

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

Appellant: [appellant]

Agency classification: Consumer Safety Inspector (In Plant HACCP), GS-1862-9

Organization: [location]
District Inspection Operations
[location] District Office
Office of Field Operations
Food Safety and Inspection Service
U.S. Department of Agriculture
[city and state]

OPM decision: Consumer Safety Inspector
(parenthetical at agency discretion)
GS-1862-9

OPM decision number: C-1862-09-01

/s/ Robert D. Hendler

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

February 28, 2008

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:

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Introduction

On August 10, 2006, the Chicago Oversight and Accountability Group (formerly the Chicago Field Services Group) of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. The appellant's position is classified as Consumer Safety Inspector (CSI) (In-Plant HACCP), GS-1862-9, but he believes his duties and responsibilities warrant upgrading to the GS-11 level because of significant changes in the agency's inspection regulations and procedures. The appellant works in the Hatfield Circuit, District Inspection Operations, [area] District Office, Office of Field Operations, Food Safety Inspection Service (FSIS), U.S. Department of Agriculture (USDA), in [city and state]. We received the agency administrative report (AAR), on April 16, 2007, and the appellant's final statements and information needed to complete the report on December 5, 2007. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

Background information

In response to a classification appeal filed by the appellant, FSIS issued a decision on October 20, 2004, asserting the accuracy of his position's title, series, and grade determinations. This decision was sustained at the agency level in a further internal appeal decision issued on June 30, 2006, whereby the agency concluded that the position was properly classified as CSI (In-Plant HACCP), GS-1862-9.

General issues

Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) number [XX-###] (Amendment #1), but the appellant disagrees with the grade-level determination. Implicit in the appellant's rationale is a concern that his position is classified inconsistently with other FSIS positions that perform similar work, e.g., Relief CSI's classified at the GS-10 level. By law, we must classify positions solely by comparing current duties and responsibilities to OPM position classification 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. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others, which may or may not be classified correctly, as a basis for deciding his 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 his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to his human resources office. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as his, the agency must correct the classification of the other positions to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

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

The appellant also indicates one of the biggest demands of the position involves the increase in the volume of work for which he is responsible. However, the issue of volume of work is listed as a factor which cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5).

The appellant makes various other statements about the agency and its evaluation of his position. However, because our decision sets aside all previous agency decisions, the appellant's concerns regarding his agency's classification review process are not germane to this decision. In adjudicating this appeal, our only concern is to make our own independent decision based on the proper classification of the position; and we will consider the evidence provided by the appellant in our analysis.

Position information

The appellant works under the general supervision of a Supervisory Consumer Safety Officer (CSO), GS-696-13. The primary purpose of the appellant's position is to verify that a food safety system is operating within assigned processing facilities in compliance with agency regulations to ensure safe food production. His supervisor is not usually present at the appellant's assigned processing plant work site. The appellant independently applies accepted practices and techniques to select his inspection approaches, assess regulatory compliance with agency regulations and policies, document his findings, and initiate appropriate regulatory corrective actions as needed. He provides a monthly summary of key developments over that period to the supervisor to ensure he is apprised of any significant developments. Meat processing facilities are now required to develop scientifically sound, problem prevention-oriented Hazard Analysis and Critical Control Point (HACCP) plans, broken down into nine identified meat production processes (i.e., Slaughter, Raw Ground, Raw-Not Ground, Not Heat Treated-Shelf Stable, Heat Treated-Shelf Stable, Thermally Processed-Commercially Stable, Fully Cooked-Not Shelf Stable, Heat Treated But Not Fully Cooked-Not Shelf Stable, and Product With Secondary Inhibitors-Not Shelf Stable). The appellant says doing so involves a rigorous process which includes conducting a hazard analysis; identifying critical control points in the product processing cycle; and establishing critical limits for each of these points, as well as monitoring, recordkeeping, and verification procedures. The appellant says his duties require him to work in a meat-processing environment which makes use of eight of the nine HACCP processes (the exception being the one he says is relatively less demanding, the Slaughter process, because meat is shipped already slaughtered). These facilities operate under one or more HACCP plans developed internally, and as the CSI, he verifies the procedural requirements in these plans are being properly implemented within regulatory requirements. In addition, he conducts regulatory oversight activities in processing facilities relating to application of

Sanitation Performance Standards (SPSs) and Sanitation Standard Operating Procedures (SSOPs), pathogen reduction and food safety verification procedures, and related consumer protection issues, e.g., adulteration and mislabeling. HACCP-driven processes overseen typically involve a wide range of these or one such process that involves a requirement for commercial sterility, the most critical and complex of the nine HACCP processes. Verification activities typically involve direct observation of such factors as the facility's pest control procedures, adequacy of light and ventilation, plumbing and sewage systems, water use/reuse practices, condition and use of processing equipment and utensils, and employee hygiene.

Upon initial implementation of an HACCP plan, and whenever it is revised, the appellant reviews it to determine whether it meets regulatory expectations in terms of its procedures and supporting documentation. He verifies that the plant is adhering to its HACCP plan's procedures and is taking the appropriate corrective measures called for therein as problems are identified to bring the plant into compliance. When he identifies a noncompliance problem, he must document it and issue a Noncompliance Record (NR), to which plant management must react by either taking appropriate corrective action or appealing the NR to the appellant's supervisor. He also must determine whether the problem so identified is indicative of a pattern or trend of noncompliance. The appellant can halt a specific segment of the processing operations found to be out of compliance and informs his/her supervisor of this action on an *ex post facto* basis. Upon identifying repeated or systemic problems that are not being adequately addressed, he recommends as appropriate more serious formal action to the first-line supervisor, such as requesting an assessment by an Enforcement Investigations and Analysis Officer (EIAO, who occupies a CSO, GS-696 professional position). The EIAO can then issue a Notice of Intended Enforcement (NOIE), which, if the plant does not take corrective action within three days, can result in an agency management decision at the District level to withhold inspection activity. This, in turn, may require suspension of all processing operations at the facility.

The appellant is responsible for maintaining effective relationships with all levels of plant management and staff at his/her assigned processing facilities to resolve any compliance issues. He is also expected to maintain close contact and coordinate with other CSIs, if any, on different shifts to ensure effective sharing of information about any problems identified and develop approaches to resolve compliance issues.

In addition to the above primary duties, he may be called on to conduct various samplings, surveys, and tests to obtain background data on potential problem areas, industry trends, or other issues of interest to the agency, as well as tests for specific pathogens, e.g., *Salmonella*, *Listeria*, *E. coli O157:H7*, etc. He may also perform food security verification procedures to ensure the probability of any potential security breaches of a processing facility which could lead to deliberate contamination is minimized to the greatest extent possible.

We conducted a telephone audit with the appellant on April 19, 2007, and a telephone interview with his first-level supervisor on May 2, 2007, and several follow up calls. In deciding this appeal, we fully considered the telephone audit/interview findings and all information of record furnished by the appellant and his agency, including his current assignment and PD.

Series, title, and standard determination

The agency has placed the appellant's position in the Consumer Safety Inspection Series, GS-1862, and titled it CSI (In-Plant HACCP). The appellant has not disagreed, and we concur with the series and basic title determinations. The GS-1862 series includes technical positions concerned with planning and conducting inspections, investigations, and related sampling and data collection activities in support of the laws and regulations protecting consumers from foods, drugs, and other products that are impure, unsanitary, unwholesome, improperly labeled, or otherwise dangerous to the general public. These positions require a practical knowledge of the employing agency's programs and implementing regulations; a practical knowledge of chemical and biological processes and analytical methods; the characteristics of regulated products; pertinent manufacturing, storage, and distribution methods; and inspection, sampling, and field testing techniques. The GS-1862 Flysheet does not address any authorized specializations. The agency may supplement the official title with a parenthetical title as provided for in the *Introduction to the Position Classification Standards*, Section II., H. c.

Grade determination

There are no published grading criteria for positions classified using the GS-1862 Flysheet. Therefore, it is necessary to cross-reference to grading criteria in published position classification standards (PCS) covering series that have similar kinds of work processes, functions, or subject-matter knowledge and skills, and entail a similar level of difficulty and responsibility. To evaluate the appellant's duties, his agency applied the grading criteria in the Agricultural Commodity Grader Series, GS-1980 PCS. This is a two-grade interval PCS the focus of which concerns work assessing the quality of various types of agricultural products, including poultry and meat. Specifically, it "includes the inspection or monitoring of the conditions under which the product is processed, stored, or transported insofar as these factors affect product quality." While the focus of the GS-1980 series is primarily concerned with the *quality* rather than the *safety* of food products, both the GS-1862 and GS-1980 standards involve work performed in very similar industrial processing contexts involving factors that are of concern from a food safety as well as a food quality stand point; i.e., sanitation and storage. The appellant does not contest this decision by the agency in selecting the GS-1980 series standard as a basis for classifying duties classified in the GS-1862 series. After a close analysis of the published PCSs of other occupational series to determine whether any others would be more appropriate for this purpose, given the need for care in using a PCS developed for application to a two-grade interval occupation (GS-1980) as a basis for classifying a position in a single-grade interval occupation (GS-1862), we could not so identify any other. Therefore, we concur with the agency that the classification criteria found in the GS-1980 PCS is appropriate.

The agency assigned Levels 1-6, 2-3, 3-3, 4-4, 5-3, 6-2, 7-3, 8-2, and 9-2.. The appellant agrees with the agency's crediting of Factors 1 through 9, except for Factors 1, 2, and 4. After a thorough review of the record, we concur with the agency's evaluation of the uncontested factors. Accordingly, our appeal analysis focuses on the evaluation of Factors 1, 2, and 4.

The agency evaluated the appellant's CSI position at the GS-9 grade level, but the appellant believes his duties and responsibilities warrant upgrading to the GS-11 level because he says the

complexity of the issues has increased enormously due to significant changes in the agency's inspection regulations and procedures. The appellant says prior to the changes in the agency's regulatory approach which was implemented in stages over the last decade, the regular CSIs were classified as GS-11s based on their duties covering all nine HACCP factors described previously. However, with the changes, the appellant works with only eight of the nine, with the single exception, Slaughter, which he says is the least demanding factor of the nine in terms of the job knowledge required and complexity. He thinks it is unfair for the agency to penalize him for not working with the simplest and least demanding of the HACCP processes by using this as part of its rationale for refusing to classify his position above the GS-9 grade level.

The appellant also raises the issue of the agency's use of what are termed relief CSIs. These are employees, serving at the GS-10 level, who are tasked with filling in as needed at processing facilities when the regular CSI is on leave or otherwise unavailable to work at the facility in question. Under the provisions of the agency's internal classification guide for CSI positions (discussed below), relief CSI positions are classified by the agency at the GS-10 level, on the rationale they must be prepared to work in processing facilities which may use any of the nine HACCP processes, including Slaughter, which he believes is an unfair and false criterion. He also states that relief inspectors, in their fill-in capacity, don't really have to confront the challenges he faces because they don't know the specifics of the appellant's assigned plant's operations or the key players among plant management staff, acting more in the capacity of short-term placeholders than anything else, as reflected by recent results. For example, last April as the regular CSI, he reported 30 violations, whereas in the next month, June, the relief CSI only reported four such situations. He says before the agency reorganization, when regular CSIs were classified at the GS-11 grade level, it didn't matter if the relief positions were classified at GS-10; but since the actual slaughter of animals is no longer performed on-site, and the appellant is unable to perform that function, the subsequent GS-9 grade level assigned to his position now constitutes an unfair pay situation. As discussed previously, however, the law does not provide for classification on the basis of position-to-position comparison.

The GS-1980 PCS 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 by application of the Grade-Conversion Table contained in the PCS. Under the FES, factor-level descriptions mark the lower end; i.e., the floor, of the ranges for the indicated factor level. If a position fails in any significant aspect to meet a particular level in the PCS, the next lower level and its lower point value must be assigned. Conversely, the position may exceed those criteria in some respects and still not be credited at a higher level because it fails to meet all significant aspects at that particular level.

The agency had developed an "Internal Classification Guide for Consumer Safety Inspector, GS-1862" in March 2004 (revised in August 2005) in which a key portion was concerned with "an evaluation of GS-8, GS-9, and GS-10 Consumer Safety Inspector positions using the grade level criteria in the GS-1980 series" This agency guide also included a matrix depicting work assignments characteristic of work the agency deemed to be properly classified at the GS-8, GS-9, or GS-10 levels. At the latter grade the guide required the GS-10 CSIs working with HACCP implementation to perform duties in all nine defined meat-processing categories.

(The appellant, as discussed previously, takes exception to the Guide in this respect.) However, as previously stated, OPM must classify positions solely by comparing the current duties and responsibilities to OPM standards and guidelines. Therefore, we are precluded from using the internal USDA classification guidance in deciding this appeal.

Factor 1 Knowledge required by the position

This factor measures the nature and extent of information or facts which CSIs must understand to do acceptable work and the nature and extent of the skills needed to apply that information or those facts.

The appellant objects to what he perceives as a lack of recognition by the agency of the knowledge demands in his position. These objections stem primarily from a major change in the agency's regulatory approach to carrying out its mission of ensuring the safety of the Nation's food supply which has been implemented in stages over the last decade. Prior to then, the agency relied on a traditional organoleptic inspection approach. Organoleptic refers to any sensory properties of a product, involving taste, color, odor, and feel. This unscientific methodology using the senses of sight, smell, and touch to identify food safety problems in the course of hands-on carcass inspections was proven to be inadequate when severe outbreaks of illness occurred stemming from bacterial contamination of meat products in the early 1990s.

The appellant says his duties now require him to work in a meat-processing environment which makes use of eight of the nine HACCP processes, but notes that the one exception is the relatively less demanding Slaughter process. He believes this requires him to exercise a much more in-depth knowledge of food-borne pathogens and bacteriological contamination factors than is being recognized by the agency and claims, in particular, he must employ professional-level knowledge in the biological science area.

At Level 1-6, graders exercise extensive overall technical and other knowledge enabling them to perform assignments involving a wide range of duties and requiring the ability to resolve a wide range of problems dealing with food safety issues in an operational meat-processing context. Knowledge and skill are developed to the extent the grader independently conducts the product processing inspection function involving a full range of the primary products and performs difficult assignments, such as dealing with unusual products or product types and making difficult, often borderline, authoritative determinations involving processing operations concerned with a variety of products or product types. Beside product knowledge, graders must be fully cognizant of official regulatory requirements, including processing and sanitation norms pertaining to processing facilities, and be adept in their application.

At Level 1-7, graders apply advanced technical knowledge of the relevant characteristics of products; inspection-related principles, techniques, regulations, and standards; production, transportation, storage and processing operations; and extensive skill in uniformly and accurately applying inspection regulations to make difficult, controversial, and borderline determinations and to identify unusual product defects and diseases. They regularly serve as technical experts, e.g., making appeal determinations, resolving controversies, or providing broad technical guidance on difficult and controversial inspection-related problems. They typically have had

considerable inspection-related experience and advanced training in inspecting and grading involving major types of products as well as those that are unusual or less well known.

The knowledge requirements of the appellant's position fully meet Level 1-6 criteria. He is expected to apply extensive technical knowledge enabling him to perform assignments involving a wide range of duties and to cope with a similarly wide range of problems. This recognizes the operational changes which came about with the adoption of the current HACCP regulations which established the new methodology underpinning present meat-processing operations. The supervisor concurred the appellant faces a highly challenging work environment that requires a very high level of technical knowledge due to the scope of the processing operations. These extend at his assigned facility—again, the largest in the state—over eight of the nine HACCP processes in use (most meat-processing plants have much more restricted operations).

The appellant uses an example of how he must advise plant management on the development of HACCP plans to support his belief the enhanced knowledge demands stemming from these changes in effect require him to exercise *de facto* professional-level job knowledge akin to those expected of a CSO, GS-696. However, the record shows this function to be the responsibility of the CSO, who applies professional scientific knowledge in assessing the caliber of HACCP plan design to ensure plans are methodologically sound. The CSI, however, focuses instead on the effectiveness of the processing facility's execution of those same plans once in place, primarily through application of FSIS' established sampling and statistical methods to assess compliance with the agency's SPSs and adherence to the SSOPs.. Regarding the appellant's citation of the increased knowledge demands upon him stemming from the processing facility's associated research and development (R&D) function, the supervisor stated it is not unusual for processing plants to have such R&D adjunct units. While this may increase the appellant's workload from a quantitative perspective, there is no significant additional demand from a knowledge perspective on the appellant's carrying out these responsibilities. With regard to the Total Quality Control (TQC) program in use on a third work shift at the appellant's assigned facility, his supervisor indicated such programs are in use at roughly 20 percent of all meat-processing facilities Nationwide. While the appellant's total workload is increased by the need to monitor the outcomes of the TQC approach, this does not impact the position's knowledge demands.

The appellant's duties in several respects exceed those typical of Level 1-6. He functions as a technical expert in a highly demanding work environment involving a very broad range of processing operations and products. He is expected to the extent possible to resolve identified compliance problems through ongoing discussions with plant officials and other relatively less formal approaches. However, this does not extend to having the authority to render formal appeal determinations when plant management has not resolved compliance issues raised through the NR process and informal discussions; and more formal measures must be taken, such as the formal NOIE issuance and noncompliance sanctioning methodology. These functions, and the concomitant knowledge and skill, are vested in other positions in the organization. Because the appellant's position does not fully meet Level 1-7, Level 1-6 must be assigned and credited with 950 points.

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 extent and depth of review conducted of completed work. The principal considerations in determining the level of this factor are: (1) the amount of responsibility for planning and independence in carrying out daily assignments; (2) the range and type of problems the employee is required to solve independently; and (3) the depth of the technical/administrative review of the CSI's work by the supervisor or CSOs.

At Level 2-3, graders typically receive assignments from the supervisor who defines the assignment objectives and determines work priorities. In cases where the assigned responsibilities are ongoing, the work objectives are typically well defined, and the grader refers only unusual deviations from the norm to the supervisor for assistance. When two or more graders are assigned to the same facility, they may share responsibility for coordinating work. The grader is expected to work independently with technical assistance normally not being necessary (and usually is not readily available in any event). Work is subject to a general review for conformity to established policies and procedures; technical proficiency may be spot-checked, but the grader's work is not reviewed closely. This level may also include a grader who acts as a shift leader, those who have basically independent program responsibility for a large department of a processing facility, or in some instances as the sole grader assigned to a facility, depending on the difficulty of the issues to be resolved independently. Supervisory oversight focuses on assessments of results of the appellant's efforts, as opposed to review of specific work methods and techniques used.

At Level 2-4, grader's assignments are defined in terms of the overall program objectives as they apply to a particular processing facility. Graders are responsible for determining and adjusting the specific methods used to achieve grading and inspection objectives and for independently coordinating and executing the daily work. Normally, assignments include coordinating the work of other graders by setting priorities, scheduling work coverage, providing technical assistance, etc. Graders make decisions on a full range of technical decisions, including applying inspection standards in unusual situations or to unusual products, and/or determining compliance with food safety requirements, while only rarely seeking supervisory assistance. Typically, graders at this level have the primary responsibility for dealing with plant management on issues pertaining to the inspection program, and they are responsible for resolving major grading/inspection program-related problems involving sanitation and quality control procedures, only referring the most controversial measures to the supervisor. Work review at this level is assessed primarily through evaluations of its effectiveness in achieving inspection program goals.

As at Level 2-3, the appellant's work is reviewed for conformity to usual policies and procedures. His technical proficiency is spot-checked, but generally the technical procedures he uses are not reviewed in detail. He may have basically independent program responsibility for a large section or department of a plant or facility or may be assigned as the only grader at a plant or facility, depending on the difficulty of the problems requiring independent resolution or the volume of grading work required there.

Like Level 2-3, the appellant carries out his assignments, relying on his knowledge of general objectives and priorities established in agency policies and procedures, supplemented by broad supervisory guidance as needed, with an extensive degree of independence in their execution. He is expected to carry out his duties and resolve a wide range of operational problems without close supervisory oversight, again relying on his technical and programmatic knowledge, training, and experience in applying established agency practices and techniques. His supervisor is not present routinely at the appellant's assigned processing plant work site, and the appellant has wide latitude to select his inspection approaches, assess regulatory compliance with agency regulations and policies, document his findings, and initiate appropriate regulatory corrective actions as needed without prior supervisory concurrence. However, he keeps his supervisor informed of any significant developments on an *ex post facto* basis and on his own initiative provides a monthly summary of key developments during the period to the supervisor to ensure he is kept fully apprised of any significant developments. The appellant is the sole CSI working on the day shift at his assigned facility, with another GS-9 CSI working the night shift. The two seek to coordinate their work, and on a biweekly basis both meet with plant management to maintain open lines of communication and bring operational issues to their attention as appropriate.

The appellant believes he operates with much more independence of supervisory oversight and discretion in carrying out his responsibilities than he is being credited with, including functioning in an Inspector-in-Charge (IIC) capacity. As an IIC, he says he acts as the agency's primary point of contact with plant managers on food safety processing matters involving HACCP compliance issues and their resolution, including those occurring outside of his own working shift. Although the agency formally abolished the IIC role for CSIs in an earlier reorganization in 2004, in the course of which the GS-11 IIC position at the meat-processing facility where he is currently assigned was abolished (he was not the incumbent), the appellant insists the role continues to exist informally. Although the agency abolished the role officially in 2004, his supervisor acknowledged the appellant also serves as the *de facto* IIC at his assigned facility, but he also said the practice is replicated informally in many meat-processing plant venues. In this capacity, the appellant functions as the agency's principal point of contact with plant managers on operational matters of concern and seeks to resolve compliance-related issues as they arise through ongoing discussion with plant management. The appellant's IIC role is driven as well by his work schedule assignment to the day shift, the period when senior plant managers are typically more likely to be on-site rather than during other shifts. His supervisor, however, says the appellant's contacts with plant managers does not change the typical supervisory controls involved because while he may recommend more serious formal action to the first line supervisor as appropriate, the actual assessment is usually conducted by a higher-graded CSO.

In terms of work review, the supervisor focuses on attainment of overall program objectives. This is also the thrust of the agency's In-Plant Performance Plan (IPPP) process for CSIs. Under this approach, the supervisor meets formally with the appellant four times a year at the work site. In this process, the supervisor observes him on the job, discusses his performance (the focus being on measurable results attained against performance goals aligned with mission objectives), has the option if he chooses to exercise it of testing the level of the appellant's regulatory knowledge, and writes up a summary report of findings, a copy of which goes to the appellant.

The above depiction of the supervisory-employee relationship meets in full the Level 2-3 criteria. He is accorded a high degree of independence in determining how he will accomplish the inspection mission, and his work is assessed using a results and mission-oriented focus, as opposed to a technical review of his day-to-day work procedures and decisions.

The appellant exceeds in some respects the expectations at Level 2-3, particularly with regard to his *de facto*, acknowledged IIC status, in which he assumes the ongoing role of primary point of contact with plant officials on HACCP implementation and compliance issues, which is characteristic of Level 2-4. However, he does not meet Level 2-4 criteria in full because he does not personally resolve major inspection program-related problems involving sanitation and food safety-related quality control procedures, only referring the most controversial measures to the supervisor. This goes beyond his actual delegated authority, under which he can issue NRs in dealing with specific identified compliance problems, but must report these to his supervisor afterward; and his decisions can be countermanded. Regarding more serious problems which could trigger the NOIE process, the extent of his involvement would be to recommend an EIAO assess the situation, and that official could then take action which could lead to issuance of an NOIE with concomitant withdrawal of inspection action. Furthermore, unlike Level 2-4, his *de facto* IIC status does not entail coordinating the work of other *graders* by setting priorities, scheduling work coverage, providing technical assistance, or performing similar duties. Therefore, this Factor must be assigned Level 2-3 and credited with 275 points.

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.

At Level 4-3, work assignments involve a variety of duties requiring the application of different methods and procedures depending on the phase of assignments being performed. The pertinent factors graders must take into account are technically complex and also vary with work phases and individual situations encountered. The level of complexity of the duties of most plant graders working in processing facilities will typically be found at this level. Responsibilities performed in a processing plant at this level characteristically involve at least average technical complexity and regularly encompass a variety of processed products, e.g., a meat-processing plant which processes beef, mutton, and veal. Inspection-related duties normally involve assessments of general sanitation conditions, processing methods, and conditions of product storage. Some positions at this level involve less demanding inspection-related work but which include full, on-site responsibility for maintaining relationships with plant officials and performing administrative duties (e.g., maintaining records, scheduling work, etc.).

At Level 4-4, the work involves varied duties requiring many different and unrelated processes and methods, e.g., developing modified sanitation inspection procedures for a new processing plant or performing staff work to plan inspection operations in a new processing area. Decisions at this level involve the analysis of problems which are outside the usual inspection methods; these typically occur in grading/inspection contexts where relevant data is conflicting or

incomplete. The work necessitates many decisions concerning such matters as the adaptation or modification of inspection regulations, standards, or procedures.

Stemming in large part again from the significant changes in the agency's inspection regulations and procedures, the appellant believes the complexity of the issues with which he must deal with has increased enormously; and this is not recognized under the rigid classification criteria being applied by the agency. (This refers to the agency's "Internal Classification Guide for Consumer Safety Inspector [CSI]" guide, discussed previously.) Whereas under the earlier traditional inspection methodology, there was a relatively straightforward, "black and white" regulatory approach requiring little in the way of judgment, the current HACCP-driven framework imposes demands for much greater judgment and analytical ability in assessing the effectiveness of a processing facility's HACCP plan(s). The meat-processing facility to which he is assigned is the largest such plant in the State of [state], and the scope and breadth of its operations require the development and implementation of many separate HACCP plans. In addition, the plant has an associated but separate R&D facility tasked with experimenting on the development of new processes, the oversight of which is also within the appellant's assigned duties, and all of which he says adds enormously to the complexity of his workload.

Adding further to this complexity, the appellant says his assigned plant also operates using the TQC methodology, which was actually to some extent a precursor to the HACCP methodology, being adopted in the 1980s. The TQC concept is found in those operational situations where a processing facility is permitted to develop its own self-assessment/inspection measures for use in running a shift operation with no agency inspection staff on duty. In this regard, the appellant's assigned facility runs three work shifts daily; with single CSIs only being present during two of these (the appellant works the day shift, with another GS-9 CSI on the night shift). He thinks having to monitor the outcomes of the TQC shift as well as coping with the work on his own shift (which also involves the vast majority of the interactions with senior plant management, who generally are only present at the facility during his day shift period) and raising issues with plant managers that arose on the night shift, as discussed with him by the CSI on the night shift, all pose a significant challenge. In summary, the appellant believes this highly complex working environment has not been adequately recognized in the classification of his position.

The appellant's work meets Level 4-3. It involves the full scope of responsibilities associated with assessing the caliber of the implementation of established HACCP plans and compliance with SSOPs at the processing facility to which he is assigned which is the largest in the state and produces a wide range of meat products, many requiring multiple processing stages. The workload resulting from this operating milieu is quite heavy, and presents a challenge, but the work itself is best characterized as posing issues of primarily moderate difficulty which can normally be resolved through the use of straightforward analyses and the application of appropriate regulatory and procedural guidelines and standard techniques, to include attention to recordkeeping and maintenance of associated documentation. In seeking to gauge the adequacy of the facility's measures to implement its established HACCP plans and SSOPs, the appellant employs his extensive technical knowledge of regulatory requirements to assess information obtained through direct observation of facility operations, records, and ongoing discussions with plant personnel and management staff to arrive at decisions as to whether problems of noncompliance are identified. If so, he must determine which is/are the most appropriate

corrective action(s) to be levied. Such analyses and decisions are of necessity complex and seasoned judgments must be made by taking into account a variety of factors, including the accuracy and credibility of information obtained from records and observations, the interrelationships of data and their relative significance, the pertinence of various regulations and other official guidelines to the instant scenario, and the need on occasion to interpret such guidelines to ensure application of their spirit and intent to the actual situation at hand.

The appellant, however, says the agency has not recognized the increased complexity of the work due to what essentially are the same factors which drove his perception of enhanced knowledge expectations in his position discussed previously in our analysis of Factor 1. These concerned the impact of the agency's transition from the relatively simple organoleptic inspection methodology to the much more rigorously scientific HACCP approach and the use of eight of the nine HACCP processes at his assigned facility (with the single exception, Slaughter, being the least complex of the group), the employment of the TQC self-inspection process at this same plant, and the existence of a separate but associated R&D unit as a component of this facility.

Level 4-4 is not met. The appellant's supervisor agrees the presence of the eight HACCP processes in a single facility and the overall complexity of assignments faced by the appellant is somewhat above those faced by other CSIs. However, the complexity of work performed by him does not meet the criteria described at Level 4-4 because he is not required to develop the type of modified sanitation inspection procedures or perform staff work to plan inspection operations as intended at this level. Furthermore, decision-making at Level 4-4 characteristically involves problem analysis demands which go beyond normally employed inspection methods in food safety inspection contexts where relevant data is conflicting or incomplete, as well as arriving at decisions concerning such matters as the adaptation or modification of inspection regulations, standards, or procedures. This range of conditions is not present in the appellant's position. Accordingly, this Factor must be assigned Level 4-3 and credited with 150 points.

Summary of FES factors

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and Effect	5-3	150
6. Personal contacts	6-2	25
7. Purpose of contacts	7-3	120
8. Physical demands	8-2	20
9. Work Environment	9-2	20
<i>Total Points</i>		1985

A total of 1985 points falls within the GS-9 grade level point range (1855-2100) according to the grade-conversion table in the GS-1980 PCS.

Decision

The position is properly classified as CSI, GS-1862-9