

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

Appellant: [Appellant]

Agency classification: Purchasing Agent
GS-1105-6

Organization: [Name/Organization]
914th Mission Support Squadron
914th Mission Support Group
914th Airlift Wing
Department of Air Force (AF)
[Location]

OPM decision: Purchasing Agent
GS-1105-6

OPM decision number: C-1105-06-04

/s/

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

2/23/2010
Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a classification 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 5 CFR 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards (Introduction)*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

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Introduction

On March 24, 2009, Philadelphia Oversight, formerly the Philadelphia 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 Purchasing Agent, GS-1105-6, and is located in the [Name/Organization], 914th Mission Support Squadron, 914th Mission Support Group, 914th Airlift Wing, Air Force (AF), in [Location]. The appellant believes his position warrants a higher grade level. We received the complete agency administrative report on May 1, 2009, and have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide this appeal, we conducted telephone interviews with the appellant on August 4, 2009 and his first- and second-level supervisors on August 20, 2009, and August 27, 2009, respectively. In reaching our classification decision, we have carefully considered all of the information obtained from the interviews, as well as the written information furnished by the appellant and his agency including the position description (PD) of record.

Background information

On January 22, 2008, the appellant filed a position classification appeal through his local human resources (HR) office to Headquarters, AF. The appellant contested three of the nine factor levels - Factor 2, Supervisory controls; Factor 6, Personal contacts; and Factor 7, Purpose of contacts. AF issued its decision on February 20, 2008, which did not result in a change to the appellant's grade. On April 10, 2008, the appellant requested a review from Civilian Personnel Management Service (CPMS). CPMS conducted a review of all nine factors and rendered its decision to the appellant on June 10, 2008. They concluded the appellant's position was properly classified as GS-1105-6. The appellant then filed this appeal with OPM.

General issues

The appellant is assigned to standard core personnel document # [PD number], also known as a standard PD. In his OPM appeal letter, the appellant states the grade level assigned to his current PD is inaccurate. Although both the appellant and his supervisor have certified to the accuracy of his current PD, the appellant states he disagrees with the grade level specifically as it relates to the complexity of work and level of responsibilities. He further asserts the grade misrepresented the unique capability, difficulty, and complexity of the work, responsibilities and organizational relationships of the position to which assigned. He further stipulates the decision rendered by CPMS was inaccurate due to the uniqueness of his duties and responsibilities which are not adequately covered by his PD.

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position represents the work which is made up of the duties and responsibilities performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal based on the actual duties and responsibilities currently assigned by management and performed by the

employee. An OPM appeal decision classifies a real operating position and not simply the PD. This decision is based on the work currently assigned to and performed by the appellant.

The appellant makes various statements about what he views as classification inconsistencies by comparing his position to vacancy announcements for higher graded positions located in other Air Force installations. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of his position. We cannot compare the appellant's position to a limited list of duties provided in a vacancy announcement as a basis for deciding his appeal, nor may we compare his position to other positions which may or may not be classified properly. Since our decision sets aside any previously issued agency decision, any actions previously taken by the agency in their review of the appellant's position are not germane to this classification appeal process.

Position information

The appellant works in the [Name/Organization] and provides acquisition support for the 914 Airlift Wing. The appellant is responsible for acquiring a variety of specialized supplies, equipment, services, or commercial requirements that may have unstable price or product characteristics, difficult to locate sources that may be subject to complicating factors from open market/small purchases, e.g., office modular furniture, public address system, IT Network switches, etc.

The appellant determines procurement sources and methods to use based on procurement history, estimated costs, urgency, availability of competitors and applicable guidelines. The appellant solicits written quotes by using open market solicitation procedures, and uses oral quotes for circumstances when delivery of goods and services are considered urgent. He receives, reviews and evaluates bids and quotes for price reasonableness, transportation costs, delivery time, and other factors to determine offers most advantageous to the Government. He prepares award documentation and performs post award follow-up by selecting the appropriate method such as purchase orders, delivery order on purchases against established contracts, blanket purchase agreements for contracts negotiated in advance for repetitive items or services, and Government credit card procedures when applicable.

The appellant also performs contract follow-up administrative duties and may recommend contract modification to extend delivery or order cancellation. The appellant assists the primary Data System Support Administrator in managing the Standard Procurement System (SPS) and other contracting information technology systems by providing technical support to users and field activities. He resolves operational problems involving system security, user access, and connectivity. He also assists with the installation and testing of system upgrades and testing of system releases. He maintains purchase information in the procurement automated system by coding and inputting price revisions, revised delivery dates and cancellation data, reviews system generated reports to ensure accuracy and takes action to correct the erroneous data.

Series, title, and standard determination

The appellant does not question the series or title assigned to his position or the use of the GS-1105 Position Classification Standard (PCS) to evaluate his position. We concur with the agency's determination the duties performed by the appellant and the knowledge required of his position are covered by the GS-1105 PCS. This series covers one-grade interval work performing work to acquire supplies, services, and construction by purchase, rental, or lease through delivery orders and/or small purchase procedures. Based on the mandatory titling requirements of the GS-1105 PCS, the appellant's position is allocated as Purchasing Agent, GS-1105.

Grade determination

The GS-1105 PCS is written in the Factor Evaluation System (FES) format which employs nine factors. A point value is assigned to each factor based on a comparison of the position's duties and responsibilities with the factor-level descriptions in the PCS. The points assigned to an individual factor level mark the lower end of the range for that factor level. Each factor-level description represents the minimum or threshold for that factor level. To warrant a given level, the position must fully equate to the overall intent of the factor-level description. If the position fails in any significant aspect to fully satisfy a particular factor-level description, the point value for the next lower level must be assigned unless the deficiency is balanced by an equally important aspect that meets a higher level. The total points assigned are converted to a grade level by use of a grade-conversion table in the PCS.

The appellant disagrees with his agency's assignment of Levels 1-4, 2-2, 6-2, 7-b, and 9-1. He agrees with his agency's assignment of Levels 3-2, 4-3, 5-3 and 8-1. After careful review, we concur with the agency's evaluation and assignment of Levels 3-2, 4-3, 5-3 and 8-1. As such, we have limited our analysis to Factors 1, 2, 6, 7 and 9.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts an employee must understand to do acceptable work and the nature and extent of skills needed to apply that knowledge. To properly credit a position at a higher level for this factor, it is necessary to determine the actual degree of knowledge required to perform the work; i.e., the knowledge must be both present and applied.

Work at Level 1-4 requires in-depth or broad knowledge of a body of purchasing regulations, methods, procedures, and business practices to make purchases involving (1) specialized requirements and/or (2) commercial requirements that have unstable price or product characteristics, hard-to-locate sources, many critical characteristics, or similar complicating characteristics. For example, this includes knowledge of solicitation or purchasing methods to make competitive or sole source small purchases; skill in analyzing descriptions that have unique aspects and many critical characteristics to identify problem areas in specifications or work statements, determine if quotations are responsive or decide if substitutions are acceptable or should be referred to others for further review; knowledge of price analysis techniques to

evaluate prices or costs for requirements with inadequate price history or evaluate allowable charges for requirements involving special cost features; knowledge of various acquisition clauses, such as those pertaining to inspection, acceptance, packaging or testing to select or tailor clauses for purchases that involve special handling; and knowledge of post award procedures to discuss equitable price adjustments for modifications to a purchase order, determine whether to recommend termination of an accepted purchase order for convenience or perform similar actions.

At Level 1-5, work requires knowledge of specialized technical purchasing methods and procedures to perform complex purchasing work. For example, purchasing duties require substantive involvement in at least one of the following: negotiating and awarding bilateral purchase orders for professional studies (e.g., research studies), or for the exclusive manufacture of unique equipment, instruments, dies, etc.; developing and selecting criteria/technical ranking factors for purchases of a variety of detailed commercial service or construction projects; administering small purchases that require extensive monitoring and oversight to resolve complex problems (e.g., protests, claims, terminations, or substantial modifications), and coordinating/discussing these or similar problems with small purchase contractors and various agency or activity personnel; negotiating, awarding, and administering small purchases that involve clauses normally not applicable to small purchases (e.g., purchase orders which contain provisions related to default termination, liability, and Government-furnished property); or negotiating, awarding, and administering small purchase orders which involve the use of instruments that are not firm-fixed-price.

The appellant states he administers small purchases which require extensive monitoring and oversight to resolve complex problems and coordinates discussions on these or similar problems with small purchase contractors and various agency activity personnel. The record shows he defines monitoring and providing oversight as talking to a contractor and going on-site to resolve any problems. For example, he stated a contract was awarded to a company to provide for on-base external washing of aircraft. The appellant stated he would be present when the customer showed the contractor how to wash the aircraft. He ensured contractor personnel got on and off base to perform the work. The 1105 PCS describes monitoring and oversight as the purchasing agent acting as a liaison between the vendor and the using party tracking their discussions until an agreement is reached on price considerations, changes in terms of delivery or cancellations of orders, etc. between the parties. The discussions are tracked so the purchasing agent can intervene as needed (e.g., bringing the parties back together through persuasion or one-on-one discussions). Thus, the appellant's examples of monitoring and oversight duties fail to meet the 1105 PCS's definition of those terms as required to meet Level 1-5.

The record shows the appellant defines negotiating as his interactions with customers and awardees to ensure there is mutual agreement with coordinating the work that needs to be completed. However, in order to meet Level 1-5, negotiations need to be conducted using knowledge of specialized technical purchasing methods and procedures to perform complex purchasing work, e.g., negotiating and awarding bilateral purchase orders for research studies; administering small purchases that require extensive monitoring and oversight to resolve complex problems such as protests, claims, terminations or substantial modifications. The appellant stated during his interview that he does not actually conduct negotiations with vendors,

or negotiate and award bilateral purchase orders for professional studies, or make purchases from non firm-fixed-price small purchase orders. Thus, his negotiating functions may not be credited at Level 1-5.

In support of his appeal rationale, the appellant states he acquires items or services that customers use on a regular, recurring basis. They normally cost up to and including \$3,000 and are paid by credit card. For items or services exceeding \$3,000, three competitive quotes must be obtained, and a blanket purchase agreement (BPA) is established. However, the use of BPA's is not determinative of grade-level worth in applying the GS-1105 PCS which described BPAs as a simple method of filling anticipated repetitive needs for supplies or services by setting up "charge accounts" with vendors. The appellant states he conducts market research to resolve fluctuating price issues. This is done by accessing the General Services Administration (GSA) Web site, Government Web sites, looking in the phone book, contacting private companies, and contacting vendors that provide him with prices by phone or catalogue prices. The appellant then compares pricing information gathered to determine if costs are fair and reasonable.

A definition of market research shows many types of research techniques and methodologies can be used to capture the required data. All methodologies collect either quantitative or qualitative information. Quantitative research measures market phenomena and often involves statistical analysis. Every respondent is asked the same series of questions. This approach is very structured and requires a large number of respondents. Qualitative research provides an understanding of how or why things are as they are. There is no fixed set of questions but, instead, a discussion guide is used to explore various issues in-depth. The discussion between the interviewer and the respondent is largely determined by the respondent's own thoughts and feelings. After the data are compiled, they are evaluated and a set of conclusions and recommendations are given to the client or employer based upon the research findings. Conducting market research requires time and a great deal of data analysis, substantially beyond the limited information gathering used by the appellant. The record does not show the appellant conducts the full depth and scope of data analysis functions to the extent needed to make the complex purchases found at Level 1-5.

The appellant's position is comparable to Level 1-4. As at this level, he possesses and uses an in-depth knowledge of a variety of purchasing regulations and methods procedures to purchase technical items and services requested by the various departments on-base. His purchasing work primarily involves competitive, non-competitive or sole source small purchases of items and services. He must follow the appropriate policies, procedures and regulatory requirements that apply to the purchases he must make. Typical of level 1-4, he must be knowledgeable of common business practices and sales to determine if supplier or vendor prices and discounts are reasonable, if proposed delivery dates are acceptable, and what methods of delivery are available for specialized items. Unlike Level 1-5, the appellant's work does not routinely involve activities requiring knowledge of specialized purchasing methods and procedures as described at this level. He is not involved in negotiating or awarding purchase orders related to professional studies; developing or selecting criteria for detailed commercial services or construction projects; or administering small purchases involving clauses or provisions such as default termination, liability, Government furnished property, etc. His primary involvement is with the purchase of firm-fixed-price items where this level of knowledge is neither required nor applied.

Level 1-4 is credited for 550 points

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor or a designated individual over work performed the employee's responsibility, and the review of completed work.

At Level 2-2, the supervisor or other designated authority assigns work with standing instructions on applicable procedures and policies to follow, performance expected, and priorities and deadlines to meet. For example, standing instructions may provide information on how to decide if the requirements should be purchased against an established contract or through open-market procedures. This guidance may include an explanation of the applicable Federal Acquisition Regulation (FAR) parts and sections, forms required to prepare delivery on purchase orders, and any documentation required to justify the method of purchase. The supervisor provides additional specific guidance on new, difficult, or unusual assignments, including suggesting work methods or source material available. For example, in situations where specialized services or specialized construction projects are purchased the supervisor may provide the employee with a checklist of procedures and regulations to follow and guide the employee throughout the process.

At Level 2-3, the supervisor assigns work with standing instructions on objectives, priorities, and deadlines and indicates special considerations or unusual requirements. The employee plans and carries out the steps necessary to make purchases using accepted practices or procedures to resolve problems and deviations. Problems and deviations include, for example, requirements which fluctuate in price and item characteristics, are sole source, are urgently needed, or are new to the market. The employee independently performs tasks such as negotiating price with a sole-source vendor, persuading reluctant vendors to bid, and collecting data to determine price reasonableness for requirements not acquired previously or recently. In other work situations, problems may result from the specialized nature of the requirement. For example, the employee may have to identify loopholes in specifications or statements of work that are very lengthy, detailed, or otherwise difficult to understand. The employee independently suggests revisions or additions to ensure information pertaining to the contractor's obligations are clear and adequate. After searching precedents, the employee consults with the supervisor or others to resolve major problems, for example, how to prepare information that will be used to respond to written protests from non-selected vendors. The supervisor reviews recommended awards or completed purchase files for technical soundness, appropriateness and conformity to policy and requirements.

The appellant's position is comparable to Level 2-2. He receives assignments by email or through the procurement desktop system. Once received, the appellant meets with the supervisor to discuss an acquisition strategy to include what direction or approach to take for soliciting quotes, if needed. Once all issues are resolved, a contract file folder is prepared and the purchase process begins. The supervisor periodically checks the appellant's progress to make sure the work is proceeding as planned.

In support of crediting Level 2-3, the appellant also states he works with vendors to resolve fluctuating price issues for Government purchases made on a recurring basis, e.g., dining hall food prices which fluctuate weekly. Price fluctuation problems at Level 2-3, however, are linked to requirements which also have changing item characteristics, which is not characteristic of weekly changes in food prices. The work examples provided by the appellant fail to demonstrate frequent negotiations with sole source vendors, a need to persuade reluctant vendors to bid, or a requirement to collect data to determine price reasonableness for requirements not acquired previously or recently. Both the appellant and his supervisor acknowledge the appellant's work does not routinely involve reviewing for discrepancies or loopholes in lengthy specifications or statements of work that are very detailed, or otherwise difficult to understand. Therefore, the appellant's work fails to meet Level 2-3.

Level 2-2 is credited for 125 points.

Factor 6, Personal contacts and Factor 7, Purpose of contacts

These factors include face-to-face and remote dialogue, e.g., telephone, e-mail, and video conference, with persons not in the supervisory chain. The levels of these factors consider the work required to make the initial contact, the difficulty of communicating with those contacted, the setting in which the contact takes place, and the nature of the discourse. The setting describes how well the employee and those contacted recognize their relative roles and authorities. The nature of the discourse defines the reason for the communication and the context or environment in which the communication takes place. The relationship between Factors 6 and 7 presumes the same contacts will be evaluated under both factors.

Personal contacts

At Level 2, contacts include employees in the same agency or activity but outside the immediate organization, including personnel in supply, contracting, finance, warehouse/delivery receipt sites. Contacts outside the agency include commercial suppliers, contractors, and personnel at other agencies, such as GSA.

At Level 3, contacts include technical or legal representatives of firms who are negotiating substantial purchase order changes or terminations for default or convenience, or who are protesting the basis for award non selection.

The appellant's position is comparable to Level 2. The record shows his contacts are limited. They are primarily with employees in other divisions within the Airlift Wing (supply, contracting, finance, etc.) and those outside the agency are typically with commercial suppliers, and contractors typical of this level.

Level 3 is not supported since it has been established the appellant does not engage in negotiating major purchases or purchase order changes with technical or legal representatives of firms, or other comparable external entities. The record shows he explains the FAR and contracting laws and procedures to customers who are unhappy with methods of procurement. Information obtained during the appellant's interview contradicts his earlier claims he that he

frequently terminates contracts for the Government's convenience. The record shows he has terminated contracts for default on average of four or five times a year, which is not regular and recurring work within the meaning of the position classification process.

Purpose of contacts

At Level B, the purpose of the contacts is to plan and coordinate actions to prevent, correct, or resolve delays or misunderstandings in the purchasing process. This includes contacts with customers to discuss specifications that may be inadequate or too restrictive, realistic lead times or prices, or other avenues for filling needs, such as renting versus purchasing. Contacts with vendors are to clarify requirements and negotiate issues, e.g., establishing adequate price reductions for deviations in product or delivery, modifying certain terms, or waving penalties for returned items. In some situations, a moderate amount of persuasive skill may be needed to encourage reluctant vendors to quote, resolve minor conflicts, or get agreement on changes affecting product, price, or delivery.

At Level C, the purpose of the contacts is to settle conflicts or disputes that occur during the small purchase process or to respond to and explain decisions through negotiations and persuasion. Contacts are frequently uncooperative and have different negotiation viewpoints. The employee must be skillful in negotiating issues, such as terminating settlements or other significant changes in the small purchase. Contacts also may be with protesting vendors to justify award decisions that are based on greatest value determinations rather than on price or delivery.

The appellant's position is comparable to Level B. The record shows the appellant does not routinely have to engage in settling conflicts or disputes by conducting negotiations. Instead, the record shows he explains the FAR and contracting law and procedures to customers who are unhappy with methods of procurement. The record does not show the level of involvement with negotiations on the types of issues or complex problem solving to the degree required to support Level C.

Level 2B is credited for 75 points

Factor 9, Work environment

This factor considers the risks and discomforts in the employee's physical surroundings, or the nature of the work assigned and the safety regulations required.

At Level 9-1, work is usually performed in an office setting involving everyday risks or discomforts. Normal safety precautions are adequate.

At Level 9-2, work involves moderate discomfort when visiting sites away from the office. The employee may be required to wear protective clothing, such as a hard hat, goggles, gowns, or boots when visiting construction sites, laboratories, or other areas.

The appellant's position is comparable to Level 9-1. His work is performed primarily in an office setting and does not require using special safety equipment or exercising special precautions on a regular and recurring basis. The supervisor stated on rare occasions the appellant is required to use safety equipment, and during the interview the appellant stated he needs to wear safety equipment only occasionally. Although the appellant had to wear safety goggles, safety shoes and a hard hat during the construction of a pavilion on the base, it is not an ongoing requirement and does not support the crediting of Level 9-2.

Level 9-1 is credited for 5 points.

Summary

<i>Factor Level Points</i>		
1.	Knowledge required by the position	1-4 550
2.	Supervisory controls	2-2 125
3.	Guidelines	3-2 125
4.	Complexity	4-3 150
5.	Scope and effect	5-3 150
6. & 7.	Personal contacts and Purpose of contacts	7b 75
8.	Physical demands	8-1 5
9.	Work environment	9-1 5
<i>Total</i>		1,185

The total points assigned to the appellant's position equals 1,185. According to the OPM PCS grade-conversion table, positions with total point values between 1,105 and 1,350 are properly graded at GS-6.

Decision

The appellant's position is properly classified as Purchasing Agent, GS-1105-6.