

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

Philadelphia Field Services Group  
600 Arch Street, Room 3400  
Philadelphia, PA 19106-1596

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

**Appellant:** [appellant]

**Agency classification:** Purchasing Agent  
GS-1105-7

**Organization:** Administrative Branch  
[location] State Office  
Farm Service Agency  
U.S. Department of Agriculture  
[location]

**OPM decision:** Purchasing Agent  
GS-1105-7

**OPM decision number:** C-1105-07-03

/s/ Robert D. Hendler

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Robert D. Hendler  
Classification and Pay Claims  
Program Manager

July 27, 2005

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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:**

[appellant's address]

Acting Director  
Human Resources Office  
Farm Service Agency  
[location]

Director of Human Capital Management  
USDA-OHCM  
U.S. Department of Agriculture  
J.L. Whitten Building, Room 302-W  
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Director  
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## **Introduction**

On October 12, 2004, the Philadelphia Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant] who occupies a position currently classified as Purchasing Agent, GS-1105-7. We received the initial agency appeal administrative report on November 26, 2004, and additional materials subsequent to that date, including comments in support of the appellant from her former supervisor. The position is in the Administrative Branch, [location] Office, Farm Service Agency (FSA), U.S. Department of Agriculture (USDA), in [location]. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

## **General issues**

The record shows that at the time the appellant filed her appeal with OPM, she was officially assigned to position description (PD) number [number], classified as Administrative Technician, GS-303-7. She was reassigned to PD number [number], classified as Procurement Agent, GS-1105-7, effective March 6, 2005. Although the appellant was moved to a different position, we continued the appeal process since the basis of her appeal was unchanged and the agency action represented a correction in its classification of her original position.

In her appeal letter dated October 6, 2004, the appellant described the chain of events that led to her filing a classification appeal with OPM. She stated that an agency desk audit of her position determined that her position was properly classified at the GS-8 grade level and provided a copy of a GS-1105-8 Purchasing Agent PD, which may or may not be classified properly, with her appeal. She said that the desk audit results were changed, i.e., “my desk audit was returned from [location] and it was downgraded from a GS-08 back to a GS-07.” The appellant described what she believed were reasons that this change occurred and that they were not properly considered in the classification process.

A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by an employee. Position classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision grades 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. Because our decision sets aside any previously issued agency decision, the actions previously taken by the agency in their review of the appellant’s position, and other personnel related actions described by the appellant, are not germane to the classification appeal process.

By law, a classification appeal decision must be based on comparing the appellant’s current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, other methods or factors of evaluation are not authorized for use in determining the classification of a position, such as comparing the classification of the appellant’s position to

the GS-8 PD as suggested by the appellant. Similarly, we may not consider the agency's two desk audit findings because there is no assurance that either was technically correct.

The appellant discusses the quality of her work in that she saves the Government money and prevents improper purchases and other improper actions. Other FSA employees knowledgeable of the appellant's work whom we interviewed as part of our fact-finding process stressed the quality of her performance. However, quality of work and efficiency of performance cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5). Other areas of human resources management take these considerations into account, e.g., performance and awards. In classifying a position, only the effect of properly performed work may be considered (*Introduction to the Position Classification Standards* (PCSs), appendix 3). The appellant's ensuring that purchases are made properly is part of her performing her work properly.

Like OPM, the appellant's agency must classify positions based on comparison to OPM's PCSs and guidelines. Section 511.612 of title 5, Code of Federal Regulations, requires that agencies review their own classification decisions for identical, similar, or related positions to ensure consistency with OPM certificates. Thus, the agency has the primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that her position is classified inconsistently with others, she may pursue this matter by writing to her agency headquarters human resources office. In so doing, she should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to her the differences between her position and the others, or grade those positions in accordance with this appeal decision.

### **Position information**

The PD of record shows that the appellant performs two primary functions: performing acquisitions for the FSA State office, and serving as leasing officer for FSA within the State, including office and storage space for 44 county offices. She provides leasing assistance to other USDA components, Rural Development (RD) and the Natural Resources and Conservation Service within the State, and signs contracts for the RD when the RD Contracting Officer is not available or the amount of the contract exceeds the micro-purchase limit. The appellant estimates that her acquisition duties occupy approximately 60 percent of her time and her leasing duties occupy approximately 30 percent of her time. She spends the remaining 10 percent of her time on a variety of administrative support functions including civil rights liaison for the State office, records management and disposition for the State and county offices, ordering award items for the State and county offices, preparing certificates for State employees and committee members for a range of programs, assisting in the administration of statewide elections, acting as the custodial officer for the inventory of property for State and county offices, etc.

As the primary Contracting Officer, she has a Level 1B (\$10,000) warrant for open market acquisitions, and up to \$100,000 on General Services Administration (GSA) Federal supply schedules. The PD discusses the use of a variety of acquisition methodologies including

formally advertised contracts. However, the record shows that the appellant does not use the formal bid process. Instead, she typically solicits quotes to vendors for items over the defined threshold for which only an estimate is necessary.

As stated in the PD, her acquisition work primarily deals with obtaining office furniture, equipment and supplies for the State and county offices. Federal Acquisition Regulations establish the order of priority for acquiring these materials from required sources. For example, she must use the Lighthouse of the Blind or other blind and severely handicapped vendors for hand stamps, personal stamps, and business cards. Similarly, she uses Federal Prison Industries to obtain office furniture. The appellant discusses the product and potential modifications, pricing, and delivery options. In soliciting quotes, she determines the best offer by considering the reputation of the company, pricing, product comparability, delivery time, price of delivery, etc.

The appellant provides additional acquisition support to the State office. This includes maintenance and repair services, e.g., arranging for electrical services when reconfiguring the mail room and using a GSA contract to obtain computer aided design drawing for the mail room. County offices are responsible for office renovation and similar acquisitions. The appellant sealed bids for such services are managed by the responsible County Executive Director.

The appellant is responsible for contract administration. For example, the appellant purchased 38 postal scales from a GSA approved contractor which had six month warranties. Shortly after going out of warranty, several scales were not working correctly. The appellant informed the contractor that the agency refused to pay for replacements since the scales were electronic and did not have moving parts. She was able to convince the contractor that the scale malfunctions were due to a manufacturer's defect and had the scales replaced at no additional cost to the Government.

Although she has never terminated a contract, the appellant routinely deals with contract disputes. For example, a company from which she purchased envelopes began charging a \$10 service fee. The company claimed that it was a charge passed on from United Parcel Service (UPS). Contacting UPS, she confirmed that UPS was not charging the company a service fee and arranged to have the envelope company supervisor discuss the issue in a teleconference call with UPS. The supervisor agreed to take care of the issue, and the agency no longer had to pay the service fee.

The appellant's leasing program function primarily involves assisting county offices lease office space. The work is guided by the requirements established in 30 AS: Real Property, Personal Property, and Motor Vehicle Management Handbook covering field offices except for counties and 31-AS: Real Property, Personal Property for County Offices. She provides advice on such matters as conducting market surveys and the technical analysis of rental offers. An architect in RD performs accessibility reviews of potential rental sites. The appellant discusses findings with the architect and speaks with the potential landlords. Leases sometimes include deadlines for accessibility modifications.

We find that the PD of record, when supplemented by other information in the appeal record, is adequate for classification purposes. Other than for the use of formal bid procedures, we find that the PD of record contains the major duties and responsibilities performed by the appellant, and we incorporate it by reference into this decision.

### **Series, title and standard determination**

The agency classified the position in the Purchasing Series, GS-1105, with the title Purchasing Agent, and graded it by application of the directly applicable published GS-1105 PCS, with which the appellant agrees. Work may be credited as grade controlling only if it is officially assigned to the position on a regular and recurring basis; is a significant part of the overall position, i.e., occupying at least 25 percent of the employee's time; and the higher level of knowledge and skills needed to perform the work would be required in recruiting for the position if it became vacant (*Introduction to the PCSs*, section III.J). Therefore, we will evaluate only the appellant's purchasing and leasing duties since the other duties, e.g., civil rights liaison and election support, collectively occupy only 10 percent of the appellant's time.

### **Grade determination**

The GS-1105 standard uses the Factor Evaluation System (FES) method of position classification. Grades are determined by comparing the position's duties, responsibilities, and qualification requirements with the nine FES factors common to nonsupervisory purchasing positions. A point value is assigned to each factor based on a comparison of the position's duties and responsibilities with the factor level descriptions in the standard. The points assigned to an individual factor level mark the lower end of the range for that factor level. To warrant a given level, the position must fully equate to the overall intent of the factor level description. If the position fails in any significant aspect to fully satisfy a particular factor level description, the point value for the next lower level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level. The total points assigned are converted to a grade level by use of a grade conversion table in the PCS.

The agency credited the appellant's position with Levels 1-4, 2-3, 3-3, 4-3, 5-3, 6/7-2a, 8-1, and 9-1. The appellant believes that her position should be credited with Levels 2-4 and 7b and agrees with the crediting of the remaining factors. Based on a careful review of the record, we agree with and have credited the position with Levels 1-4, 3-3, 4-3, 5-3, 6-2, 8-1, and 9-1. Because of the relationship between Factors 1 and 2, we will address both factors in addition to Factor 7.

#### *Factor 1, Knowledge required by the position*

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. To be used as a basis for selecting a level under this factor a knowledge must be required and applied.

Work at Level 1-4 requires in-depth or broad knowledge of a body of purchasing regulations, methods, procedures, and business practices to make purchases involving (1) specialized requirements and/or (2) commercial requirements that have unstable price or product characteristics, hard-to-locate sources, many critical characteristics, or similar complicating characteristics. This includes, for example, knowledge of solicitation or purchasing methods, such as would be acquired through extended training or experience, to make competitive or sole source small purchases that involve, e.g., collecting data to determine price reasonableness for new items, preparing detailed written solicitations, tailoring special terms and conditions, or other matters of similar complexity; skill in analyzing descriptions that have unique aspects and many critical characteristics to identify problem areas in specifications or work statements, determine if quotations are responsive, or decide if substitutions are acceptable or should be referred to other personnel for further review; knowledge of price analysis techniques to evaluate prices or costs for requirements with inadequate price history or evaluate allowable charges for requirements involving special cost features (e.g., per diem, lodging rates, and airfare for purchases that require on-site repair service by nonlocal vendors); knowledge of various acquisition clauses, such as those pertaining to inspection, acceptance, packaging, or testing to select or tailor clauses for purchases that involve special handling; and knowledge of post award procedures to discuss equitable price adjustments for modifications to a purchase order, determine whether to recommend termination of an accepted purchase order for convenience, or perform similar actions.

Illustrative of such work is purchasing modified equipment or equipment repair services for assigned organization(s). The repairs or modifications typically involve the use of detailed requests for quotations. For repair services, purchasing agents select or tailor various purchasing provisions, such as clauses stating the value of the item, warranty terms, standby provisions for periods of downtime, and special tests or inspections involved. Purchases of modified equipment may involve many parts and more than one vendor. Purchasing agents consider factors such as number of parts involved, which part, if any, has to be built first, the need for compatibility of parts, and number of manufacturers involved, to determine lead time for the vendor's performance and coordinative efforts necessary to ensure timely completion. Purchasing agents monitor vendor performance through contacts and review of progress reports. They discuss reasons for delays, testing failures, or price changes. They negotiate for price reductions or other remedies.

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

purchase orders that contain provisions related to default termination, liability, and Government furnished property); or negotiating, awarding, and administering small purchase orders that involve the use of instruments that are not firm fixed price (e.g., time and materials, labor hour, or other unpriced small purchase orders).

Illustrative of such work is a service project using many different kinds of equipment and trades personnel for which factors (e.g., age and kind of equipment, skill of the operator, reliability of the service) in addition to price, delivery, and transportation terms, will be essential to determining the best offer. The employee must consider the capability and reliability of the various equipment that will be used, the background and skill level of the trades personnel employed by the vendor, and the firm's reputation for performing quality work and providing follow-up service. Awards are based on an evaluation of which offer represents the greatest or best value. Frequently, the evaluation involves difficult decisions because the competing vendors have different strengths, and various tradeoffs must be analyzed and considered.

Level 1-5 is not met. Although varied in nature, the appellant's purchases do not reflect application of the specialized technical purchasing methods found at Level 1-5. We find that the appellant's most complex purchases, e.g., office furniture and equipment, including potential modifications, pricing, and delivery options and determining the best offer by considering the reputation of the company, pricing, product comparability, delivery time, price of delivery, etc., do not reflect the specialized terms, or depth of analysis for greatest or best value envisioned at Level 1-5. In periodically training State and county employees, the appellant relies on the same level of knowledge that she uses to perform her personal work. This same knowledge of purchasing methods, procedures, processes and techniques are used when she reviews the purchase actions initiated and/or completed by others. Similarly, the specificity of mandatory market survey and leasing evaluation processes neither requires nor permits the appellant to apply equivalent technical methods and procedures so as to meet the intent of Level 1-5. The types of items purchased require a more narrow knowledge of a body of purchasing regulations, methods, procedures, and business practices than is anticipated at Level 1-5. Therefore, Level 1-4 (550 points) is assigned.

#### *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 how the work is reviewed or controlled. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review.

At Level 2-3, the supervisor assigns work with standing instructions on objectives, priorities, and deadlines and indicates special considerations or unusual requirements. The employee



plans and carries out the steps necessary to make purchases using accepted practices or procedures to resolve problems and deviations. Problems and deviations include, for example, requirements that fluctuate in price and item characteristics, are sole source, are urgently needed, or are new to the market. The employee independently performs tasks such as negotiating price with a sole source vendor, persuading reluctant vendors to bid, and collecting data to determine price reasonableness for requirements not acquired previously or recently. In other work situations, problems may result from the specialized nature of the requirement. For example, the employee may have to identify loopholes in specifications or statements of work that are very lengthy, detailed, or otherwise difficult to understand. The employee independently suggests revisions or additions to ensure information pertaining to the vendor's obligations is clear and adequate. After searching precedents, the employee consults with the supervisor or others to resolve major problems, for example, how to prepare information that will be used to respond to written protests from nonselected vendors. The supervisor periodically evaluates completed work for results achieved and effectiveness in meeting requirements within the legal and regulatory constraints.

In contrast, at Level 2-4 the supervisor or other designated authority defines the overall objectives and requirements of the work and provides further guidance or consultation at the employee's request. Having developed expertise in purchasing and administering orders for various kinds of requirements, the employee is responsible for resolving most conflicts that arise, coordinating the work with others, and interpreting policy on own initiative to meet established objectives. For example, the employee regularly resolves conflicts in administering purchase orders, such as protests, claims, and terminations for convenience or default. The employee is delegated considerable latitude in committing the agency or activity to a course of action and typically has no higher level procurement expertise immediately available. It is generally not feasible to obtain higher level assistance anyway since many of the problems require immediate attention and intensive on-the-spot negotiation. The supervisor is, however, kept informed of progress or controversial matters. The supervisor periodically evaluates completed work for results achieved and effectiveness in meeting requirements within legal and regulatory constraints.

Similar to Level 2-4, the appellant works with the overall objectives and requirements of the work and review of her work is limited to evaluation for results achieved. While recognizing the appellant's freedom from supervision and the delegation of Contracting Officer signatory authority, the nature and complexity of the appellant's purchasing and related work is restricted. It is not just the degree of independence, but also the degree to which the nature of the work allows the employee to make decisions and commitments and to exercise judgment that is evaluated. Having expertise and authority are not enough to credit Level 2-4 if the typical work does not present the full range of conditions requiring the level of judgment and initiative described at that level. Unlike Level 2-4, the appellant does not routinely deal with the problems or potentially controversial matters entailing the application of Level 2-4 judgment such as protests, claims, and terminations for convenience or default. Her more complex assignments, e.g., negotiating a volume price for 38 postal scales and, subsequently, convincing the contractor that the malfunction of several scales was due to a manufacturer's defect which replaced them at no additional cost to the Government, compare closely with such Level 2-3 judgment and decision making as negotiating price with a sole source vendor,

persuading reluctant vendors to bid, and collecting data to determine price reasonableness for requirements not acquired previously or recently. The appellant's pending Local Agency Program Coordinator responsibilities for providing training, guidance, and support to purchase cardholders within the State, as well as monitoring, auditing, and overseeing their use of credit cards requires a similar level of judgment and decision making, e.g., dealing with improper use of the credit cards.

The appellant's advice and assistance to other USDA components for leasing and purchasing are an extension of and entail exercise of the same level of judgment as the recurring types of purchases and related decisions she makes in performing her FSA work. The specificity of market survey criteria, procedures and techniques and guidance on other leasing program functions does not permit or require the appellant to deal with the breadth and depth of interpretive issues requiring the exercise of Level 2-4 judgment. While higher level procurement expertise is not immediately available at the State office, the problems encountered by the appellant typically do not require immediate attention and intensive on-the-spot negotiation. In addition, should the appellant have questions on those programs, advice is readily available from FSA headquarters program offices. Because this factor does not fully meet Level 2-4, it must be credited at Level 2-3 (275 points).

#### *Factor 7, Purpose of contacts*

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 personal contacts that serve as the basis for the level selected for Factor 7 must be the same as the contacts that are the basis for the level selected for Factor 6.

At Level a, the purpose of the contacts is to clarify or exchange information related to purchasing routine requirements. Contacts with customers are to obtain missing information, advise on status of work, and get approval for substitutes or changes in delivery dates, prices, and quantities. Contacts with vendors are to obtain information on items, prices, discounts, and delivery dates.

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

The appellant's work routinely requires her to clarify requirements and negotiate issues that meet the threshold demands of Level b. The appellant's contacts to resolve the replacement of malfunctioning scales, envelope service fee, etc., evidence the external negotiation problems handled at Level b. Similarly, the appellant's internal management advisory

services frequently require persuasion that meets the requirements of Level b, e.g., dealing with unauthorized commitments and advising managers on purchases that cannot be authorized. The periodic training that she provides to the staff also focuses in clarifying misunderstandings in the purchasing process, and her responsibility for dealing with issues that emanate from her reviewing purchases made by others also entail the persuasive skills found at Level b.

Level 2b is assigned, and a total of 75 points is credited for these combined factors.

### *Summary*

<b><i>Factors</i></b>	<b><i>Level</i></b>	<b><i>Points</i></b>
1. <i>Knowledge required by the position</i>	1-4	550
2. <i>Supervisory controls</i>	2-3	275
3. <i>Guidelines</i>	3-3	275
4. <i>Complexity</i>	4-3	150
5. <i>Scope and effect</i>	5-3	150
6. <i>Personal contacts and 7. Purpose of contacts</i>	2b	75
8. <i>Physical demands</i>	8-1	5
9. <i>Work environment</i>	9-1	<u>5</u>
	<b>Total Points</b>	<b>1,485</b>

A total of 1,485 points falls within the GS-7 grade level point range of 1,355-1,600 points on the Grade Conversion Table.

### **Decision**

The appellant=s position is correctly classified as Purchasing Agent, GS-1105-7.