U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant:	[appellants]
Agency classification:	Agricultural Commodity Technician (Grain) GS-1981-6
Organization:	[activity] U.S. Department of Agriculture
OPM decision:	GS-1981-6 title at agency discretion
OPM decision number:	C-1981-06-01

Signed by Denis J. Whitebook
Denis J. Whitebook
Classification Appeals Officer

August 29, 1997
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:

[CCs]

Introduction

On April 14, 1997, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellants]. Their positions are currently classified as Agricultural Commodity Technicians (Grain) GS-1981-6. However, they believe the classification should be at the GS-7 level. They work in the [U.S. Department of Agriculture]. We have accepted and decided their appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellants compare their positions to similar, higher graded positions in other components of their agency. 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). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellants' positions to others as a basis for deciding their appeal.

The appellants make various statements about their agency and its evaluation of their positions. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of their positions. We have considered the appellants' statements only insofar as they are relevant to making that comparison.

The appellants compare their current positions with their past positions. However, 5 U.S.C. 5112 indicates that we can consider only current duties and responsibilities in classifying positions. OPM guidelines and previous decisions show that in evaluating positions such as the appellants', current duties are those that have occurred in about the past year. Therefore, we could not consider duties performed over a year ago in deciding this appeal.

The appellants and their representative provided work examples performed by individuals other than the appellants. We cannot consider the work performed by others in classifying the appellants' positions. Only the appellants' current duties and responsibilities can be considered in classifying their positions.

To a certain extent, the impetus for this appeal can be traced to agency decisions to reclassify the Agricultural Commodity Graders (Grain) GS-1980-5 and -7 and the Agricultural Commodity Technicians (Grain) GS-1981-7 as GS-1981-5's. The appellants' representative maintains that within a short period the need for GS-1980 positions increased, but management assigned the GS-1980 work to the technicians to save money. In deciding an appeal, OPM can only classify the current duties and responsibilities of the appellants' positions. OPM does not have the authority to direct an agency on how to manage its own positions (i.e., organize and assign work). The law which governs the classification system clearly places upon agencies the authority and responsibility to establish, classify, and manage their own positions. Agencies are responsible for achieving an economical and effective position structure which is critical to the proper and responsible use of limited financial and personnel resources (Introduction to the Position Classification Standards, section III.D.)

The appellants ask us to conduct a desk audit of their positions. We conduct audits only when the material of record does not provide enough reliable information to allow us to make a sound classification decision. In this case, we find that the record does furnish enough such information. In reaching our decision, we have reviewed all information furnished by the appellants and their agency, including their official position description (PD) #2.

Position information

The appellants perform the full range of sampling, chemical and physical testing, and weighing; serve as troubleshooters in resolving technical issues related to these areas; and have the ability to communicate the results to industry personnel. The appellants perform the following functions described in their official PD #2.

> Inspection - The appellants perform visual inspection and mechanical measurements to assist in establishing the kind and/or class and quality of grain, rice, pulses, and related commodities to be processed. Physical analysis includes factors used in the grading process such as odor, condition, insect identification criteria and infestation criteria, distinctly low quality (DLQ)/sample-grade determinations, moisture and other defects factors within the grading standards. The appellants prepare samples for official inspection through the operation of a dockage tester, boerner divider, strand-sizer, rice sheller, rice miller, and test weight apparatus as appropriate for each type of grain to be inspected.
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> Physical tests - The appellants prepare samples for inspection and file sample retention by dividing gross samples of grain, rice, pulses, or related commodities to obtain official work and file sample portions. They maintain a dated sample retention system used for reinspection, appeal, and Board of Appeal and Review (BAR) inspections. They obtain work portions of specified weight of grain, rice, pulses, or related commodities for inspection and also process industry requests for submitted samples and related inspection activities. The appellants determine moisture content of grain, rice, pulses, or related commodities and properly complete data logs for all laboratory functions.
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> Chemical tests - The appellants perform the following laboratory chemical tests: protein, aflatoxin, vomitoxin (mycotoxin), and falling number. This work involves preparing samples and solutions, calibrating equipment as required, conducting the test, and recording and determining the reliability of the test results. They are responsible for installing new testing processes and procedures, conducting the tests as they are being phased in, and providing over-the-shoulder training on new testing procedures for other GS-1981's. They serve as a troubleshooter, resolving problems with all the tests common to their location.
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> Sampling - The appellants monitor grain collected by mechanical (diverter type) samplers during export loading operations. They use knowledge of inspection and weighing procedures for loading bulk grain to properly separate and maintain the integrity of sub-samples, components, and finished sublots for inspection. They calculate the proportional

combination weights when single sublots are sampled through multiple systems of variable loading rates. The appellants detect grain odors and distinguish insect identification criteria and distinctly low quality (DLQ)/sample grade factors which affect compliance with continuous export weighing and inspection procedures and operations. Other sampling activities, when required, include using all types of probe, tier, ellis-cup, pelican, and inbound diverter type equipment to sample rail cars, barges, trucks, etc.

The appellants found it difficult to estimate percentages of time because of so much overlap among their job functions. For example, they make inspection determinations not only when working in the laboratory and performing sampling duties, but also when doing chemical testing, training, and working with new employees. Calibration and troubleshooting are part of their laboratory, chemical testing, and weighing work. Although the percentages provided are not accurate, they give an idea as to the proportion of time spent on the various duties.

Function	[appellant 1]	[appellant 2]
Weighing	5 percent	10 percent
Inspection - visual determinations - physical (mechanical) tests	60	60
Chemical tests - protein, aflatoxin, vomitoxin (mycotoxin), and falling number	30	40
Customer Relations	85	95
Developing training materials and conducting training	10	20
Supervision of intermittent and part-time employees	10	20
Calibration, troubleshooting, and repairing equipment	40	50
Research and development	5	15
Dispatching	25	
Stowage examinations	5	
Totals	275	310

The official PD and other information provided by the appellants and their agency provide additional details about the appellants' duties and responsibilities and how they are carried out.

Classification Principles and Policies

The following principles and policies are applied in identifying the duties and responsibilities to be considered in the classification of a position (Introduction to the Position Classification Standards, section III.J.).

In most instances, the highest level work assigned to and performed by the employee for the majority of the time is grade-determining. When the highest level work is a smaller portion of the job, it may be grade-controlling only if:

- The work is officially assigned to the position on a regular and continuing basis;
- It is a significant and substantial part of the overall position (i.e., occupying at least 25 percent of the employee's time); *and*
- The higher level knowledge and skills needed to perform the work would be required in recruiting for the position if it became vacant.

Work which is temporary or short-term, carried out only in the absence of another employee, performed under closer than normal supervision, or assigned solely for the purpose of training an employee for higher level work cannot be considered paramount for grade level purposes.

Series determination

The agency placed the appellants' positions in the Agricultural Commodity Aid Series GS-1981 and the appellants believe that they perform the same duties as the positions in their organization classified to the Agricultural Commodity Grading Series GS-1980, except for calculating the percentages of various grains in a shipment and signing the certificate. The GS-1981 series covers one-grade interval work that supports the GS-1980 two-grade interval work.

The GS-1980 series covers positions that perform work concerned with examining and evaluating agricultural products to determine their official U.S. grade and/or their acceptability in terms of quality or conditions in accordance with official standards and related regulations.

The GS-1981 series includes all classes of positions the duties of which are to supervise or perform subordinate clerical work such as taking samples, making tests or otherwise assisting in the grading or classing of agricultural commodities in accordance with prescribed standards and regulations.

When deciding between a two-grade interval series and a one-grade interval support series, *The Classifier's Handbook* (page 39) provides the following guidance: "If the duties of a position are clearly developmental and designed as preparation for a higher level of two-grade interval work, then the position is properly classified in a two grade interval series. If management intends that the duties assigned are to be performed without potential for reaching the grade level of full performance two-grade interval work, then place the position in a one-grade interval clerical or support series." The appellants perform sampling, weighing, lab work, chemical testing, stowage exams, dispatching and grading work preliminary to the GS-1980's calculating the percentage of various types of grain in a shipment, determining the grade, and signing the certificate. Information from this appeal, a related appeal, and the GS-1980 standard reflects that the full performance level GS-1980-9 in the appellants' organization independently grades and certifies grains at an export elevator. Agency management has not assigned the appellants work designed to develop and prepare them to perform the GS-9 full

performance level where the employee independently grades and certifies grain. As this is the agency management's intent, the positions must be classified to a support series.

Exclusion #6 on page 4 of the GS-1980 standard provides that positions like the appellants' that perform subordinate technical work related to grading a product, such as gathering samples, recording identification or similar data, performing specified procedures to determine product characteristics preliminary to the final determination of the official grade of the product, or monitoring grain weighing operations are excluded from the GS-1980 series. Positions that perform such work should be placed in the GS-1981 series.

The appellants do not believe that their position should be placed in the GS-1981 series because they do not perform at the *aid* level where there are no preliminary requirements for skill or experience and no required knowledge of the grain industry or grain inspection business. The appellants believe that aids are not required to make independent decisions and are traditionally given single focus assignments which do not encompass the technician's responsibility to maintain awareness of all of the ongoing operations that occur simultaneously and must be accomplished to satisfy their customers' service requests and their agency's mission. Although the appellants may not perform lower level aid work, they do perform technical support work covered by the GS-1981 series definition and described in the exclusion from the GS-1980 standard cited in the above paragraph. The independent performance of more complex work than is typically performed at the aid level is recognized through a higher grade level and position titling. We find that the appellants' positions most closely match the work covered by the GS-1981 series.

Title determination

OPM has prescribed no titles for positions in the GS-1981 series. Therefore, according to section III.H.2. of the Introduction to the Position Classification Standards, the appellant's agency may choose the official title for their positions. In doing so, the agency should follow the titling guidance in that section.

Standards determination

There are no grade level criteria for the GS-1981 series. According to the Introduction to the Position Classification Standards (section III.I.1.), if there are no specific grade level criteria for the work, use an appropriate general classification guide or criteria in a standard or standards for related kinds of work. In using other standards, the criteria selected as the basis for comparison should be for a kind of work as similar as possible to the position to be evaluated with respect to:

- The kind of work processes, functions, or subject matter of work performed,
- The qualifications required to do the work,
- The level of difficulty and responsibility, and
- The combination of classification factors which have the greatest influence on the grade level.

Wherever possible, the position should be matched against classification criteria which are comparable in scope and difficulty, and which describe similar subject matter and functions. Thus, professional positions should be evaluated by standards for professional work, administrative duties by criteria for administrative occupations, and technical work by standards involving similar factors and skill levels. Professional work requires knowledge in a field of science or learning characteristically acquired through education or training equivalent to a bachelor's degree. Administrative work involves the exercise of analytical ability, judgment, discretion, and personal responsibility, and the application of a substantial body of knowledge of principles, concepts, and practices applicable to one or more fields of administration or management. Technical work is typically associated with and supportive of a professional or administrative field. It involves extensive practical knowledge, gained through experience and/or specific training less than that represented by college graduation. Work in technical occupations may involve substantial elements of the work of the professional or administrative field, but requires less than full knowledge of the field involved.

The appellants state in their May 12, 1997 submission that, "Inspection (visual determination and mechanical tests) is by far our most important responsibility and skill requirement, and the most difficult." Inspection occupies 60 percent of their time and chemical testing occupies 30/40 percent. Each appellant also assigned a large portion of time (40/50 percent) to calibration, troubleshooting, and equipment repair, but indicated that this work overlapped with laboratory work and chemical testing. In evaluating the appellants' positions we are focusing on the duties occupying the majority of the time. We did not consider the stowage exams, research and development, dispatching, training, supervision, or weighing duties performed by the appellants since, proportionately, these duties occupy such a small portion of the appellants' time they cannot influence the grade level. If looked at proportionately, each appellant spent less than 22 percent of his time on these duties.

The agency selected the standard for the Physical Science Technician Series GS-1311 to evaluate the appellants' positions over the Grade Level Guide for Aid and Technician Work in the Biological Sciences GS-400 because the emphasis in the appellants' job is in the chemical and physical testing of the grain and monitoring of weighing that are measuring the physical attributes of the grain as opposed to dealing with the biological aspects of the grain. However, the agency responded to the appellants' comparison of their positions to the GS-400 guide.

The appellants believe that the standard for the Agricultural Commodity Grading Series GS-1980 is closest to their positions because almost all of their job functions are covered in the GS-1980 standard. They believe that the GS-1311 standard covers the chemical testing, but that the GS-400 guide does also and comes closer to applying to the rest of their functions.

The appellants' positions are similar to positions in the GS-1980 occupation since the appellants perform work that supports the grading work covered in the GS-1980 standard. However, the scope and difficulty of the two types of work are dissimilar. The GS-1980 standard is inappropriate because the grade level criteria describes two-grade interval work that progresses from trainee and developmental assignments to a full performance GS-9 level, rather than the one-grade interval technician work performed by the appellants.

The GS-1311 series includes positions which involve nonprofessional technical work in the physical sciences which requires a knowledge of the principles and techniques of physical science, but does not require competence equivalent to that represented by the completion of a bachelor's degree in physical science. The GS-400 guide covers the performance of work which directly supports the operations of scientific endeavors and programs of individual biological scientists or of an organization where the work requires a practical knowledge of the terminology, procedures, methods, and practices of one or more of the biological sciences. In terms of scope and difficulty, the GS-1311 standard and the GS-400 guide cover technical work like that performed by the appellants. The grade level criteria in the GS-1311 standard cover work similar to the physical and chemical testing performed by the appellants. The GS-400 guide contains grade level criteria which can be used to evaluate testing and visual inspection work performed in a production environment.

Grade determination

Application of the standard for the Physical Science Technician Series GS-1311

The factors of paramount significance in determining the proper grade level for Physical Science Technicians are: Responsibility and Complexity.

Responsibility

This factor includes the kind and degree of supervision over work performed, the extent of the worker's authority to accomplish assignments, and the nature of available instructions and guides. This factor is described in terms of five levels, I through V, ranging from that of a trainee under close technical supervision to that of an extremely responsible technical worker. The agency evaluated this factor at Level IV and the appellants agree.

The record reflects that comparable to the technician at Level IV on page 7 of the GS-1311 standard, the appellants, based on their long-term experience, move or *float* among sampling, chemical testing, inspection, physical testing, and other assignments, where they make decisions without benefit of supervisory or professional guidance.

The scope of the appellants' assignment precludes meeting Level V on pages 7-8. Their assignments are not long-range projects as described at Level V, but rather ongoing, production assignments. When testing problems occur or when there are gaps in the guides that do not cover a specific action, the appellants make procedural adjustments according to their official PD. The appellants' guidelines are unlike those described at Level V where applicable methods and techniques contain gaps, deviations, or differences which usually must be critically examined prior to conducting the full project and, to resolve such matters, the Level V technician must conduct a search of available literature and/or may perform preliminary experiments in a laboratory setting. Further, the appellants are not expected to produce written reports upon conclusion of long-term, multiphase projects or develop guides which are often used as precedents for additional studies of similar phenomena as described at Level V.

The responsibility factor is evaluated at Level IV.

Complexity

The actual complexity of the assignment is determined by the nature and variety of work as well as the knowledges, skill, and judgment required to adequately perform the duties of the position. The agency evaluated this factor at Degree C and the appellants believe it should be evaluated at Degree D.

> •At Degree C, work methods are usually fairly well established, but often require a number of sequential steps to complete a full assignment. The technician is usually required to make procedural readjustments when problems occur, and in the laboratory situation usually must possess the ability to calibrate, adjust, and operate a variety of equipment. Considerably more judgment is required than at Degree B in that the technician often has to select the appropriate auxiliary equipment or an alternative method of testing because of such factors as sample size, need to vary environmental conditions, limitations of equipment, and the like.
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> •At Degree D, the nature and scope of the technical work is quite demanding in terms of knowledges and skills required to accomplish assigned tasks adequately. These attributes may be gained through additional education, training, and/or experience in the *theoretical* and practical aspects of the technical work. In many instances procedures followed consist of a large number of delicate and exacting steps in gathering reliable data and/or the instrumentation is very elaborate. This degree differs from Degree C in that the technician not only has to apply skill and knowledge in gathering significant data, but also must analyze, evaluate, consolidate, and report his findings.

The appellants believe that they meet Degree D because they must have an in-depth knowledge of quality characteristics and grading issues for commodities common to their circuit. For example, when they are assigned as diverter type samplers, they must visually identify the classes of grain (Spring, Winter, Soft White, Durum wheat, etc.) and identify odors and insects. They also believe that they meet Degree D because they independently perform chemical tests (i.e., vomitoxin, aflatoxin, protein, and falling number) and certify the results which are sent to foreign buyers.

The appellants' description of the chemical testing on pages 16-18 of their June 1, 1997 submission depicts well established tests where the ingredients must be precisely measured and the test steps must be performed sequentially and accurately timed in order to produce a valid test result. If the steps and the timing are not followed precisely, the test results will be invalid and the test will have to be redone. The appellants indicated in their May 12, 1997 submission that they must have a knowledge of grain damages and defects as these factors can shed light on the results. This is comparable to Degree C where work methods are usually fairly well established, but often require a number of sequential steps to complete a full assignment. Also like Degree C, the appellants calibrate, adjust, and operate a variety of test equipment. The chemical testing performed by the appellants does not meet Degree D where the technician must employ a large number of delicate and exacting steps in

order to gather reliable data which must be analyzed, evaluated, consolidated, and reported. For instance, on pages 13-14 of the GS-1311 standard, a technician at Degree D is responsible for the operation of a spectrograph to perform qualitative and quantitative chemical analysis of various samples sent to the laboratory by a variety of sources. The technician operates the spectrograph, making appropriate adjustments, inserting the photographic plate, and causing the ignition of the arc. The technician develops and examines the plate, identifying the characteristic spectra and estimating the nature and relative proportions of elements present in the sample. The technician selects the spectral lines most likely to yield the best densitometric readings. The technician takes the readings and records and reports findings, analyzing data and noting, when possible, the presence of inconsistencies in the results. The record does not reflect that the chemical tests performed by the appellants involve the same level of delicate and exacting steps or interpretation and analysis envisaged at Degree D.

The record reflects that the mechanical measurements performed by the appellants are fairly well established and that the appellants must be able to calibrate, adjust, and operate a variety of equipment. The record does not reflect a level of interpretation and analysis comparable to Degree D. The complexity involved in this assignment would not exceed Degree C.

The appellants believe that since the testing was previously performed by the GS-1980-9's, the testing work is GS-9 level work. This is not necessarily so. Under the classification system, work at the same grade level must be substantially equal. Therefore, if the testing work previously performed by the GS-1980-9's was GS-9 work it would be substantially equal to the GS-9 level work described in the GS-1311 standard. The testing work would have to be comparable to Degree E or F in the GS-1311 standard to be classified at GS-9. At Degree E, the technician typically is involved in the development of new procedures and techniques such as for the effective utilization of complex equipment. At Degree F, the technician must apply intensive knowledge of the specific theoretical concepts which underlie the work and skill in planning complex operations which are generally in support of or directly involved in research and development functions. The type of testing performed by the appellants does not meet this level of complexity. The grade level criteria and benchmarks in the GS-1980 standard reflect that independently determining the grade of grain and related commodities on difficult and borderline determinations is the grade controlling work in the GS-1980-9 positions.

In their May 12, 1997 submission, the appellants discuss the Karnal Bunt (wheat fungus) Program in California where other technicians developed workable and practical procedures, designed and built equipment, and coordinated workflow. This work was not performed by the appellants so it cannot be considered further. However, if they had performed the work, the impact this work might have on the grade level could only be considered if it not only met the higher grade level criteria, but it was also regular and continuing work that occupied at least 25 percent of each appellant’s time.

The complexity factor is evaluated at Degree C.

A combination of Level IV responsibility and Degree C complexity converts to GS-6 by reference to the grade-determination chart on page 16 of the GS-1311 standard.

Application of the Grade Level Guide for Aid and Technical Work in the Biological Sciences GS-400

The GS-400 guide uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Our evaluation with respect to the nine FES factors follows.

Factor 1, Knowledge required by the position -- Level 1-4 -- 550 points

This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts, and the nature and extent of the skills needed to apply this knowledge. The appellants believe that they meet Level 1-5 and the agency disagrees.

> • Employees at Level 1-4 use a knowledge of the technical methods and procedures for a work area to employ them in carrying out (alone or as a fully functioning team or crew member) a variety of technical duties common to the specialty area. The duties require a knowledge of the basic principles of a biological science to assess readings and measurements taken, tests executed, observations made, work completed, samples collected, etc., to understand and relate the significance of the results to higher objectives to which the activity is related, i.e., the technician must assess the worth of the data by considering the applicability to the higher objective, by assessing and reporting on the characteristics and quality of the source of the data, or by otherwise creatively interpreting the data produced. Also some technicians at this level are concerned with interpreting results of standard tests repetitively performed in the organization based on previous experience and observations.
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> Also at this level is the knowledge required to operate complex equipment systems such as those with numerous components or parts which must be calibrated and synchronized to achieve desired results, e.g., those used in highly mechanized cartographic, hydrographic, or photogrammatic surveying; pressure chamber diving experiments; or sophisticated laboratory experiments on fluids.
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> • At Level 1-5 the employee uses knowledge of the technical methods and procedures related to the professional field(s) supported, of management practices, and of the agency's policy and programs to lay out, schedule, organize, and execute the details of either: (1) a wide variety of types of limited operational projects incorporating diverse technical knowledges, e.g., limited projects requiring the application of appreciably dissimilar specialized methods,

> procedures, and/or techniques; and/or (2) one-at-a-time (and often long range) multiphased projects, at least some of which have nonstandard technical problems that the technician must coordinate with others to resolve, e.g., technical problems requiring the use of specialized, complicated techniques.
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> Technicians at this level also characteristically apply a practical knowledge of the basic theories and practices of the scientific discipline(s) supported (though emphasis is on the numerous precedents repetitively employed in the organization) and must be adept at combining this knowledge with resourcefulness, initiative, and independent judgment in locating precedents and resolving the details inherent to application.

The PD states that the appellants perform visual inspection and mechanical measurements to assist in establishing the kind and/or class and quality of grain to be processed. The physical analysis includes factors used in the grading process such as odors, condition, insect identification criteria and infestation criteria, DLQ/sample-grade determinations, moisture and other defects factors within the grading standards. The appellants state that they identify the kind and class of grain to ensure proper calibrating and processing procedures are used for each class of grain in their circuit. They conduct physical and chemical testing procedures, repair and calibrate equipment, and apply precise laboratory techniques to achieve accurate and consistent results. The appellants are responsible for carrying out all of the functions which support final certified grade inspection results. Each function has specific procedures, technical calibrations, and methodology. The appellants are in charge of each function to which assigned, evaluating priorities, setting their schedules, selecting procedures and calibration according to established guidelines, or adjusting methodology to compensate for complications that occur. The appellants are the sole certifying agents of the final results of protein, falling number, and aflatoxin/vomitoxin chemical tests.

This work meets Level 1-4. The appellants carry out a variety of technical duties (i.e., visual inspection and physical and chemical testing) common to grading grain in their circuit. They carry out these duties alone or as a fully functioning team member. The duties require a knowledge of basic scientific principles related to grading grain to assess readings and measurements, tests executed, observations made, samples collected, etc., to understand and relate the significance of the results to the higher objective of examining and evaluating grain to determine its official U.S. grade. The appellants assess the grain through visual inspection and physical and chemical tests and report on the characteristics and quality of the grain. They determine the validity of standardized tests performed repetitively based on previous experience and observations. The appellants calibrate and repair the equipment.

The appellants' assignment falls short of the assignments typically performed at Level 1-5. The inspection, testing, and sampling work performed by the appellants is repetitive, on-going work common to grading grain in their circuit. The work environment is fast paced and the appellants must be able to set priorities in order to complete work on a timely basis. In contrast, in the first typical Level 1-5 assignment, the technician *plans and organizes* a *wide variety* of limited *projects* incorporating *diverse technical knowledge*, e.g., appreciably dissimilar specialized methods,

procedures, or techniques. The appellants' assignment also falls short of the second typical Level 1-5 assignment where the technician plans and organizes *one-at-a-time (and often long range) multiphased projects*, at least some of which have *nonstandard* technical problems that the technician must coordinate with others to resolve, e.g., technical problems requiring the use of specialized, complicated techniques. Setting priorities in carrying out a variety of technical duties common to grading grain is not comparable to applying a knowledge of technical methods and procedures, management practices, and agency policies to plan and organize either a wide variety of limited projects incorporating diverse technical knowledge or one-at-a-time, long range, multiphased projects involving nonstandard technical problems.

The Karnal Bunt (wheat fungus) Program example is not considered for the same reasons it was not considered in the application of the GS-1311 standard above.

This factor is evaluated at Level 1-4 and 550 points are credited.

Factor 2, Supervisory controls -- Level 2-3 -- 275 points

Supervisory controls covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of the completed work. The appellants and the agency agree that this factor should be evaluated at Level 2-3.

Like Level 2-3 (pages 19-20), the highest level described in the GS-400 guide, the supervisor or other designated authority (e.g., a GS-1980-9) initially provides direction on the priorities, objectives, and/or deadlines on assignments common to the organization. The appellants identify the work to be done (e.g., sampling, testing, etc.) to fulfill requirements and objectives, plan and carry out the procedural and technical steps required considering their interrelationship, independently coordinate with elevator personnel, and characteristically submit only completed work. They also exercise initiative in adapting work procedures to specific situations. Their work is periodically reviewed for adherence to normal procedures and for conformity with expected results.

This factor fully meets Level 2-3 and 275 points are credited.

Factor 3, Guidelines -- Level 3-2 -- 125 points

The factor covers the nature of guidelines and the judgment needed to apply them. Guidelines either provide reference data or impose certain constraints on the use of knowledge. The appellants believe they meet Level 3-3 and agency evaluated this factor at Level 3-2.

The appellants' guidelines include testing methods and procedures, GIPSA procedural and policy manuals, directives, program guides, and instruction manuals. These guidelines are comparable to Level 3-2 on page 21 of the GS-400 guide where procedures for doing the work have been established and a number of specific guidelines are applicable. At Level 3-2, the guidelines may range from complex, standardized, codified regulations to standard operating procedures, equipment or

instrument manuals, or oral instructions. The appellants' positions do not meet Level 3-3 where the technician works with new requirements or applications for which only general guidelines are available or assignments where the most applicable guides are limited to general functional statements or work samples which are not always directly related to the core problem of the assignments, have gaps in specificity, or are otherwise not completely applicable. The appellants indicate that they spend a very small portion of their time on research and development work and they have cited work performed by others (e.g., Karnal Bunt Program) that might meet Level 3-3. However, the work must not only meet Level 3-3, it must be performed by each appellant at least 25 percent of the time to be considered in the classification of their positions. The examples given by the appellants, e.g., performing chemical tests a second time if the initial results do not fit within normal parameters, are not comparable to Level 3-3 where guides are not directly related to the core problem. The subfactor on nature of the guidelines is evaluated at Level 3-2.

The appellants official PD reflects that when testing problems occur or when there are gaps in the guides that do not cover a specific action, the appellants makes procedural adjustments. Their PD also indicates that the technician is not responsible for adapting or modifying the guides extensively or permanently. This level of judgment exceeds Level 3-2 where the guidelines contain criteria to solve the core question or problem, even when the process of locating and selecting the applicable rule may be taxing and time consuming. The appellants make adjustments when there are gaps that do not cover specific actions. This is more comparable to Level 3-3 where the technician uses guidelines as the basis for making procedural deviations from established administrative or technical methods. The subfactor, judgment needed to apply guidelines, is comparable to Level 3-3.

One subfactor is evaluated at Level 3-2 and one at Level 3-3. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Since Level 3-3 is not fully met, the next lower level is awarded. This factor is evaluated at Level 3-2 and 125 points are credited.

Factor 4, Complexity -- Level 4-2 -- 75 points

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. The appellants believe they meet Level 4-3 and the agency evaluated this factor at Level 4-2.

The appellants carry out a full variety of standardized technical duties in support of certifying grain, such as inspecting, chemical and physical testing, and sampling which meets Level 4-2 on page 22 of the GS-400 guide. These technical duties involve different processes and methods; however, the appellants' assignments fall short of Level 4-3 where the work requires the performance of various technical duties which involve differing and unrelated processes and methods. For example, the technician at Level 4-3 shifts frequently from one type of responsible technical assignment to other types which are *substantially different* in terms of equipment, techniques, and methods used, specific

data produced, *and* uses to which the data will be put. In comparison, the appellants perform protein, falling numbers, and aflatoxin/vomitoxin tests which, while different, are very structured tests which require precise measurements and timing to produce valid results. The data obtained from these tests and the appellants' other individual duties are all used to support determining the official grade of the grain. Thus, the uses the data are put to are not substantially different as described at Level 4-3. Further, the appellants' assignment is not comparable to the other two Level 4-3 examples. The appellants do not have ongoing responsibility for limited technical and administrative concerns in a limited operating function and they do not independently execute defined portions of more comprehensive long range projects or assist with several complex experiments which extend over several weeks. The first subfactor is evaluated at Level 4-2.

The appellants schedule and prioritize their work taking into consideration the whole inspection task and the inherent unpredictable shifts in customer/industry service needs. The appellants perform a number of separate tasks in support of final grade certification. For instance, when assigned to sampling they must talk to appropriate industry personnel to determine: the number of new rail cars to be sampled and whether they are located onsite or in a remote yard, the number of rail cars on each track to be sampled, the number of good cars left on each track from the previous shift. They contact the railroad yard master and his switching crews to get permission to get samples in a remote yard and determine railroad switching schedules for cars to be sampled. They also check the lab for: the number of samples to be analyzed, type of grain to be graded that day, file box supply availability and inspection dates for existing file samples, the number of reinspections to be analyzed, the number and type of staff assigned to the lab and if a full chemical analysis crew has been hired. When assigned to chemical analysis tasks they must assess the laboratory supply levels, evaluate the function and validity of their equipment and calibrations, and troubleshoot malfunctions. They must be aware of time constraints when deciding to take equipment out of service to make repairs, call for replacement equipment, or arrange for tests to be completed at another site.

This does not meet Level 4-3 where there exists a number of possible courses of action for planning as well as executing the work and the employee is given leeway or is otherwise expected to exercise discretion in choosing from among them. For example, the technician at Level 4-3 must determine the best methods for executing assignments. The appellants are not faced with a number of possible courses of action for planning inspecting, sampling, or testing work and executing such work. The record reflects that methods and procedures for carrying out this work are established. The difficulty in identifying what needs to done is comparable to Level 4-2 on page 23 of the GS-400 guide. Like the technician at Level 4-2, the appellants' duties often have steps or processes which vary, depending on factors such as the reasons the work is being performed or the conditions under which it is being performed. Like the Level 4-2 technician, the appellants exercise independence in recognizing such differences, choosing the right course of action, and then selecting and executing the proper task sequences for completing the work. The second subfactor is evaluated at Level 4-2.

Like the technician at Level 4-2, the appellants are expected to spot readings which are outside the normal range of tolerance or acceptability. For example, when the results from an aflatoxin test are higher than expected but within the written rules, the appellants may run the test again to corroborate

results. The appellants are not required to identify and recommend resolution of discrepancies in data based on a *study* of how the data interrelate; adjust work methods to accommodate unusual conditions; or recommend or determine what data to use, record, or report as described at Level 4-3. The third subfactor is evaluated at Level 4-2.

All three subfactors are evaluated at Level 4-2 and 75 points are credited.

Factor 5, Scope and effect -- Level 5-2 -- 75 points

This factor 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 appellants believe that their positions meet Level 5-3 and the agency disagrees.

The appellants believe that both support work (e.g., obtaining representative samples) and primary level analysis work (e.g., the appellants sign off on the results of mycotoxin/vomitoxin tests on the pan ticket which forms the basis for the final grading certificate) meet the intent of Level 5-3 on page 25 of the GS-400 guide. This work falls short of Level 5-3 criteria on page 25 of the GS-400 guide. To meet Level 5-3, each appellant would have to have, for instance, responsibility for the ongoing operation of a field site or for execution of a standardized project or program area cited in an annual or comparable work plan as a performance objective for the organization. The appellants are responsible for the proper execution of their assignments within established standards, procedures, and methods. The appellants' positions meet the minimum characteristics for Level 5-2 where the work involves the execution of specific rules, regulations, or procedures, such as those found in common technical manuals, laboratory handbooks, and administrative manuals. The first subfactor, purpose of the work, is evaluated at Level 5-2.

The appellants' work products meet minimum characteristics needed to meet Level 5-2. At Level 5-2, work products affect the accuracy, reliability, or acceptability of further procedures, processes, or services, e.g., the quality of day-to-day operations of the grain grading program in an ongoing production environment. However, their work products fall short of Level 5-3 where, at a minimum, the work products *directly* affect the operation of systems, programs, or equipment systems. For example, their work products would have to *directly* affect the inspection and weighing program. Such work products might be the result of an assignment to study, develop, or review inspection and weighing procedures and program activities. We do not believe that calibrating test equipment as the appellants do is equivalent to Level 5-3 in terms of the effect on equipment systems. The second subfactor is also evaluated at Level 5-2.

The GS-1980-9's were awarded Level 5-3 because they determined the acceptability and/or grade of products which *directly* affected the financial interests of producers, shippers, receivers, and similar companies. The appellants claim that their work products have an equal effect on the financial interests of the same companies and individuals. For instance, the appellants indicate that an error in obtaining a representative sample could cause extensive contract and financial effects on grain movement both locally and worldwide. This may be true, but the appellants' positions would fall

short of Level 5-3 because the scope of their work products would not meet Level 5-3 criteria in the GS-1980 standard, i.e., they are not responsible for determining the grade of products.

This factor is evaluated at Level 5-2 and 75 points are credited.

Factor 6, Personal contacts & Factor 7, Purpose of contacts -- Levels 2/c -- 145 points

Personal contacts include face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain. The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The appellants believe that they meet Levels 2/c and the agency evaluated these factors at Levels 2/b.

Personal contacts

The appellants' personal contacts involve personnel within the immediate organization as described at Level 1. Comparable to Level 2, the appellants have contacts with employees and supervisors of grain elevators, railroad personnel, private inspection representatives, trade officials and representatives of foreign buyers, shipping agents, farmers, growers, the U.S. Wheat Commission, State grain industry commissions, related industry representatives, etc. These contacts are comparable to Level 2 which covers persons from State or local government units, other Federal agencies, contractor personnel, and business persons. In contrast to Level 3 where the role and authority of *each* party is identified and developed during the course of the contact, the appellants are recognized as experts and industry officials and representatives rely on them for technical information about policies, standards, regulations, and equipment, as well as explanations of analyses and results (e.g., chemical tests).

Purpose of contacts

The purpose of the appellants' contacts meets the lower levels where contacts involve the straightforward exchange of technical and administrative information related to work (Level a). The purpose of their contacts is also like Level b. Like Level b, the purpose of the appellants contacts is to plan, coordinate, or advise on work efforts where the persons contacted (e.g., railroad personnel, elevator personnel) are working towards mutual goals; they explain the need to adhere to laws, rules, and contracts; discuss technical requirements of test equipment with suppliers and arrange for repairs; order chemical testing supplies and discuss technical problems encountered during testing procedures; and interpret data such as chemical tests and explain its purpose and significance. At Level b the persons contacted are usually working toward a common goal and generally are reasonably cooperative. The appellants indicate that they address challenges to the validity of unexpected results (e.g., chemical tests), providing judgment and/or regulatory justification for actions and decisions. They also use diplomacy to refocus industry operators' anger toward choosing an option that will end the conflict and allow normal operations to resume. The purpose of these contacts is comparable to Level c where the purpose is to gain the contact's cooperation in resolving problems through skillful

advisement, influence, persuasion, or explanation when the contact's interests conflict with program objectives. The purpose of the appellants' contacts meets Level c.

A combination of Levels 2 and c converts to 145 points according to the table on page 27 of the GS-400 guide.

Factor 8, Physical demands -- Level 8-3 -- 50 points

This factor covers the requirements and physical demands placed on the employee by the work assignment. The appellants believe that the physical demands of their work meet Level 8-3 and the agency agrees.

Comparable to Level 8-3 on page 28 of the GS-400 guide, the appellants obtain samples by climbing trucks, barges, hopper cars, man lifts, etc. using probes, pelicans, and similar sampling devices; move and lift grain bags or sacks weighing up to 55 pounds.

This factor is evaluated at Level 8-3 and 50 points are credited.

Factor 9, Work environment -- Level 9-3 -- 50 points

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. The appellants believe that their work environment meets Level 9-3 and the agency agrees.

Comparable to Level 9-3 on page 29 of the GS-400 guide, their work environment involves regular and recurring work in grain elevators subject to potentially explosive concentrations of grain dust or work at great heights in grain elevators. The appellants' work requires knowledge and application of extensive safety precautions to avoid serious accidents.

This factor is evaluated at Level 9-3 and 50 points are credited.

Summary

In sum, we have evaluated the appellants' positions as follows:

Factor	Level	Points
1. Knowledge required by the position	1-4	550
2. Supervisory controls	2-3	275
3. Guidelines	3-2	125
4. Complexity	4-2	75
5. Scope and effect	5-2	75
6. Personal contacts	2	
7. Purpose of contacts	c	145
8. Physical demands	8-3	50
9. Work environment	9-3	50
Total points:		1345

The appellants' positions warrant 1345 total points. Therefore, in accordance with the grade conversion table on page 4 of the guide, their positions are properly graded at GS-6.

The appellants' positions are properly graded at GS-6 by application of the GS-1311 standard and the GS-400 guide.

Decision

The appellants' positions are properly covered by the Agricultural Commodity Aid Series GS-1981, graded at GS-6, and titled at the agency's discretion.