

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

Chicago Field Services Group  
230 S. Dearborn Street, DPN-30-6  
Chicago, IL 60604-1687

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

**Appellant:** [appellant]

**Agency classification:** Lead Contract Specialist  
GS-1102-13

**Organization:** Direct Delivery Team  
Prime Vendor & Direct Delivery  
Division  
National Contracts Services  
National Acquisition Center  
Department of Veterans Affairs  
[city and state]

**OPM decision:** Lead Contract Specialist  
GS-1102-13

**OPM decision number:** C-1102-13-02

/s/

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Manuela Martinez  
Classification Appeals Officer

March 7, 2003

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Date

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

**Decision sent to:**

[appellant]  
National Contracts Services (049A1N1D)  
National Acquisition Center  
Department of Veterans Affairs  
[address]  
[city and state]

Personnel Officer  
Austin Automation Center (035), Human Resources  
Department of Veterans Affairs  
1615 Woodard Street  
Austin, Texas 78772

Deputy Assistant Secretary for Human Resources Management (05)  
Department of Veterans Affairs  
810 Vermont Avenue, N.W., Room 206  
Washington, DC 20420

## **Introduction**

On October 29, 2002, the Chicago Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. On December 5, 2002, the Division received the agency's administrative report concerning the appeal.

The appellant's position is currently classified as Lead Contract Specialist, GS-1102-13. The appellant believes the classification of her position should be Lead Contract Specialist, GS-1102-14. The appellant submitted a classification appeal to her agency in January 2002 and received its decision in September 2002. The agency sustained the classification as Lead Contract Specialist, GS-1102-13. The appellant works in the Direct Delivery Team, Prime Vendor and Direct Delivery Division, National Contracts Services, National Acquisition Center, Department of Veterans Affairs (VA), [city and state]. We have accepted and decided the appeal under section 5112 of title 5, United States Code (U.S.C.).

A representative of the Chicago Oversight Division conducted a telephone audit with the appellant on December 30, 2002. A telephone interview with her immediate supervisor was also conducted on January 3, 2003. In deciding this appeal, we fully considered the audit, the interview findings, and all information of record provided by the appellant and her agency, including her current work assignments and position description (PD) of record. Both the appellant and her supervisor have certified to the accuracy of the appellant's official PD, number [number].

Although the appellant agrees that her PD accurately describes her duties and responsibilities, she states that she has been performing higher level duties since her appeal to her agency. The appellant has based her appeal to OPM on the application of the Position Classification Standard (PCS) for the Contracting Series, GS-1102, and points to language in her PD that she believes supports crediting Level 7-4. 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. A position is the duties and responsibilities that make up the work performed by an employee. Position classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision grades 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.

## **General issues**

The appellant states that the duties she performs are similar to and consistently classified with other GS-14 Team Lead Contract Specialist positions located in the Office of Acquisition and Materiel Management in Washington, DC. OPM is required by law to classify positions based on their duties, responsibilities, and qualification requirements by comparison to the criteria specified in the appropriate PCS or guide (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding her appeal.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards 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 her position so similar to others that they all warrant the same classification, she may pursue the matter in writing to her agency's personnel headquarters. In doing so, she 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 the classification to be consistent with this appeal decision. Otherwise, the agency should explain to the appellant the differences between her position and the others.

### **Position information**

The appellant is the Lead Contract Specialist for the Direct Delivery Team, which is one of the lowest organizational level components of the National Acquisition Center (NAC). Her team consists of five Contract Specialists, GS-1102-12, four Equipment Specialists, GS-1670-12, one Purchasing Agent, GS-1105-7, and three Procurement Clerks, GS-1106-5. The Direct Delivery Team supports VA's nationwide advanced medical equipment program by providing contracting and acquisition services for 172 VA medical centers and other government agencies that depend on the VA for such support.

As the team lead, the appellant reviews the work of lower level specialists and procurement clerks and keeps members of her team informed on workload status and changes in regulations and policies. She provides guidance to her team on program objectives; advises management of the status of programs, controversial issues, and issues affecting the services provided by her team; and monitors team activities to ensure schedules and objectives are met. The appellant's non-leader duties include initiating, soliciting, negotiating, awarding, and administering contracts for the acquisition and distribution of medical equipment for the VA. The appellant serves as the sole negotiator for the purchase of the Picture Archival and Communications System (PACS), a multi-million dollar integrated system of digital products and technology that allows for acquisition, storage, retrieval, and display of radiographic images used by VA medical centers. She also assists other agencies in procurement of advanced medical equipment.

The appellant's PD and other material of record furnish much more information about her duties and responsibilities and how they are performed.

### **Series, title, and standard determination**

The agency determined that the appellant's position is properly classified as Lead Contract Specialist, GS-1102. The appellant does not disagree with the series and title determination. We concur with the agency's assignment of series and title to the appellant's position. The appellant also does not disagree with the agency's grade level application using the General Schedule Leader Grade Evaluation Guide. We agree with the agency's evaluation of the appellant's leader duties and responsibilities. Her personally performed work is properly evaluated by application of the PCS for Contracting Series, GS-1102.

## **Grade determination**

The GS-1102 standard is written in the Factor Evaluation System (FES) format. Positions graded under the FES format 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, factor level descriptions (FLD's) mark the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in an FLD in any significant aspect, the next lower level and its lower point value must be assigned unless an equally important aspect that meets a higher level balances the deficiency. The position may exceed those criteria in some aspects and still not be credited at a higher level. The benchmarks in the standard provide a context for applying the FLD's to work in the occupation.

The appellant did not take issue with her agency's crediting of Levels 1-8, 2-5, 3-4, 4-5, 5-5, 6-3 8-1, and 9-1. Based on our analysis of the record, we concur with and have credited these levels with the exception of Level 2-5. Our analysis also addresses Factor 6 since Factor 7 is based on the contacts used in Factor 6.

### *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 completed work. The supervisor exercises controls in the way assignments are made, instructions are given, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The level of review of completed work depends upon the nature and extent of the review. Technical guidance may be furnished by a project leader or other higher graded employee in the organization as well as by the supervisor.

At Level 2-4, the supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, develop the deadlines, projects, and work to be done. The employee plans and carries out the work, determining the approach to be taken or the methodology to be used, and initiates the necessary coordination with contractors and others. The employee may negotiate alone but keeps the supervisor informed of progress and potential problems. Completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other projects and effectiveness in meeting requirements. In some positions, review is minimal, with the employee being delegated contracting officer authority within prescribed dollar amounts.

At Level 2-5, an employee receives only administrative direction from the supervisor. The employee receives assignments in terms of broadly defined programs or functions. The employee independently plans and carries out the work, including continual coordination of the various elements involved, and independently negotiates. Results are considered technically authoritative and are normally accepted without significant change. Review of work focuses on such considerations as compatibility with overall management objectives and attainment of goals established in the acquisition plan. Recommendations for new procurement approaches or

policies are usually reviewed for compatibility with broad program and agency objectives, impact on agency procurement activities, economies achieved, and/or improvement in effectiveness of performance of procurement programs at subordinate echelons throughout the agency.

The appellant's position fully meets Level 2-4. The appellant is directly responsible for contractual matters relating to the nationwide centralized acquisition program for medical equipment. The appellant independently plans and carries out her assignments and resolves problems that occur directly with the interested parties. The appellant keeps the supervisor informed of progress and significant problems. She is responsible for interpreting, extending, and/or developing new contract provisions, incentives, clauses, terms, and conditions. Contractual decisions and recommendations are normally accepted as authoritative and without change. However, higher-level review is conducted by her supervisor, the Acquisition Review Board, and General Counsel. In addition, contracts that exceed the agency's set dollar amount undergo a Business Clearance Review. These review procedures are typical of Level 2-4. As stated in the PCS, this level recognizes that review is minimal in some positions in which employees have been delegated contracting officer authority and where requirements for formal reviews by higher authority are generally prescribed by agency regulations rather than the supervisor.

The supervisory controls exercised over the appellant's position have similarities to Level 2-5 as described in her PD. However, our fact-finding disclosed that the supervisory controls fall significantly short of Level 2-5. While the appellant operates relatively free of day-to-day supervision and her recommendations are normally accepted, our fact-finding disclosed that she does not have full technical authority. The appellant's supervisor's PD, certified as current and accurate, states that his position retains program control and program responsibility for the Direct Delivery Team. His position is credited with both administrative and technical supervision over all subordinate positions. The appellant's supervisor is responsible for making decisions on problems presented by subordinates, working with heads of other organizations to resolve mutual problems or areas of concern, advising higher-level management of problems, recommending solutions, and assessing the impact of problems on the NAC or its programs. Therefore, the appellant's position meets Level 2-4.

#### *Factor 6, Personal contacts*

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 standard instructs that the same contacts will be evaluated for both Factor 6 and Factor 7.

At Level 6-3, the personal contacts are with specialists, managers, officials, or groups from outside the employing agency, such as contractors, auditors, attorneys, manufacturers' representatives, and representatives of universities, nonprofit organizations, State and local

governments, and professional departments (e.g., other departments or activities outside the chain of command). These personal contacts occur in a moderately unstructured setting.

At Level 6-4, the personal contacts are with high-ranking officials from outside the employing agency, such as those with Congressional members, senior corporate officials, and key representatives from national and international organizations, Federal agencies, State and local government, and judicial and quasi-judicial bodies. These contacts are characterized by problems, such as the officials may be relatively inaccessible, appointment or arrangements are arranged well in advance, or each contact may be conducted under different rules.

The appellant's position meets Level 6-3. The appellant's regular and recurring contacts include government account representatives, marketing representatives who occasionally are company vice-presidents and presidents, medical center contracting personnel, radiologists, and medical engineers. Such contacts are typical of Level 6-3. The appellant's recurring work assignments involve meetings and negotiations that are held in an unstructured setting and cover a wide range of topics, with roles and authorities of the contacts developed during the course of the discussions, negotiations, or resolution of the problem. Since the agency's appeal decision, the appellant has been involved in discussions with high-ranking officials such as the VA's Deputy Assistant Secretary for Policy, the Deputy Assistant Secretary for Information Technology Management, and the Assistant Deputy Assistant Secretary for Computer Security. These internal high-ranking contacts regard a special project to determine whether information security requirements apply to computerized medical imaging equipment such as PACS, MRI's, ultrasound, etc. Our fact-finding disclosed that these contacts are minimal. For this special project, the appellant may spend an hour a week exchanging information and discussing technical issues of whether information security requirements apply to computerized medical imaging equipment. These internal high-ranking contacts are limited to working on this project and are not regular work assignments. Since these personal contacts are not regular and recurring, they do not have an impact on the grade. The setting, authority, and variety of the appellant's contacts are typical of Level 6-3.

The position's regular and recurring contacts fail to meet Level 6-4. The appellant does not routinely have contacts with high-ranking officials from outside the VA. Her PD states that contacts are made with representatives such as the General Accounting Office, the Office of Management and Budget, the Pentagon, and Congress. Our fact-finding disclosed that these contacts are on informational matters and are not regular and recurring. The appellant pointed to meetings with company vice-presidents, presidents, and senior contracting personnel of Defense Supply Center Philadelphia (DSCP), including the Directorate of Medical Materiel, as supportive of Level 6-4. However, these contacts are not representative of her regular and recurring work within the meaning of the position classification process and may not control the evaluation of this factor. In addition, the appellant's personal contacts are not characterized by problems such as inaccessible officials and appointments or arrangements made well in advance. Unlike Level 6-4, the contacts are not conducted under different ground rules. Therefore, the appellant's regular and recurring contacts are typical of Level 6-3.

### *Factor 7, Purpose of contacts*

This factor describes the purpose of 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.

At Level 7-3, the contacts are to obtain agreement on previously determined goals and objectives through negotiation, persuasion, and advocacy. Frequently, the individuals contacted are uncooperative and have different objectives or interests. The employee must be skillful in dealing with such persons to obtain the desired effect. Typically, contacts include planning procurement strategies; negotiating with contractors to obtain contractual agreement, postaward modifications, termination settlements, or cost; influencing contracting officers or other specialists to adopt contractual positions about which there are conflicting options or interest; or justifying contractual approaches to higher level reviewing officials.

At Level 7-4, contacts are to justify, defend, and negotiate matters involving significant or controversial issues, or problems that require escalation because established channels and procedures have failed to resolve the problem. They may involve operational assignments where there are negotiations for procurements of considerable consequence, importance, and controversy and where the employee is responsible for justifying and defending the agency position on issues that are strongly contested because of their impact or breadth. Contract administration or termination settlements are difficult to resolve or involve complicated issues. Employees at this level also serve on contract review boards at the department or independent agency level to advise on or approve major procurement actions. Individuals contacted usually have diverse viewpoints, goals, or objectives. At this level, the employee assumes the lead in contract negotiations involving major systems or programs, in resolving disagreements or disputes between prime and subcontractors, and/or in effecting a compromise or developing acceptable alternatives.

The appellant's position meets Level 7-3. Her regular and recurring purposes of contacts are to explain contract provisions and specification requirements, to obtain information and agreement on previously determined goals and objectives through negotiation and persuasion, to discuss regulation changes with contracting personnel, to negotiate schedule changes, and to resolve equipment problems with account and marketing representatives. She also negotiates postaward modifications, pricing, and other actions. The appellant must be skillful in obtaining compliance with procurement requirements through persuasion in order to obtain reasonable prices, terms, or settlements for the government through negotiation. The appellant also serves as the sole negotiator for the purchase of the PACS. Consistent with Level 7-3, she negotiates with contractors on procurement strategies, explains NAC policies to vendors, and obtains information about technical issues. Therefore, her regular and recurring purposes of contacts are limited to obtaining information, negotiating cost, setting delivery dates, and resolving problems which are typical of Level 7-3.



The appellant's purposes of contacts fail to meet Level 7-4. Although the appellant is required to justify and defend the VA's position in termination settlements, it happens infrequently. Our fact-finding disclosed that there have only been three termination settlements since 1994. The appellant pointed to representing the NAC in monthly meetings and negotiations on a Medical Equipment Appendix to an interagency Memorandum of Agreement with the DSCP as supportive of Level 7-4. However, these negotiations were part of a special project to develop contracting procedures for both agencies. The Medical Equipment Appendix is an agreement which explains how contracting work will be done jointly by VA and DSCP. Although VA headquarters, NAC, and DSCP staffs meet monthly, these contacts are limited to obtaining agreement on those issues pertaining solely to the Appendix and do not involve the contentious conditions typical of Level 7-4. Because this factor does not fully meet Level 7-4, we credit Level 7-3.

### *Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-8	1,550
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and effect	5-5	325
6. Personal contacts and	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-1	5
9. Work environment	9-1	5
<i>Total</i>		3,290

A total of 3,290 points falls within the GS-13 grade level point range of 3,155-3,600 points in the PCS's Grade Conversion Table.

### **Decision**

The position is properly classified as Lead Contract Specialist, GS-1102-13.