



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Human Capital Leadership
and Merit System
Accountability Division

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

Appellant: [appellant]

Agency classification: Civil Engineer
GS-0810-12

Organization: Operations Technical Support Branch
Operations Division
[name] District
U.S. Army Corps of Engineers
Department of the Army
[location]

OPM decision: GS-0810-12
Civil Engineer

OPM decision number: C-0810-12-05

/s/ Robert D. Hendler

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

September 26, 2006

Date

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

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Introduction

On October 13, 2005, the Chicago Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant] who occupies the position of Civil Engineer, GS-0810-12, with the Operations Technical Support Branch, Operations Division, [name] District, United States Army Corps of Engineers (COE), Department of the Army, [location]. The appellant believes his position should be reclassified as Civil Engineer, GS-810-13. We received the initial agency administrative report (AAR) on November 21, 2005, and the complete AAR on August 8, 2006. We accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide the appeal, we conducted a telephone audit with the appellant and a telephone interview with his immediate supervisor on August 8, 2006. In reaching our decision, we carefully considered the audit and interview findings and all other information of record furnished by the appellant and the agency.

Background information

The appellant occupies position description number (PD#) #####. Both the appellant and his supervisor have certified the PD's accuracy, but the appellant disagrees with the grade level determination based on the evaluation of Element 1, Level and Kind of Authority Exercised, in Part III, Construction, of the Position Classification Standard (PCS) for the Civil Engineering Series, GS-0810. The appellant appealed the classification of his position to the Department of Defense, Civilian Personnel Management Service (CPMS). CPMS denied his request for an upgrade on June 6, 2005. The appellant further appealed the classification of his position directly to OPM.

General issues

The appellant provides a dual rationale to his appeal in disagreeing with the final decision issued by CPMS concerning their crediting of Element 1 of the 0810 PCS at Degree C. First, he believes the position has responsibility for both the field and office engineering phases of construction activities; and secondly, he states that his position acts as *de facto* "engineer in charge" of the dredging operations within the Operations Technical Support Branch.

Implicit in the appellant's rationale is a concern that his position is classified inconsistently with other positions within his agency that perform similar work. By law, we must classify positions solely by comparing current duties and responsibilities to OPM PCSs and guidelines (5 U.S.C. 5106, 5107, and 5112). Since the comparison to PCSs is the exclusive method for classifying positions, we cannot compare the appellant's position to others, which may or may not be classified correctly, as a basis for deciding the appeal.

Like OPM, the appellant's agency must classify positions based on comparison to OPM PCSs and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so similar to others that they all warrant the same classification, he may pursue the

matter by writing to his agency 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 as his, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

A PD is the official record of the major duties and responsibilities assigned to a position by a responsible agency official; i.e., a person with authority to assign work to a position. A position is the duties and responsibilities that make up the work performed by an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal based on the duties assigned by management and performed by the employee. We classify a real operating position, and not simply the PD. Therefore, this decision is based on the actual work assigned to and performed by the appellant.

The appellant makes various other statements about the agency and its evaluation of his position. However, because 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. In adjudicating this appeal, our only concern is to make our own independent decision based on the proper classification of the position.

Position information

The appellant reports directly to the Chief, Operations Technical Support Branch (Supervisory Outdoor Recreation Planner, GS-023-13), who reports to the Chief, Operations Division (Supervisory Civil Engineer, GS-810-15). The branch chief directly and indirectly supervises an interdisciplinary staff of twenty-two employees. He provides limited oral and written instructions and relies on the appellant to plan, coordinate, and direct the accomplishment of assigned dredging program activities and work operations. The supervisor evaluates completed work for overall effective and economical use of available administrative and technical resources and methods to maintain navigation project dimensions, quality standards, and regulatory or permit requirements. In managing the District's dredging program, the appellant directs ten employees (three Civil Engineering Technicians, GS-802-11, three Civil Engineering Technicians, GS-802-9, and four Civil Engineering Technicians, GS-802-5/6/7), scheduling their work, completing performance appraisals, resolving complaints, and approving leave

The appellant spends roughly 25 per cent of his time analyzing channel conditions, determining needs, and coordinating priorities for detailed hydrographic surveys with personnel involved in channel survey and reconnaissance. He plans for hydrographic surveys related to specific river regime problems and studies. The appellant considers normal cyclic conditions due to the natural sedimentation and scour habits of the river and special situations caused by changes in local river regime, natural forces, and failure or inadequacy of wing dams and other regulating structures. He coordinates channel reconnaissance personnel and vessels to develop required channel condition input. The appellant organizes channel patrols and determines methodology to provide timely and pertinent data for decision-making.

The appellant spends approximately 35 per cent of his time coordinating, reviewing, and/or serving as technical advisor to dredging activities in the [name] District and coordinating dredging activities with Federal, State, and local agencies so as to minimize adverse impacts to the natural environment. He prepares the District's consolidation of dredging activities for maintenance and new work to be sent to the [location] (MVD) and to the Office of the Chief of Engineers (OCE). He determines dredging requirements and equipment needs. The appellant plans for the use of dredging plant owned by other Districts, e.g., coordinating with [name] District personnel to plan and direct work performed in the [name] District by [name] owned equipment. He determines and/or approves the use of special techniques or equipment to overcome unprecedented problems and the order of plans where original plans cannot be accomplished due to unknown or unforeseen conditions. He provides the Dredge Master with details concerning the location of required dredging, the extent of the dredging area, the location of placement sites, permit requirements, and other technical data necessary to assure that the dredge and its personnel will be utilized effectively and economically.

The appellant coordinates with counterparts in the [name] and [name] Districts to ascertain dredge availability for emergency situations. He prepares contract specifications and/or parameters for contracts concerning maintenance performed by private sector firms. He plans and supervises contract work, insuring performance and compliance with contract provisions. The appellant ensures all maintenance and emergency dredging conforms to policy of higher authority and regulatory requirements by providing personal on-site direction as necessary. He travels to the site of navigation emergencies to determine appropriate actions required and takes immediate action, if necessary, through proper channels to mobilize equipment and meet other agency requirements to insure continuance of navigation. The appellant also coordinates dredging and channel maintenance activities with the River Resources Coordinating Team (RRCT). He schedules and participates in pre-dredging conferences, pre-dredging field trips (to examine placement sites), and post-dredging conferences. He ensures dredging work is carried out in compliance with State laws and with applicable natural resource laws.

The appellant spends about 20 percent of his time supervising employees conducting dredging activities. He plans and assigns work with regard to dredging activities, channel reconnaissance and hydrographic surveys for 10 employees based on priorities, selective consideration of the difficulty and requirements of assignments and capabilities of employees. The appellant provides advice, counsel, or instruction to these employees on technical work and administrative matters, including such actions as resolving complaints, completing performance appraisals, and approving leave.

The appellant spends up to 10 per cent of his time providing dredging and navigation expertise concerning operational and planning efforts. He coordinates with the U.S. Coast Guard on channel problems, aids to navigation, etc. The appellant provides technical advice regarding special studies, Master Planning efforts, environmental impact statements, etc. He reviews all studies pertaining to channel maintenance activities and provide technical input. He also serves as the Operations Division lead person in providing input to the Committee to Assess Regulating Structures (CARS).

The appellant spends the balance of his time, approximately 10 per cent, preparing estimated requirements for funds, including justification for scheduled work to be accomplished on a monthly or fiscal basis. He assists the Operations Division Chief and the Program Analyst in the preparation of all dredging budgeting.

Based on our review, we find the official PD contains the major duties and responsibilities assigned to and performed by the appellant and we incorporate it by reference into our decision.

Series, title, and standard determination

The agency has assigned the appellant's position to the Civil Engineering Series, GS-810, and titled it Civil Engineer. The appellant does not disagree with this determination and based on careful analysis of the record, we concur.

Coverage by the General Schedule Supervisory Guide (GSSG), requires accomplishment of work through combined technical and administrative direction of others; occupy at least 25 percent of the position's time; and meet Factor Level 3-2, e.g., to plan work to be accomplished by subordinates, set and adjust short-term priorities, and prepare schedules for completion of work; assign work to and evaluate work of subordinates; give advice, counsel, or instruction to employees on both work and administrative matters; interview candidates for positions; hear and resolve complaints from employees; effect minor disciplinary measures; identify developmental and training needs; and develop performance standards. Work performed by contractors can be considered only if the appealed position meets the GSSG coverage requirements based on supervision of noncontractor personnel.

In managing the District's dredging program, the appellant directs 10 employees, scheduling their work, completing performance appraisals, resolving complaints, and approving leave. However, the PD shows, and the appellant and his supervisor confirmed, that these duties represent only about 20 percent of his time. Therefore, we cannot evaluate his supervisory duties using the GSSG because according to Section III. J. of the Introduction to the Position Classification Standard (Introduction), only duties that occupy at least 25 percent of an employee's time can affect the grade of a position. Furthermore, the GSSG states that positions with less than the minimum supervisory authority described at Level 3-2 of Factor 3 are excluded by coverage of this Guide. The work of such positions (e.g., leaders over one-grade interval clerical or technical work or two-grade interval administrative or professional work) is usually graded through reference to other guides or standards, such as the General Schedule Leader Grade-Evaluation Guide (GSLGEG). Since the GSLGEG also requires work led to be carried out for 25 percent or more of the time, it cannot be used to evaluate the position either. In such cases, the personally performed work controls the classification of the position and is evaluated using the appropriate subject matter PCS.

Grade determination

The GS-810 PCS presents specific grade level criteria for the analysis and evaluation of individual engineering positions across broad categories, as follows: Part I Criteria for grades

GS-5 and GS-7; Part II, Planning and Design; Part III, Construction; Part IV, Facilities Engineering Management; and Part V, Investigations and Survey.

Because the appellant's work is primarily concerned with the surveillance and supervision of construction operations, Part III provides the appropriate grading criteria for the appellant's work. Part III uses two elements to determine grade-level: (1) level and kind of authority exercised and (2) scope and complexity of construction operations. The total points determined for each of these two factors are added and then converted using the grade-level conversion table to establish the final grade.

Element 1, Level and kind of authority exercised

This element is concerned with the kinds of functions performed and the relative independence and authority with which the functions are carried out. Element 1 has a range of five degrees, A through E, with point values of 20, 30, 40, 50, and 60, respectively. Only Degrees A, C, and E are defined in the PCS, but Degrees B and D are to be credited when a position falls between the defined degrees. They are especially for use in complex construction organizations established for large-scale construction operations. For instance, Degree D could apply to the position of an engineer in charge of a project or a subproject whose authority is more limited than that described under Degree E. Thus, in order for a given degree level to be credited, the position must fully meet the criteria for that degree. If the criteria are only partially met, a lower degree level must be assigned.

Engineers may perform functions associated with the "office" or the "field" side of construction operations, or they may perform a combination of these functions. Different kinds of authority are normally associated with the two kinds of functions, and these are indicated in the degree definitions under this element.

The appellant believes that he exercises the full range of "field" and "office" engineering functions and that he makes determinations and takes action virtually without review, as would an engineer in charge. He believes his work should be credited at Degree D because he also provides guidance and interpretation of current, revised, or new policies and regulations to the CO Division Chief and other managers. However, the role of engineer in charge is described only at Degree E. To warrant credit as an engineer in charge under Degree E, the engineer must have final authority to approve contractor's construction schedules and quality control procedures and make controlling interpretations of intent of drawings and specifications and final engineering determination on whether methods and materials employed meet accepted standards. Unlike Degree E, the appellant's work is limited to providing support to District management for managing District work. Dredging policy is developed at the USACE HQ level, and administered at the MVD and OCE. The appellant's engineering work does not meet the threshold for an engineer in charge because the District dredging work does not represent the full range of field and office engineering functions and the construction functions performed are not so extensive as to require management through subordinate supervisors. The appellant does not have final authority to approve contractor's construction schedules and quality control procedures, nor can he formulate controlling interpretations of intent of drawings and specifications, nor make final engineering determinations on whether the methods and materials employed meet established standards as defined at Degree E for an engineer in charge.

At Degree C, the engineer is usually responsible for one of the major portions of construction on a project or throughout a geographical area. A “major portion” would be such work as (1) the clearing and building of a reservoir or construction of roads, bridges, railroads, and utilities that have to be relocated in connection with construction of a large dam; (2) construction of canals for an irrigation system; or (3) the entire “field” or “office” engineering phase of construction activities. The PCS indicates responsibility for the “field” engineering phase, which includes construction management, is considered a major portion of construction. The engineer at Degree C has the authority to establish detailed inspection requirements, schedules, and control methods. The engineer interprets contract specifications pertaining to the assigned phase of construction, determines whether construction meets contract requirements, and recommends changes in designs, specifications, and schedules to accommodate conditions at the construction site or to expedite construction.

The degree of independence with which the engineer carries out these functions is generally related to the location of his/her position in the construction surveillance activity. While the record shows that he is involved in both “field” and “office” functions and is responsible for carrying out dredging operations throughout the [name] District, this is not unusual in such small jurisdictions. Although he operates with considerable independence and his completed work is accepted as technically accurate and is reviewed only in terms of meeting general engineering requirements, his degree of judgment and authority must be considered within the context of the limited complexity of his construction projects. The appellant’s assignments are conventional and require the application of standard practices and procedures. Therefore, there is no engineer-in-charge at this location.

Information provided by the agency indicates most of his work is “field” engineering work and his “office” engineering functions are limited because his supervisor maintains the ultimate authority over these functions and most of the program work concerning dredging activities is conducted at a higher echelon, in particular by MVD and OCE. In addition, under the agency’s current business management approach to operations, a second Civil Engineer, GS-810-12, within the OTS branch, serves as a District project manager who reviews all navigation operations to identify areas where efficiency and productivity improvements can be made. Therefore, the appellant’s position cannot be construed as functioning as “engineer in charge” given the authority and responsibility vested in other positions within the District. Performing both “field” and “office” functions is the only aspect of the appellant’s position that exceeds the criteria characterized by Degree C and, thus, would not be sufficient to elevate this element to Degree D.

An engineer at Degree C is expected to be fully conversant with construction systems, practices, and processes required by the District dredging activities. Similar to Degree C, the appellant serves as the technical expert for District dredging programs. While the appellant manages and maintains local oversight of the District’s dredging and hydrographic survey mission, develops long-term dredged material placement site planning and management, and coordinates dredging efforts with other governmental entities and the public, his work does not exceed those defined as major portions of construction activities at Degree C. Similar to work described at Degree C, the appellant provides professional engineering expertise, technical advice, recommendations,

and suitable alternatives to stakeholders. His determinations are subject to only limited review and he exercises considerable authority within his area of responsibility and expertise. He is responsible for the completion of the projects as to plan and specifications and the intent of the program for which the project is established, and for making decisions on work problems surfaced by contractors and is expected to independently accomplish the work with minimum review by the supervisor. Completed work is accepted as technically accurate, and it is reviewed by the supervisor only for administrative and general engineering requirements. The appellant's contacts with other government agencies (Federal, State, and local) are routine, as are his meetings with business representatives and other private interests.

Consequently, based on our review, we find that the appellant's position as manager of District dredging operations closely matches, but does not significantly exceed, Degree C. Therefore, the position must be assigned Degree C with a value of 40 points.

Element 2 - Scope and complexity of construction operations

The agency evaluated Element 2 at Level 5 with a point value of 40 points, and the appellant does not disagree. Based on our careful review of the record, we concur and have so credited the position.

Summary

The combined number of points for both elements is 80. According to the GS-810 PCS grade conversion table, a total of 80 points equates to the GS-12 grade level.

Decision

The appellant's position is properly classified as Civil Engineer, GS-0810-12.