

**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: Contract Negotiator
GS-1102-12

Organization: Contracting and Support Division
Contracting Directorate
Aeronautical Systems Center
[base]
Department of the Air Force
[city and state]

OPM decision: Contract Negotiator
GS-1102-12

OPM decision number: C-1102-12-05

/s/ William B. Middendorf, Jr.

William B. Middendorf, Jr.
Classification Appeals Officer

September 30, 2003

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* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

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Introduction

On March 14, 2003, the Chicago Field Services Group of the U.S. Office of Personnel Management accepted a classification appeal from [appellant]. We received the complete administrative report from the agency on May 20, 2003. His position is currently classified as Contract Negotiator, GS-1102-12. The appellant believes that his position should be classified as Contracting Officer, GS-1102-13. The appellant works in the Integration and Trainers Branch, [unit] Division, Contracting Directorate, Aeronautical Systems Center, Department of the Air Force, [location]. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background information

The appellant was previously assigned to a standardized PD (number [#####]) used for contract negotiator, GS-1102-12, positions throughout the SPO/Contracting Division. In May 2002, the appellant initiated a classification appeal with his agency and a desk audit was subsequently conducted by the local human resource office. The appellant was then assigned to the current PD in January 2003. On March 7, 2003, he cancelled his agency appeal and decided to file an appeal with OPM.

The appellant disagrees with the GS-1102-12 PD as it pertains to the role of contract negotiator. The appellant states his concerns with the title and grade determination in two single page documents. They are titled "Arguments Supporting the Requested Change", and "Detailed Explanation of the Core Document Inadequacies". At issue for the appellant, is what he describes as lack of detail presented to account for the role of contracting officer. The major duties of the PD remain very similar to PD number [#####] with the exception of a paragraph that consolidates contracting officer duties. In the previous PD, the performance of contracting officer duties, or working with a contracting officer, was mentioned at the end of each major duty paragraph. In the current PD, contracting officer duties are combined as major duty paragraph five. The appellant states that in addition to duties performing work as both the contract negotiator and contracting officer, that he, as the contracting officer reviews the work of other contract negotiators and approves their documentation, attesting to the correctness by signing the file documentation. In a written statement dated April 7, 2003, the appellant stated that he takes exception to the position title, grade, duty five and the total number of points, 2,890, used to determine the grade of the position, PD number [#####]. He did not certify the accuracy of his PD of record.

General issues

The appellant states that contracting officers at his installation have been underpaid since the time they received their contracting officer warrant and that they should be promoted retroactive to that date in accordance with 5 CFR 511.703. However, 5 CFR 511.703 only addresses positions where employees have been demoted or downgraded erroneously and, as a result, have suffered an actual loss of pay. It is not applicable to the appellant's situation. In addition, the U.S. Comptroller General states that an ". . . employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an

employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted. This rule was reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976), where the Court stated that ‘. . . the federal employee is entitled to receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade.’ . . . Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications” (CG decision B-232695, December 15, 1989).

The appellant makes reference to other positions at [location], other Air Forces bases and Navy bases that are graded as non-supervisory, GS-1102-13, and says that the majority of the SPOs have multiple non-supervisory, GS-1102-13, contracting officers. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCS's and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we may not classify the appellant's position by comparing it to other positions that may or may not be classified correctly. 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 his position so similar to others that they all warrant the same classification, he may pursue the matter in writing to the human resource office at his agency's headquarters. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same, the agency must correct the classification to be consistent with this appeal decision. Otherwise, the agency should explain the differences between his position and the others.

Position information

The appellant works at [location] Air Force Base which is managed and maintained by Aeronautical Systems Center, the Air Force organization responsible for developing, acquiring, modernizing and sustaining aerospace systems. Missions range from acquisition and logistics management, to research and development, education, flight operations, and many other defense related activities

Under a matrix configuration, the appellant's position is assigned to the Contracting and Support Division, Contracting Directorate. The appellant, along with his first- and second-level supervisors, are matrixed to the user organization, the Contracting Division of the [plane] System Program Office (SPO). The [plane] SPO manages the modification and life-cycle logistics support of the [plane] stealth bomber aircraft and the associated maintenance and aircrew training systems. The [plane] SPO Contracting Division is managed by a military colonel. It consists of two branches, the Enhancements and Development Branch, and the Integration and Trainers Branch. Members of these two branches provide support to the [plane] stealth bomber aircraft and associated maintenance and aircrew training systems. The appellant is assigned to The Integration and Trainers Branch which consists of five positions: a Supervisory Contract Negotiator, GS-1102-13; two Contract Negotiators, GS-1102-12, (one position being encumbered by the appellant); one Procurement Officer that is a military captain; and one Procurement Technician, GS-1106-07.

The appellant develops acquisition strategy, prepares documentation, plans and negotiates contracts for complex, high monetary value, long-term acquisitions for major weapons systems; subsystems; equipment; field support; sustainment; and/or related research, development, test, and evaluation (RDT&E). The appellant performs pre-award procurement functions for a variety of fixed-price and cost reimbursable contracts. Duties include the development of the acquisition strategy and plan, preparation of solicitations and statements of work. He prepares the government's position on the negotiation of various types of contracts, analyze issues and provide sound recommendations. The appellant performs analysis and evaluation on certified cost or pricing data and other than certified cost or pricing data to determine price reasonableness when relevant historical data and pricing precedents are generally not available. He analyzes contractor proposals to determine reasonableness and prepares the government's negotiation position. The appellant prepares and reviews contracting recommendations that require research and interpretation of laws and regulations and acts as a business advisor.

We conducted a telephone audit with the appellant and a telephone interview with his immediate supervisor. The appellant's immediate supervisor has only been his immediate supervisor since May 2003 and has limited knowledge of the position and issues surrounding this appeal. We also interviewed a higher level supervisor who signed the current position description (PD) and the previous PD. In deciding this appeal, we fully considered the audit, the interview findings, and all information of record provided by the appellant and his agency, including his current work assignments and PD of record which has been certified as current and accurate by competent management authority. The appellant's PD and other material of record furnish more information about their duties and responsibilities and how they are performed and are incorporated by reference into this decision

Series, title, and standard determination

The agency has placed the appellant's position in the Contracting Series, GS-1102, titled it Contract Negotiator, and determined its grade by application of the published GS-1102 position classification standard. The appellant agrees with the series determination, but believes that his position should be titled as a Contracting Officer based on the use of the title in the Department of Defense and Air Force Federal Acquisition Regulations (FAR).

The GS-1102 series prescribes six official titles for non-supervisory positions. The official title that covers positions which require specialized negotiation techniques to meet and reach agreement through discussion with a proposed contractor on price and performance terms, and to set forth all these terms in a procurement document, is Contract Negotiator. This description is consistent with the duties performed by the appellant. The use of the title of Contracting Officer in FAR is separate and distinct from and is not approved for use in determining position classification titles. Since Contracting Officer is not an officially approved title in the GS-1102 PCS, it may not be used to officially title the appellant's position.

As discussed in the *Introduction to the Position Classification Standards*, the official titling of a position does not preclude the agency from using an organizational title for internal

administration, program management, or similar purposes. The internal use of the organizational title, Contracting Officer, is left to the discretion of the agency.

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) denote 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.

Based on our analysis of the record and discussion with the appellant, we have credited these factors as described below.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts required to do acceptable work (e.g., steps, policies, principles, and concepts) and the nature and extent of skill necessary to apply this knowledge. To be used as a basis for selecting a level under this factor, a knowledge must be required and applied. Knowledge is evaluated in terms of: a) contracting methods and contract types used in performing preaward postaward and/or contract price/cost analysis functions; and b) business practices and market conditions applicable to the requirements sufficient to evaluate and document contractor responsiveness and responsibility.

Level 1-7 requires knowledge of a wide range of contracting methods and contract types to plan and carry out preaward and/or postaward procurement actions; in-depth knowledge of a specialized area to analyze difficult contracting issues and identify alternative courses of action, modify standard contracting procedures and terms to satisfy specialized requirements, and solve a variety of contracting problems, including those requiring significant departures from previous approaches; and, familiarity with business practices and market conditions applicable to program and technical requirements sufficient to evaluate bid responsiveness, contractor responsibility, and/or contractor performance.

In addition to the knowledge and skills involved at Level 1-7, Level 1-8 requires mastery of contracting methods and contract types to plan and carry out long-term preaward and/or postaward procurement actions; or, mastery of the procurement functional area sufficient to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods, to extend existing contracting techniques, and to develop procurement policies for use by other contracting personnel in solving procurement problems; or mastery of procurement principles and technical or program requirements to plan and manage or make decisions or recommendations that significantly affect the content, interpretation or development of complex, long-range, or interrelated and agency policies or programs concerning the

management of procurement matters; and, familiarity with business strategy and program or technical requirements sufficient to perform or direct in-depth evaluations of the financial and technical capabilities, or the performance, of the contractor. Typical of preaward functions at this level, an employee must utilize knowledge and skill sufficient to procure systems where little or no contractual precedent exists to serve as guidance in developing or modifying procurement strategies or pricing structure; or apply knowledge and skill sufficient to plan and procure design services and construction for large hospitals, laboratories, prisons to include developing additional contracts to procure scale models when new concepts or construction techniques are involved. At this level, the employee must have knowledge of contract administration sufficient to monitor systems contracts over several years and cover research, development, testing, and/or production of complex contracts

The initial contract for the [plane] weapon system was awarded in 1981. The contracting duties performed by the appellant largely involve upgrades and enhancements to the existing weapon system. The appellant's assigned modifications to existing contracts for the [plane] weapon system do not meet Level 1-8 where knowledge and skill are described in order to procure systems where little or no contractual precedents exist. The appellant is not required to develop procurement policies for use by other contracting staff members. Contracting and Support Division, Contracting Directorate develops policies that are to be applied by contracting staff in all of the ASC SPOs. In those instances where the needed procedures and policies relate only to the [plane] SPO, the appellant may provide input, but the responsibility for the development of such guidance rests with the appellant's supervisor and the Procurement Analyst, GS-1102-13, position in the [plane] SPO. Like the Level 1-7 description above, the appellant's duties require knowledge of a variety of contracting methods and contract types in order to plan and carry out procurement actions in support of the [plane] SPO. Therefore, we credit Level 1-7.

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. As dollar thresholds increase, requirements for formal reviews by higher authority or boards of experts are generally prescribed by agency regulations rather than by a supervisor.

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. Requirements often stem from missions goals or from national, departmental or agency policy. 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, appropriateness of the business arrangements, and contribution to the success of the mission on both a short and long-term basis. 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.

As described in Level 2-4, the appellant's work is assigned in terms of the overall project. The appellant, in conjunction with the supervisor, establishes priorities and deadlines. The appellant independently plans and carries out his work and resolves most problems that may occur with others that are involved. The appellant keeps the supervisor informed on controversial issues. Completed work is reviewed for effectiveness in meeting contractual requirement and conformance with policies and regulations. Typical of Level 2-4, work review is minimal as when 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. Reviews of this nature are to assure compliance with all legal and regulatory requirements, as well as for effectiveness of procurement strategy. Unlike Level 2-5, the appellant receives more than just administrative direction and works on assignments substantially more limited than broadly defined programs or functions. While he independently plans and carries out work, much of what he does is determined by precedent and guidance set by the Contracting Office. Therefore, we credit Level 2-4.

Factor 3, Guidelines

This factor covers the nature of guidelines and the judgment needed to apply them. Individual jobs vary in the specificity, applicability, and availability for the guidelines for performance of assignments. Consequently, the constraints and judgmental demands placed upon employees also vary. Lack of guidelines may require the exercise of considerable judgment. Judgment is also required in the interpretation of the large number of guidelines associated with procurement work.

At Level 3-4, policies and precedents are available but stated in general terms, or are of limited use. Guidelines are often inadequate in dealing with problems and require interpretation and modification to apply to current assignment. The employee must use experienced judgment and initiative in applying principles and deviating from traditional approaches and techniques.

At Level 3-5, guidelines consist of legislation, broad and general policy statements and procurement regulations involving one or more agencies, which require extensive interpretation. At this level the employee is an authority on developing and interpreting procurement guidelines, policies, regulations and/or legislation. Employees working in operational positions are responsible for procurements for which little or no contractual precedents exist to guide them in developing and modifying procurement strategies. For example, a procurement which involves a significant departure from existing systems necessitates original and creative effort to obtain a reasonable balance of interests or the redefinition of policy in the design and execution of the procurement.

Unlike Level 3-5, the appellant has access to applicable laws, regulations, precedent contracts and guidance from the Contracting Office, from which, the appellant's position is matrixed. Guidelines used by the appellant include Federal procurement laws, agency contracting regulations and Comptroller General Decisions. The appellant exercises experienced judgment in determining applicable regulations and to develop justifications for adopting modified contractual positions. While guidelines are not always directly applicable to the duties performed and require modified approaches and interpretation, the existing laws, regulations and Comptroller General Decisions are generally applicable and provide adequate guidance. Therefore, we credit Level 3-4.

Factor 4, Complexity

This factor covers the nature, number, variety and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

This includes the interrelationship between procurement functions which can be considered, such as type of contract and special provisions, and the program needs which must be identified and analyzed, such as technical requirements and prices. However, the program requirements must clearly affect the difficulty of the procurement functions to be credited. For example, a contract may include requirements for a highly complex product or service, but the procurement method may be relatively simple or standardized, such as a formally advertised, firm fixed-price contract. Common elements of complexity which affect contracting are: requirements, this is nature of the services, construction, etc involved in preaward or postaward contracting action; method of procurement, the use of formal advertising or negotiation; type of contract, including incentives and terms and conditions; price or cost analysis, ranging from standard commercial price lists to highly sophisticated statistical estimating techniques and economic forecasts; changes that include changes in quantity, technological advances as well changes in legislated funding levels; and other elements that may affect individual procurement actions such as strategic materials priorities, subcontracting, and public or congressional interest.

At Level 4-5, work is characterized by breadth of planning and coordination, or depth of problem identification and analysis, stemming from the variety of the procurement functions or from the unknowns, changes or conflicts inherent in the issues; or, responsibility as team leader or project officer for a significant procurement assignment typically involving complexities comparable to

the initial production of equipment, systems, or research and development where there is a lack of experience or the use of new materials make costs difficult to projects; or in-depth cost analysis such as audit and substantiation of the contractor's cost data, use of economic forecasting techniques, evaluation of corporate structures where it is difficult to identify cost items properly chargeable to the prices under review, or the analysis of subcontracts in addition to the proposal of the prime contractor. Procurements typically require new or modified contract terms and conditions, funding arrangements, or policy interpretation throughout the preaward and postaward phases. Work at this level requires the employees to make decisions to take into consideration of continuing changes in programs and technological advancements.

Duties at Level 4-6 consist of broad contracting functions and activities. Assignments are characterized by broad and intense efforts, and involve several phases being pursued concurrently or sequentially with the support of technical, procurement, program and management personnel within and outside an organization. For example, an employee would develop guidance for contracting staff to follow throughout the contracting process involving major systems or programs; or advise program managers and staff with respect to the development of integrated acquisition strategies for a number of procurements supporting major agency programs. The specific procurement issues are largely undefined and require extensive analysis and evaluation to identify the scope of the problems and to reach decisions on appropriate courses of action, where little or no established practices or precedents are available, and where new techniques and approaches need to be devised. Work at this level also involves procurement systems or programs which require extensive analysis and continuing evaluation of potential approaches to establish comprehensive solutions; or the development of new concepts, theories, or programs which will influence the procedures and ideas of others, or resolving unyielding problems.

The appellant's contract assignments are varied in nature to include Cost Plus Incentive Fee (CPIF), Firm Fixed-Price (FFP) and Cost Plus Fixed Fee (CPFF) contracts. Duties performed by the appellant are in support of the [plane] stealth bomber and associated maintenance and aircrew training systems. Consistent with Level 4-5, his work is often complicated by a high degree of urgency involved due to Congressionally mandated timelines and funding constraints, changing requirements due to evolving command guidance that impacts operational requirements; or changes in state-of-the-art technology that alter requirement schedules or methods. The work requires the depth of analysis on the range of acquisition complexities found at that Level. The appellant's position is not responsible for the more complex demands found at Level 4-6. He works in a matrix organization where major decisions that have broad impact on how contracting work is to be performed in the various SPOs at [location] are made in and controlled by the Contracting Division. The issues faced by the appellant, however, are well-defined and do not require the extensive analysis and evaluation required at the 4-6 level. Therefore, we credit Level 4-5.

Factor 5, Scope and Effect

Scope and Effect covers the relationship between the nature of the work (i.e., the purpose, breadth, and depth of the assignment) and the effect of work products or services both within and outside the organization. The nature of the work describes such end objectives as the number of

contracts awarded and administered decisions and recommendations made, and policy and regulatory documents written.

Effect measures such things as whether the work output facilitates the work of others, provides timely services, affects agency programs or missions, or affects other agencies, private industry or the general public. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture, allowing consistent evaluations. Only the effect of properly performed work is to be considered.

At Level 5-4, the purpose of the work is to provide expertise in a functional area of contracting by furnishing advisory, planning, or reviewing services on specific problems, projects, or programs. Assignments involving contract negotiation, award, administration, or termination, frequently carry contracting officer authority within prescribed money limits for all or most contractual actions, e.g., planning, coordinating and /or leading negotiations for a variety of complex contracts and contract modifications. Work products at Level 5-4 affect a wide range of procurement activities, such as the operation of procurement programs in various offices or locations, or the accomplishment of significant procurement or technical program goals, affects the timely support of other departments or agencies, affects contractor's operations or management systems; has a significant economic impact on contractors or on their respective geographic areas; or similar impact.

At Level 5-5, the purpose of the work is to resolve critical problems, or develop new approaches for use by other contract specialists or for use in planning, negotiating, awarding, administering, and/or settling the termination of major procurements. Recommendations or commitments are accepted as authoritative, and frequently carry contracting officer authority for transactions involving sizeable expenditures of staff, funds, and material. The work product affects the work of other experts within or outside the agency, e.g., the development of guides or procedures for use by subordinate contracting activities; the operation and evaluation of subordinate contracting programs; the accomplishment of major procurements which contribute to the achievement of missions objectives; the decisions of senior procurement, technical, or program officials in terms of the authoritative procurement advice provided; the economic well-being of a large corporation or subsidiary; or the well-being of substantial numbers of people, such as those employed in a major industry, or those served by a broad social, economic, health or environmental program.

The purpose of the appellant's position is to plan and negotiate contracts for complex, high monetary value, long-term acquisitions for assigned portions of major weapons systems, subsystems, equipment, and sustainment services. The appellant also serves as a contracting officer on contract changes and modifications. Like Level 5-4, the appellant provides support to a specific project and/or program, in this case, the [plane] stealth bomber. In addition to the required planning and negotiation required for a variety of contracts and contract modifications, the appellant analyzes data in order to formulate a plan to address related problems. Duties performed affect the mission related to the [plane] stealth bomber through the timely delivery of equipment and services. However, the appellant does not set precedent and policy as described at Level 5-5 and is not responsible for the full panoply of major systems acquisition decisions found at that level as discussed previously. Therefore, we credit Level 5-4.

Factor 6, Personal Contacts

Personal contacts include face-to-face and telephone contact and other dialogue with persons not in the supervisory chain. Levels described under this factor are based on what is required to make the initial contact, the 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. Points are credited only for contacts that are essential for successful performance of the work and which have a demonstrable impact on the difficulty and responsibility of the work performed.

Factor 6 and Factor 7, Purpose of Contacts, are interrelated. It is presumed that the same contacts will be evaluated for both factors. Therefore, the personal contacts that serve as the basis for the level selected for Factor 7 are the same contacts when determining the basis for selecting a level under Factor 6.

Contacts at Level 6-3 include a variety of specialists, managers, officials or groups from outside the employing agency in a moderately unstructured setting. The purpose and extent of each contact is usually different and the role and authority of each party is identified and developed during the course of the contact. Contacts at this level include contractors, manufacturers' representatives, attorneys, auditors, State and local governments, and other Federal agencies.

Level 6-4 contacts are characterized by problems such as, officials that may be inaccessible, each contact may be conducted with different ground rules. Typical contacts at this level are those with Congressional members and key staff, senior corporate officials, key representatives from national or international organizations, key officials from other Federal agencies, key officials from state and local governments, and from judicial and quasi-judicial bodies.

Like Level 6-3, the appellant's contacts include agency specialists, managers and officials. Duties require that the appellant interact with groups outside of [location], including contractors, and officials from other agencies. Contacts occur in a moderately unstructured setting with the roles and authorities of the parties varying and the purpose and extent of each contact being defined during the communication process and based upon the purpose of the contact. . The record shows that the appellant does not regularly have contacts with types of officials or under the conditions found at Level 6-4. Therefore, we credit Level 6-3.

Factor 7, Purpose of Contacts

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 selected for Factor 6.

At Level 7-3, contacts are to obtain agreement on previously determined goals and objectives through negotiation, persuasion and advocacy. The individuals or groups are frequently uncooperative, have different negotiation objectives, or represent divergent interests. The

employee must be skillful in dealing with such persons to obtain the desired effect, such as obtaining compliance with procurement requirements through persuasion or, or obtaining reasonable prices, terms or settlements for the Government through negotiation. Typical contacts at this level include working with project officers to plan a procurement strategy for program objectives; negotiating with contractors to meet objectives established in a prenegotiation plan, or to obtain a contractual agreement that is in the best interest of the government; or negotiating postaward modification, termination settlements, pricing or other actions; 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.

Contacts at Level 7-4 are to justify, negotiate, or settle matters involving significant or controversial issues, or problems which require escalation because established channels and procedures have failed to resolve the problem. Negotiations at this level involve procurements of considerable consequence and importance, such as major and other large system acquisition programs, negotiation with management representatives of other agencies, or representatives of foreign governments or international organizations. At this level, the employee is responsible for justifying and defending the agency position when the issues are strongly contested because of their impact or breadth. Contract administration or termination settlements at this level involve the resolution of very difficult or complicated issues, such as settlement of contracts which have significant adverse impact on the contractor's financial posture. Employees at this level also serve on contract review boards at the departmental or independent agency level which advise on and approve, or recommend approval of, procurement actions involving major and other significant systems or programs. Persons contacted typically have diverse viewpoints, goals, or objectives, requiring the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at compromise, or developing suitable alternatives.

Typical of Level 7-3, the appellant's contacts are to exchange information, to clarify contracting problems, to negotiate contracts, and to establish acquisition strategies. The appellant serves as a liaison between principle parties such as contractor representatives, project managers and engineers. The parties involved frequently have different negotiation objectives and represent conflicting interests. As discussed previously, the appellant is not responsible for negotiations and decision making on the range of controversial and complex issues found at Level 7-4. Therefore, we credit Level 7-3.

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities and the physical exertion involved in the work.

At Level 8-1, work is sedentary. Typically, employees may sit comfortably to do the work with occasional walking, carrying of reports and files or driving an automobile. In contrast, Level 8-2 requires some physical exertions such as walking over rocky surfaces on a regular basis.

The appellant's position entails the physical efforts typical office work. Therefore, we credit Level 8-1.

Factor 9, Work Environment

Work environment considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required. Although the use of safety precautions can practically eliminate a certain danger or discomfort, such situations typically place additional demands upon the employee in carrying out safety regulations and techniques.

At Level 9-1, the work environment involves everyday risks or discomforts which require normal safety precautions typical of such places as conference rooms or offices, commercial vehicles, e.g., use of safe work practices with office equipment, avoidance of trips or falls, observance of fire regulations, traffic signals, safe driving practices, and similar practices.

In contrast, Level 9-2 involves moderate risks or discomforts on a regular and recurring basis, which require special safety precautions, e.g., visiting or working in industrial plants or test environments where hazards are present such as machines, moving equipment, chemicals, noise, vibrations, hazardous or extreme weather conditions, or comparable situations. Employees are required to use protective clothing or gear.

This appellant's position is exposed to the everyday risks typical of office work. Therefore, we credit Level 9-1.

Summary for FES evaluation

	<i>Factor Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1,250
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and effect	5-4	225
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>	2,890

A total of 2,890 points falls within the GS-12 grade level point range of 2,755-3,150 points in the PCS's Grade Conversion Table.

Decision

The position is properly classified as Contract Negotiator, GS-1102-12.