoned judgment and skill to interpret considerable, incomplete, or conflicting data.

The appellant's work approaches Level 4-4 in that it requires the application of qualitative and quantitative techniques. While the appellant uses ingenuity and skill to resolve occasional problems, he does not work on a broad range of problems as described in JFS. For example, an illustrative of work at Level 4-4 in the JFS is resolving problems in adapting designs which are often new, unique or offer significant technical challenges because the details are not addressed by known precedents. Unlike Level 4-4, the appellant's work entails engineering projects which require adapting standard methods and techniques, e.g., selecting and adapting from well-established asbestos containment protocols and adapting window plans to accommodate historical requirements. Thus while the appellant may need to research methods for maintaining older buildings or complex local systems, the precedents and accepted methods are available to use. The work does not routinely involve unusual circumstances and conditions which requiring the exercise of skill and seasoned judgment in order to interpret considerable, incomplete or conflicting data. Therefore, Level 4-3 is credited for 150 points

Factor 5, Scope and effect

This factor covers the relationship between the purpose, breadth, and depth of the assignment and considers the impact of the work products or services both within and outside the organization.

The appellant states the design and construction projects have "a large impact on this facility" and he must coordinate with the entire facility in order to ensure the staff knows the status of the projects. The PD describes the scope as working to bring the facility into compliance with laws and regulations. The appellant's designs and specifications are used to competitively bid out work to contractors, whose work he then oversees to ensure the contract is followed correctly.

At Level 5-3, the scope of the work involves applying a considerable number of different basic, but established methods, procedures, and techniques. The work affects the design or operations of systems, programs, processes or equipment and the timeliness and economy of operations, services or equipment. Illustrative of such work is preparing plans, specifications, and cost estimates using established procedures for new construction or major modification of existing electrical exterior distribution systems and interior wiring for in a variety of small conventional buildings such as residences, barracks, bakeries, small shops, and offices. The work affects the adequacy and usefulness of the facilities supported, including the safety of personnel through proper construction methods or equipment operation.

In contrast, at Level 5-4 the scope of the work involves establishing criteria, formulating projects, assessing effectiveness or analyzing a variety of unusual conditions, problems or questions. The work affects a wide range of agency activities, industrial concerns or the

operation of other agencies. Illustrative of such work is preparing designs and specifications for various utility systems in support of a variety of complex buildings such as technical laboratories, experimental buildings, and pumping stations. The work affects development and effective operation of entire processes at a research facility.

While the appellant works on maintaining all of the buildings and facilities, the appellant's projects do not exceed the scope of work found at Level 5-3. The projects typical of his work do not involve the design and construction of complex buildings, experimental buildings, or equivalent structures and/or their systems. While historical design requirements complicate the appellant's work, they do not present the variety of unusual conditions, problems or questions found at Level 5-4 or their attendant impact on building operations. Therefore, Level 5-3 is credited for 150 points.

Factor 6, Personal contacts

This factor covers the type and level of contacts made in carrying out the work. This factor includes face-to-face and telephone contacts and other dialogue with persons not in the supervisory chain essential for successful performance of the work and which have a demonstrable impact on the difficulty and responsibility of the work performed. It considers what is required to make the initial contact, the level of difficulty of communicating with those contacted, and the setting in which the contact takes place; e.g., the degree to which the employee and those contacted recognize their relative roles and authorities. The JFS instructs the same contacts will be evaluated for both Factors 6 and 7.

The appellant's work meets but does not exceed Level-3, the highest level described in the JFS. Typical of this level, the appellant meets with individuals from outside the agency in moderately unstructured settings. The employee must recognize or learn the role and authority of each party during the course of the meeting. The PD states he has daily contacts with co-workers, contractors, vendors, manufacturers, clinicians, architects, engineers and medical center administration.

Factor 7, Purpose of contacts

This factor covers the reasons for the contacts identified under Factor 6. The purpose of contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The personal contacts, which serve as the basis for the level selected for this factor, must be the same as the contacts identified under Factor 6. However, a higher level may only be awarded if it is essential to performing the work and with a demonstrable impact on its difficulty and responsibility, occasional disputes which occur as part of the normal vendor relationship or standard oversight functions are not grade controlling.

The appellant states he must influence, persuade, and gain compliance to perform the work. Similar to Level B, the purpose of the appellant's external contacts is to plan, coordinate, and negotiate to settle significant operating problems by influencing or motivating individuals or groups who are working toward mutual goals and who have basically cooperative attitudes.

Unlike Level C, the purpose of the appellant's contacts with those outside his agency does not involve working with those who are fearful, skeptical, or uncooperative against the mission. Instead, the purpose of working with the contractors is to ensure the agreed upon plans are completed satisfactorily.

Level 3B is credited for 110 points.

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work assignment. It takes into account the differences between occasional physical exertion versus prolonged physical activities.

At Level 8-2, the work requires some physical exertion. This includes regular visits to construction, industrial, or other outdoor sites. Activities involve recurring bending, crouching, stooping, stretching, climbing, and lifting moderately heavy items or similar actions. A review of the record shows the appellant's work fully meets this level.

At Level 8-3, the work requires considerable and strenuous physical exertion, such as frequent climbing of tall ladders, staging, or scaffolding in dry-dock and vessel areas or working in areas with treacherous footing such as on slippery docks or steep hillsides. The appellant's work does not regularly involve such demands. The appellant states the acreage of the VAMC, its VA cemetery and outpatient clinics should be taken into account for this factor. He further states "all construction sites are dangerous. Although all of it is not physically strenuous it is mentally strenuous." The acreage of a facility in and of itself has no effect on the evaluation of this factor. Rather, this factor measure the physical demands of the worked performed at the facility. Similarly, mental stress is not germane to this factor because this factor is limited to physical demands. Therefore, Level 8-2 is credited for 20 points.

Factor 9, Work Environment

This factor considers the discomfort and risk of danger in the employee's physical surroundings and the safety precautions required. Level 9-1 is assigned when the work area is usually in an office setting. Level 9-2 is assigned when the work involves regular and recurring exposure to moderate risks, as would be present on construction sites. Level 9-3 is assigned when the work involves high risk to dangerous situations that cannot be controlled, such as working at great heights during extreme weather conditions.

The appellant work meets Level 9-2. The appellant states that he devotes more than 60 percent of his time at the field locations. He is required to inspect projects in all types of conditions below and above the ground and in confined spaces. After a thorough review of the record, we find that the appellant would indeed need to spend the majority of his time outside of the normal office setting in order to accomplish the assigned tasks. However, his work does not routinely involve the more dangerous situations found at Level 9-3. Level 9-2 is credited for 20 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-7	1250
2. Supervisory Controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and Effect	5-3	150
6. Personal Contacts/ 7.Purpose of Contacts	6-3/7-B	110
8. Physical Demands	8-2	20
9. Work Environment	9-2	<u>20</u>
<i>Total</i>		2250

A total of 2,250 points falls within the GS-10 range (2,105 to 2,350) on the JFS's grade conversion table.

Decision

The position is properly classified as Engineering Technician, GS-802-10.