

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

Job Grading Appeal Decision
Under section 5346 of title 5, United States Code

Appellant: [appellant]

Agency classification: Food Service Worker Leader
WL-7408-3

Organization: [division]
[section]
Support Service Line
VA Medical Center
Department of Veterans Affairs
[city and state]

OPM decision: Food Service Worker Leader
WL-7408-3

OPM decision number: C-7408-03-01

/s/ Marta Brito Pérez

Marta Brito Pérez
Associate Director
Human Capital Leadership
and Merit System Accountability

March 7, 2005 _____
Date

As provided in section S7-8 of the Operating Manual: Federal Wage System, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in section 532.705(f) of title 5, Code of Federal Regulations (address provided in the Introduction to the Position Classification Standards, appendix 4, section H).

Decision sent to:

PERSONAL

[appellant]

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Introduction

On July 2, 2004, the Chicago Field Services Group of the U.S. Office of Personnel Management (OPM) accepted an appeal from [appellant]. Her job is currently graded as Food Service Worker Leader, WL-7408-3. The job is located in the [division] in the [section], Support Service Line, Veterans Affairs Medical Center (VAMC), [city and state]. The appellant believes her job should be graded either as Food Service Worker Leader, WL-7408-4, or Food Service Worker Supervisor, WS-7408-3. We received the complete agency administrative report on the job's grading on July 22, 2004. We accepted and decided this appeal under section 5346 of title 5, United States Code (U.S.C.).

As part of our fact finding, we conducted a telephone audit with the appellant on September 9, 2004, and interviewed her second level supervisor, [supervisor's name], on September 8, 2004. In deciding this appeal, we fully considered the interview information and all information of record furnished by the appellant and her agency at our request.

General issues

The appellant is assigned to job description (JD) number [#####], dated August 6, 2003, and graded as Food Service Worker Leader, WL-7408-3. She believes her JD accurately reflects her major duties, but feels insufficient weight was given to the mastery of her personally-performed duties in the grading of her leader work at the 3 level. She also believes that she should receive credit for leading or supervising WG-7404-4 cooks and occasionally supervising 12-15 grade 2 and 3 workers.

Job information

The Food Service Section consists of approximately [#] employees. The appellant is one of [#] shift WL-3 leaders in the Section, and reports to a WS-7408-3 Food Service Worker Supervisor, one of [#] supervisors in the Section. The nonsupervisory Food Service Worker staff occupies jobs ranging in grade from 2 to 4.

The appellant is a working leader in charge of tray preparation, delivery, pick up, and dishwashing activities of 12-15 grade 2 to grade 3 food service workers in a remote central tray assembly (CTA) area of the Food Service Section. She ensures that the food service workers follow proper procedures and meet deadlines, and advises Nutrition and Food Service supervisors of problems. The appellant instructs workers on proper methods, ensures work is properly allocated, checks work progress, and performs similar duties to ensure her group works productively. She leads workers while setting the pace, assuring and demonstrating correct work methods, and sees that safety guidelines are met.

The appellant makes the final check of diet trays assembled by lower grade workers for completeness and correct food temperature, and she verifies that food items on the tray are appropriate for the prescribed diet. The appellant also maintains current knowledge of equipment, instructs and trains workers on proper usage and cleaning, and ensures safety and sanitation procedures are followed, answering employee questions as needed.

The appellant ensures daily temperatures are taken and recorded for dishmachine, freezers, and refrigerators. She takes corrective action on temperatures that fall into unsafe ranges; e.g., seeing that hot foods are reheated and cold food items are replaced. She makes sure that inspections are taken on cleanliness and that cleaning schedules are posted. She identifies equipment failure and enters electronic work orders into computer.

The appellant identifies and informs supervisor(s) on training needs of individuals or the entire group. She assists management with promotion recommendations by providing feedback on employees' work habits, cooperation, and attitude. In addition, the appellant relieves grade-4 workers during periods of sick and annual leave. She is one of eight staff members (three Work Leaders and five Grade 4 Food Service Workers) who, on a rotating basis, replace the three Food Service Worker (WS-3) supervisors when they are absent.

Series, title, and standard determination

The appellant's work is covered by the Federal Wage System (FWS) Job Grading Standard (JGS) for Food Service Working, 7408, which includes portioning and serving food; assembling trays for hospital patients; recording and retrieving patient diet and other food service information using a computer or manual file system; washing dishes, pots, pans, glasses, and silverware; transporting food, equipment, and supplies by manual or motorized carts; and assisting in food preparation.

The prescribed title for work in the 7408 series is Food Service Worker. However, under the FWS Leader JGS, jobs that lead three or more other workers, and whose work meets the coverage for grading under that JGS, are identified by the job title of the occupation selected for the series determination, followed by the designation 'Leader'. Therefore, the appropriate title for the appellant's job is Food Service Worker Leader.

The appellant cites a cautionary note in the JGS for Leader that leader jobs should be carefully reviewed to determine whether they are actually supervisory in nature when twelve or more workers comprise the group led. The appellant feels that supervisory grading of her work might apply because of her acting supervisory duties. The JGS for Supervisors specifically excludes acting assignments from being considered when determining whether or not a job should be graded as supervisory. The limited time the appellant spends acting on this rotating basis clearly falls within this exclusion.

While the number of workers led does not influence the grade level of a leader job, jobs responsible for the technical and administrative supervision of subordinates in trades and labor work are graded by the JGS for Supervisors when such responsibility is a regular and recurring part of the job and exercised on a substantially full-time and continuing basis. The nature and extent of the supervisory work performed must be sufficient to warrant application of the JGS for Supervisors. Jobs must meet, at a minimum, all of the criteria specified under Situation #1 of the JGS for Supervisors to be graded using its criteria. However, while the appellant does perform some of the criteria listed, such as: recommending staff performance ratings and recommending the most suitable applicants for a job, she does not perform the remaining duties including initiating disciplinary actions; officially advising and counseling workers on how to improve their performance; investigating grievances and complaints; maintaining work reports and

records; and planning overall leave schedules. Therefore, the appellant's job does not meet the threshold necessary to be graded by the JGS for Supervisors.

The appellant also states in her appeal that she is responsible on a daily basis for ensuring that Grade 4 cooks meet the quality standards governing their work and she believes she should be credited for leading this work. When asked for examples of the type of interactions she has with the Grade 4 cooks, the appellant mentioned the following: checking the temperature of the food, insuring that the portions are correct, making on the spot corrections regarding the quality of the food, and requesting that they make more food if needed in order to complete all the tray orders. Comments like these, regarding food preparation and the quantity of food prepared, are typically made by those serving food in the food service industry. For instance, it would be normal for a food server to comment if he or she noticed that the food being served was cold, or if there was a smaller or larger portion being served than normal. Examples of the type of guidance given when actually leading cooks are: assigning the cook's work; passing on instructions to them from supervisors; checking to see that they are following the supervisor's instructions on work sequence, procedures, methods, and deadlines; and answering questions of supervisors on the cook's overall work operations and problems. The appellant does not perform these responsibilities. The Grade 4 cooks do not need daily supervision and receive general work direction from the Cook Supervisor who supervises through another chain of command. Therefore, the appellant is not credited with leading or supervising the cooks.

Grade determination

Jobs responsible for leading groups of three or more individuals in trades and labor work are graded by the JGS for Leader when such responsibility is a regular and recurring part of the job and exercised on a substantially full-time and continuing basis. When both leader and non-leader work are a regular and recurring part of the job, the final grade of the job is whichever grade, leader or non-leader, that results in the higher pay rate for the job.

Leader duties

Part I of the JGS for Leader contains the criteria for grading the jobs of working leaders. They are graded on the basis of the highest level of nonsupervisory work led. The appellant believes that insufficient credit was given by her agency to her mastery of the food service work in determining her leader grade level. However, because the JGS specifically exclude personally performed work from consideration, the appellant's non-leader duties can only be evaluated by application of the published JGS for the 7408 occupation. The appellant's non-leader work cannot be considered in determining the highest grade of work led. Part II contains the criteria for grading the jobs of training leaders who conduct sessions designed to update, improve, or upgrade the knowledge and skills of others and select, modify, and use various instructional methods and techniques. Because these more formalized training tasks are not a regular part of the appellant's work, Part II does not apply.

The crew that the appellant normally leads consists of between 12-15 Grade 2 and Grade 3 Food Service Workers. There are no higher graded workers assigned to the appellant's unit except when Grade 4 Food Service Workers substitute for absent Grade 2 and Grade 3 Food Service Workers. In these instances the substitute Grade 4 Food Service Worker is only performing

work at the Grade 2 or Grade 3 level, such as: stripping trays and washing dishes; cleaning serving units, carts and other equipment; dishing out food in the correct portions; and receiving and recording diet information. Food service work performed at the Grade 4 level would include more complex duties that require more judgment, such as: deciding what foods to serve on diets; answering patient's questions about diets, checking trays for accuracy, attractiveness, and that the food items are proper according to the diet prescribed; and writing diet cards. The lower level employees do not carry out these duties. The record shows that the highest level of nonsupervisory work led by the appellant is grade 3. Therefore the highest level of work the appellant leads on a full-time and substantial basis is grade 3.

In applying the grading table to working leader jobs, the grade to be used usually is the grade of the highest level nonsupervisory employee in the group led (other than the leader). This grade reflects the level of the nonsupervisory work actually led, rather than simply the highest grade job in a group. Only work where the leader performs all or most of the working leader duties described in the JGS is considered. According to the grade determination chart under the working leader grading table on page 9 of the Leader JGS, when the highest level of work led equates to Grade 3, the corresponding leader grade is WL-3.

Personally performed work

The appellant, as a working leader, spends a substantial amount of time personally performing work. This work is covered by the JGS for Food Service Worker, 7408, which provides four grading factors: Skill and knowledge, Responsibility, Physical effort, and Working conditions. Her agency found the highest skill and knowledge requirements for the appellant's regular and recurring personally performed work equate to Grade 4, and we concur, based on our analysis of the grading criteria. The appellant does not contest this determination, but feels her mastery of her personally performed Grade 4 work should be considered when grading duties. Grade 4 is the highest level of food service work typically found in Federal service and the highest level described in the standard. The appellant's personally performed work cannot exceed Grade 4 unless it requires significantly more knowledge and skill than the standard describes, which it does not. Therefore, the appellant's duties and responsibilities for personally-performed work are evaluated at Grade 4.

Summary

The Leader JGS states that where the nonsupervisory (non-leader) work personally done by a working leader is at a higher grade than the work done by the employees led, the nonsupervisory (non-leader) work and the working leader duties are graded separately against the appropriate FWS JGS's. The final grade of such a job is then determined by selecting the working leader grade or regular nonsupervisory grade which results in the highest pay rate for the employee. Since the representative rate for WL-3 (step 2) of \$16.11 per hour is higher than the WG-4 representative rate (step 2) of \$15.83 per hour in the appellant's wage area [city and state], the appellant's leader duties control the final grade of her job.

Decision

The appealed job is properly graded as Food Service Worker Leader, WL-7408-3.