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

Appellant: [Appellant]

Agency classification: Mechanical Engineer
GS-830-12

Organization: [Organization]
[Organization]
[Name] Department
Naval Ship Systems Engineering Station
[Name] Division
Naval Surface Warfare Center
Department of the Navy
[Location]

OPM decision: Mechanical Engineer
GS-830-12

OPM decision number: C-0830-12-03

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

07/08/09
Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a classification certificate which is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in 5 CFR 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards (Introduction)*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

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[Organization]
[Name] Division, [Name]
Naval Ship Systems Engineering Station
Naval Business Center
[Location]

[Name]
Acting Human Resources Director
[Organization]
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Introduction

On November 11, 2008, the Philadelphia Oversight and Accountability Group of the Office of Personnel Management (OPM) accepted a classification appeal from [Appellant]. The appellant's position is currently classified as Mechanical Engineer, GS-830-12, and is located in the [Organization] and [Organization], [Name] Division, [Name] Department, Naval Ship Systems Engineering Station, [Name] Division, Naval Surface Warfare Center (NSWC), Department of the Navy, in [Location]. The appellant believes his position should be graded at the GS-13 grade level. We received the complete agency administrative report on January 20, 2009, and have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

To help us decide the appeal, we conducted on-site interviews with the appellant and his supervisor on March 17, 2009. In reaching our classification decision, we have carefully considered all of the information obtained from the interviews, as well as the written information furnished by the appellant and his agency including the position description (PD) of record.

Background

The appellant is assigned to a standard PD which is designated as an interdisciplinary position covering multiple professional occupations at the GS-12 grade level. Since the final classification of an interdisciplinary position is determined by the qualifications of the person selected to fill it, the appellant's position was classified by the agency as Mechanical Engineer, GS-830-12.

In August 2002, the appellant began performing additional duties after the departure of a GS-830-13 co-worker which were not included in his PD. In March 2003, the appellant began using his collective bargaining agreement's negotiated grievance procedure (NGP) to resolve his PD accuracy issues with the hope of his position being upgraded to the GS-13 grade level. Through the NGP, some, but not all, of the requested duties were added to the appellant's PD as an addendum; however, NSWC's evaluation of the added duties and responsibilities assigned to the appellant's position did not result in a change in the classification of the position. In January 2008, the appellant filed a classification appeal with the Department of Defense (DoD) Civilian Personnel Management Service (CPMS) requesting his position be reclassified as Mechanical Engineer, GS-830-13. On June 4, 2008, CPMS issued the agency-level classification appeal decision finding the position was properly classified as Mechanical Engineer, GS-830-12, by applying the Mechanical Engineering Series, GS-830, position classification standard (PCS) dated June 1977. The appellant then filed this appeal with OPM.

General Issues

In his appeal to OPM, the appellant raised several issues he believes should be considered in determining the classification of his position: a request for compensation consistent with the Back Pay Act; an inaccurate PD which does not reflect all of his duties; and classification consistency. The appellant also provided examples and documentation of work performed several years ago; therefore, a discussion of recency of work is included in this section.

Back Pay

In his appeal, the appellant requested "compensation consistent with the Back Pay Act and any applicable regulations for performing higher grade duties from August 26, 2002." However, the U.S. Comptroller General (CG) states "…an employee is entitled only the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted." This rule was reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976), where the Court states "…the federal employee is entitled to receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade." Consequently, back pay is not available as a remedy for misassignments to higher-level duties or improper classifications (CG decision B-232695, December 15, 1989).

Inaccurate PD

The appellant does not agree PD #[number] accurately describes the duties and responsibilities of his position. This is a standard PD with an addendum dated June 15, 2007. The standard PD meets the standards of PD adequacy only when modified with job specific information in the addendum. The appellant states several duties, most notably serving as the Navy's [Name] Sonar Dome Pressurization System (SDPS), are missing from his PD. However, the appellant's supervisor has certified the accuracy of his official PD.

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position is the duties and responsibilities which make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision is based on the work currently assigned to and performed by the appellant and sets aside any previous decision.

Classification Consistency

The appellant claims classification inconsistency based on a Mechanical Engineer, GS-830-13, position within the [Organization] Branch where he works. The appellant states he assumed some duties of the GS-830-13 position upon the departure of the individual assigned to the position in 2002. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCSs and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to the standards is the exclusive method for classifying positions, we cannot compare the appellant's current duties to other positions, which may or may not be classified properly as a basis for deciding his appeal. Furthermore, many positions perform major duties classifiable at more than one grade level. This is addressed in the *Introduction*, III.J.:

Some positions involve performing different kinds and levels of work which, when separately evaluated in terms of duties, responsibilities, and qualifications required, are at different grade levels. The proper grade of such positions is determined by evaluation of the regularly assigned work which is paramount in the position.

In most instances, the highest level work assigned to and performed by the employee for the majority of time is grade-determining. When the highest level of 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.

Recency of Work

In his appeal request, the appellant discusses several duties he performed many years ago, including a presentation he made at the Navy's 2005 Auxiliary Systems Conference, and a prototype installation he performed several years ago. However, 5 U.S.C. 5112 states we may consider only current duties and responsibilities in classifying positions. Established OPM guidance requires a representative work cycle be determined for establishing what work is characteristic of a position for classification evaluation. For example, many lower-graded positions handle a full-work cycle within a period of weeks or months, e.g., processing travel claims or payroll. Many higher-graded positions operate in an annual-work cycle, e.g., annual budget cycle development, including updating previous year and out-year budget plans. OPM has found that sometimes, e.g., project management, work cycles beyond one year are appropriate. However, not all the work examples provided by the appellant, covering December 1996 through the present, can be considered as the appealed position's current duties and responsibilities. While the earlier work projects provide useful historical background in the adjudication of this case, we must focus on the more recent work performed by the appellant constituting the current work cycle within the meaning of the position classification process which is within the past 12 to 18 months.

Position Information

The NSWC operates the Navy's full spectrum research, development, test and evaluation (T&E), engineering, and fleet support center for ship systems, surface ship combat and weapons systems, littoral warfare systems, force warfare systems and other offensive and defensive systems

associated with surface warfare and related areas of joint, homeland and national defense systems from the sea. The NSWC also provides the Navy's core technical capability for the integration of weapons, combat, and ship systems into surface ships and vehicles.

The [Name] Division supports NSWC by providing research, development, and T&E analysis, acquisition support, In-Service Engineering (ISE), logistics and integration of surface and undersea vehicles and associated systems. [Name] also develops and applies science and technology associated with naval architecture and marine engineering and provides support to the maritime industry.

The [Name] Department is responsible for providing ISE, T&E expertise, and support of various ship propulsion, electrical, and machinery systems within the [Name] Division. This support includes a wide range of services for auxiliaries, submarine antenna, and mechanical and electrical systems. The department also provides program management and system integration for the development, acquisition, introduction, and modification of new/modified machinery systems and equipment, and directing Command logistics efforts.

Within the Department, the [Name] Division is responsible for overall management of [Name] by providing full spectrum engineering, automation, and Life Cycle Management (LCM) support to the fleet, naval activities, other government agencies, and Navy contractors for steam propulsion systems and auxiliary systems. These systems include: lube oil, fuel oil, cooling water, fire main, air conditioning, ventilation, life support, and compressed air systems.

As a subsection of the division, the [Name] Branch is responsible for providing engineering agent and ISE for all surface ships and submarines. Their equipment includes: seawater systems, fire main systems, vertical launch systems, electronic cooling water systems, chilled water systems, SDPS, fluid system automation, flex hoses, smart valve technology, fluid system actuators, bleed air systems, prairie masker systems, and all associated piping, valves, and components. The branch conducts engineering T&E programs and projects as assigned. The branch also identifies and evaluates new technology aimed at reducing system/machinery ownership costs and shipboard manning levels; maintains and evaluates machinery metrics to identify low reliability and high cost shipboard systems and develops cost effective and innovative engineering solutions for these problems; supports high visibility initiatives; provides fleet support for shipboard troubleshooting, system/machinery grooms and inspections, and shipboard testing of prototype equipment; supports new ship acquisition programs; reviews, evaluates, tests, and approves new system/machinery designs and modifications; develops operational, maintenance, testing and repair manuals, instructions, plans, and handbooks for the fleet; participates in the development, test, and insertion of new systems/machinery design concepts and technology into the fleet; and provides systems engineering support for seawater and combat support systems.

The appellant's duties involve performing a variety of program and project management and/or complex engineering or technical tasks for combat support systems, including the SDPS, chilled water system, and electronics cooling water system. His project management duties involve developing project plans, milestones, and teaming arrangements to meet customer requirements; determining resources needed to meet goals and milestones; coordinating and prioritizing work;

and identifying the need for new products, services, programs, and projects, including those involving the development and introduction of new mechanical/structural technologies into the fleet. He also identifies potential new and expanded markets for the branch's products and services. The appellant's engineering and technical tasks involve performing engineering, design, maintenance, and logistical analysis in support of LCM, Life Cycle Engineering Management Support (LCEMS), and ISE functions; formulating platform, mechanical/structural concepts, and hypotheses based on standard engineering practices as necessary to solve Naval problems; planning and executing research, development, investigation, analysis, and/or testing to determine the design and performance requirements; performing or supporting engineering analysis, planning, installation, and maintenance repair efforts; reporting on the progress and results of assigned tasks and evaluations; expanding technical capabilities to future ship platforms; and providing expert technical consultation, guidance, and advice to the fleet and technical activities concerning safety, operation, maintenance, repair, installation, certification, and disposition of systems and equipment. The appellant is also responsible for updating the Government Furnished Equipment (GFE) program guide which is used by contractors that manufacture Navy ships and equipment for Navy ships.

The appellant emphasizes his work with the certification inspection program which involves inspecting equipment aboard ships to ensure correct system configuration and operation. The appellant prepares and signs a written report of the inspection. The record shows the report is to be reviewed for technical accuracy and signed by the appellant's supervisor before becoming a matter of record. The appellant is also required to provide a debrief upon completion of the certification inspection which is attended by representatives from the ship, sometimes up to and including the ship's commanding officer, and defense contractors that manufacturer equipment aboard the ship. If the appellant determines a piece of equipment is improperly installed, maintained, or otherwise unsafe, he can refuse certification which will cause the ship to remain in port until it is repaired. He emphasizes this can be a source of controversy since "telling the shipyard they are not building the ship correctly is always controversial." This controversy usually occurs between the appellant and the supervisor of the person who installed the equipment; i.e., the supervisor of a pipefitter who installed a pipe incorrectly.

The appellant also emphasizes his work with the SDPS. Sonar domes are designed to maximize sonar operational efficiency and to protect the underwater components of a sonar system from physical damage which may result from turbulence or impact with submerged foreign objects. Sonar domes incorporate a system, the SDPS, to monitor and regulate the internal pressure with the external pressure of the ship's environment to allow for the efficient transfer of the sonar signals through the interface of internal and external pressures. The appellant states he is the ISEA for the SDPS. An ISEA is responsible for every aspect of his or her assigned piece of equipment from development to decommissioning. Someone in the ISEA role evaluates proposals, identifies problems, and proposes new equipment and modifications to the customer for his or her piece of equipment. He or she also reviews this type of work performed by other engineers working on the equipment.

The appellant's PD states he acts as the ISEA point of contact (POC) responsible for Sonar Dome Rubber and Composite Window and Sonar Rubber and Composite Dome pressurization systems, and the contacts list on the navy.mil website lists the appellant as the program contact

for SDPS. The appellant's supervisor states the POC is the person designated to receive phone calls and answer questions on the SDPS; however, there are other people, a mix of engineers, engineering technicians, and contractors, within his branch who also work on the SDPS and are also qualified to take the calls and answer questions. The supervisor emphasizes several people within the branch, himself included, work on SDPS projects and are experts on sonar domes. The appellant states there are other experts for sonar domes, and although another employee at a higher level within the command structure has been named the ISEA for sonar domes, he is the ISEA for the SDPS since he is the only person working on engineering issues related to the SDPS and his name is listed as the POC on the website. However, the record shows the appellant's supervisor performs and manages ISEA functions for all assigned combat support systems, including the SDPS.

The appellant's supervisor states the appellant spends about 80 percent of his time working on SDPS issues with the remainder of his time spent on the certification inspection program and GFE. The appellant states he spends about 99 percent of his time on SDPS issues, but also emphasizes his work with the certification inspection program and the GFE. Other work examples and concerns raised by the appellant are addressed in the grade determination section.

Series, title, and standard determination

The appellant does not question the series or title assigned to his position. We concur with the agency's determination the duties performed by the appellant and the knowledge required of his position are covered by the GS-830 series and properly titled Mechanical Engineer. This series covers positions performing professional engineering and scientific work involving the design, development, commission, manufacture, operation, maintenance, and disposal of mechanical devices and systems and their equipment and/or components; and concerning the principles of motion, energy, force, and material properties to ensure mechanical devices and systems and their equipment and/or components function safely, reliably, efficiently, and economically.

The agency applied the Mechanical Engineering, GS-830 PCS and credited the appellant's position with Levels 1-7, 2-4, 3-4, 4-4, 5-4, 6-2, 7-3, 8-2, and 9-1. While the appellant does not question his agency's use of the PCS to evaluate his position, the appellant believes his position should be credited with Levels 1-8, 2-5, 6-3 and 7-4. Although this PCS was the correct PCS at the time the agency classified the appellant's position, this PCS was subsequently superseded with the issuance of the Job Family Standard (JFS) for Professional Work in the Engineering and Architecture Group, 0800, in November 2008, which provides series definitions, titling instructions, and grading criteria for nonresearch and nonsupervisory professional positions in the Engineering Group, 0800, and covers the Mechanical Engineering, GS-830 series. As such, we will evaluate the appellant's position by application of the GS-0800 JFS for Professional Work in the Engineering and Architect Group.

Grade determination

The GS-0800 JFS is written in the Factor Evaluation System (FES) format which employs nine factors. A point value is assigned to each factor based on a comparison of the position's duties and responsibilities with the factor-level descriptions in the standard. The points assigned to an individual factor level mark the lower end of the range for that factor level. Each factor level-description represents the minimum or threshold for that factor level. To warrant a given level, the position must fully equate to the overall intent of the factor-level description. If the position fails in any significant aspect to fully satisfy a particular factor-level description, the point value for the next lower level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level. The total points assigned are converted to a grade level by use of a grade conversion table in the JFS.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts an employee must understand to do acceptable work, e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts, and the nature and extent of the skills necessary to apply the knowledge.

Work at Level 1-7 entails broad professional knowledge of, and skill in applying, a wide range of engineering or architectural theories, concepts, principles, standards, and methods sufficient to: (1) determine and/or execute actions for a wide range of assignments involving combinations of complex features; (2) devise, customize, operate, oversee, and/or evaluate specialized information technology systems, processes, and applications pertaining to the performed work and the delivery of its design, end products, or services; (3) formulate, execute, advise on, and explain recommendations or solutions to modify standard practices, equipment, devices, processes, and techniques and resolve a wide variety of complex problems; (4) adapt precedents or existing strategies to meet unusual needs or special demands; (5) act as a principal contributor on team-based projects or coordinate a team project and provide technical oversight and direction; and (6)prepare, present, and evaluate plans, designs, reports, and correspondence.

As illustrated in the JFS, Level 1-7 requires professional knowledge of, and skill in applying a wide range of theories, concepts, principles, computer systems applications, and methodology of the science of mechanical engineering relevant to designing mechanical systems and equipment for specialized floating marine structures, and knowledge of ship design, ship operating conditions, marine environments, and naval construction concepts, principles, and methods and business management practices for monitoring and administering construction activities and contract processes. These knowledges and skills must be sufficient to create and evaluate designs for a variety of mechanical systems and equipment used aboard specialized floating marine structures; provide and evaluate cost estimates, complex calculations, preliminary engineering designs, specifications, and change order documentation; evaluate and recommend mechanical systems and equipment in manufacturers' catalogs and contractor proposals; survey existing marine structures, investigate a variety of problems and unconventional operating requirements, and determine and/or recommend solutions to improve the efficiency of mechanical systems and equipment; coordinate with other engineering and naval architect personnel, manufacturers, and contractors to resolve problems and design changes and participate in negotiations; and formulate test programs and operating procedures for mechanical machinery and equipment on floating marine structures.

Level 1-8 requires mastery of, and skill in applying, advanced theories, concepts, and principles practiced in the science of professional mechanical engineering sufficient to apply experimental theories and/or new applications or developments to extend or modify theories, concepts, and assumptions; resolve unique or novel problems, conditions, or issues; or significantly alter standard practices, equipment, devices, processes, and known techniques. These knowledges and skills must be sufficient to provide expert advice to senior colleagues and/or agency officials responsible for broad program operations; provide significant and innovative recommendations for advancing programs and/or methods; and execute significant projects representing an important segment of the agency's operating programs, or affecting the welfare of the public and/or the sustainability of natural resources and the environment. At this level, assigned work might also include serving on various scientific and engineering committees internal and external to the agency and formulating, evaluating, interpreting, explaining, and presenting engineering and scientific information for publication in technical journals and for discussion at professional scientific and engineering conferences.

The appellant's position requires professional knowledge of mechanical engineering concepts, principles, and practices to perform engineering, design, maintenance, and logistical analysis in support of combat support systems, including the SDPS, chilled water system, and electronics cooling water system. The appellant's recent projects include developing a proposal for the installation of a Plexiglas window to serve as a view port to the solenoid valve for the DDG-51 class of ships, updating the GFE program guide, conducting certification inspections aboard several classes of ships, and responding to questions from the [Organization] [Organization] and fleet personnel about the SDPS. His assignments are not limited in scope and depth as indicative of Level 1-6, but rather require modification of standard practices, equipment, devices, processes, and techniques to resolve a wide variety of complex mechanical engineering problems typical of Level 1-7.

The appellant's position does not require the application of experimental theories as intended at Level 1-8. Generally, there is previous work on which to base new projects. His role is primarily project management, although he does apply and modify standard methods and techniques in order to perform a variety of complex engineering or technical tasks. While the appellant has developed expertise in his line of work and has been designated as the POC for questions concerning the SDPS program, he is one of several people in his branch that has the knowledge and ability to answer those questions and is not tasked with responsibility for serving as an organizational expert. As previously discussed, the record shows the appellant's supervisor is responsible for performing and managing the ISEA functions for all assigned systems.

Level 1-7 is credited for 1250 points.

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor or a designated individual over the work performed, the employee's responsibility, and the review of completed work. The supervisor determines what information the employee needs to perform the assignments, e.g., instructions, priorities, deadlines, objectives, and boundaries. The

primary components of this factor are: How Work Is Assigned; Employee Responsibility; and How Work is Reviewed.

At Level 2-4, the supervisor outlines overall objectives and available resources. The employee and supervisor, in consultation, discuss the scope of the assignment, approaches, time frames, and possible execution phases. The employee is responsible for planning and carrying out the assignment; resolving most conflicts independently; coordinating work with others as necessary; interpreting policy and regulatory requirements in terms of established objectives; keeping the supervisor informed of progress and potentially controversial problems, concerns, issues, or other matters; developing changes to plans and/or methodology; and providing recommendations for improvements in order to meet program objectives. The supervisor reviews completed work for soundness of overall approach, effectiveness in meeting requirements or producing expected results, the feasibility of recommendations, and adherence to requirements.

At Level 2-5, the supervisor provides administrative and policy direction in terms of broadly defined missions or functions of the agency. The employee is responsible for defining objectives; interpreting polices promulgated by authorities who are senior to the immediate supervisor and determining their effect on program needs; independently planning, designing, and carrying out work to be done; and serving as a technical authority. The supervisor reviews work for consistency with, and potential impact on, broad agency objectives and program goals, and for contribution to the advancement of the field; normally accepts work as being technically authoritative; and normally accepts work without significant change.

The appellant's position is comparable to Level 2-4. The supervisor indicates general problems, overall objectives and furnishes guidance on critical issues, policy matters, and budgetary issues. As at Level 2-4, the appellant accomplishes work independently, coordinating with others and resolving problems as they occur. The record shows work is reviewed for adequacy of results and compliance with objectives. In his appeal, the appellant contests DoD's assignment of Level 2-4 because he "can not recall any technical review conducted by my supervisor." However, it is at Level 2-3 where work is reviewed for technical soundness. The appellant's supervisor states he signs all of the appellant's certification inspection reports, but only spot checks them for soundness of overall approach and adherence to requirements because they are repetitive in nature. The appellant concurs his supervisor does review most of his work for at least funding levels, but disagrees his work is repetitive.

The bulk of the appellant's work producing documents, which are subject to review, is his certification inspection work, which is fairly repetitive. As aforementioned, this is not all of the work the appellant performs. It is a large part of the work the appellant performs and is the cause for most of the reports the appellant produces. Thus, it is accurate to state most of the appellant's reports are repetitive. *The Classifier's Handbook* states: "The significance of review has meaning only in relation to work being done... Other kinds of work may receive only nominal review because of the clear cut and repetitive nature of the work, without implying any significant increase in responsibility." Since, in this case, the work being reviewed is repetitive, it is reasonable it receives only a nominal review and does not imply an increase in responsibility which could affect the assigned factor level. Therefore, the nature of review the appellant's work is subject to is still commensurate with Level 2-4.

The appellant's position does not meet Level 2-5. At this level, the supervisor provides administrative direction with assignments in terms of broadly defined missions or functions. Although the appellant exercises great independence in planning and executing his work, he does not set overall program objectives nor is his position assigned responsibility for a broadly defined mission or function. His supervisor controls resources and is responsible for reviewing the work of all personnel assigned to the branch. At Level 2-5, if the work is reviewed at all, it is reviewed for fulfillment of program objectives, effect of influence on the overall program, or contribution to the advancement of technology, whereas the appellant's work is reviewed for compliance with basic objectives.

Level 2-4 is credited for 450 points.

Factor 3, Guidelines

This factor covers the nature of guidelines and the judgment employees need to apply them. Individual assignments may vary in the specificity, applicability, and availability of guidelines; thus, the judgment employees use similarly varies. The existence of detailed plans and other instructions may make innovations in planning and conducting work unnecessary or undesirable. However, in the absence of guidance provided by prior experience with the task at hand or when objectives are broadly stated, the employee may use considerable judgment in developing an approach or planning the work.

At Level 3-4, the employee uses very general guidelines and precedents which are often insufficient, inapplicable to the assignment, or have gaps in specificity requiring considerable interpretation and/or adaptation for application to the particular issues and problems. The employee uses judgment, initiative, and resourcefulness in deviating from established methods to: modify, adapt, and/or refine broader guidelines to resolve specific complex or intricate issues and problems; research trends and patterns; develop new methods and criteria; or propose new policies and practices.

At Level 3-5, the employee uses guidelines such as broad policy statements, basic legislation, recent scientific findings, or reports, often ambiguous in nature and requiring extensive interpretation. The employee uses judgment and ingenuity and exercises broad latitude to interpret new or revised professional standards and codes, guidelines, policy statements, or regulations. Top agency management officials and senior staff recognize the employee as a technical expert in the development and interpretation of professional guidelines.

The appellant's position meets Level 3-4 as his work is guided by agency guidelines, specifically, the Operating Plan for Machinery which provides procedures, practices, and requirements relating to program management, life cycle engineering, ISE, funding management, facilities, contracts, platform management, and the business model. The appellant routinely uses judgment to modify or adapt existing guidelines while performing engineering, design, maintenance, and logistical analysis in support of LCM, LCEMS, and ISE functions. The guidelines used by the appellant are more specific than the broad policy statements, basic legislation, recent scientific findings or reports, requiring extensive interpretation applicable at

Level 3-5. In addition, while the appellant may have developed technical expertise in his line of work, he is not routinely consulted by top agency management officials and senior staff in the development and interpretation of new professional guidelines which is characteristic of Level 3-5.

Level 3-4 is credited for 450 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 4-4, work consists of a variety of assignments involving many different and unrelated engineering or architecture processes and methods. The employee decides what needs to be done by researching, analyzing, testing, and evaluating information, unusual circumstances, unconventional issues, conditions, and problems; considering different, incomplete, and often conflicting information and alternatives; and determining efficient, effective, and feasible solutions to meet the project or situation requirements and constraints. The employee exercises judgment and originality in planning and prioritizing the sequence, direction, and progress of the work; devising solutions and actions to resolve issues, conditions, and problems; justifying actions, determinations, and recommendations; and modifying, adapting, and/or refining existing applications, processes, precedents, and techniques.

At Level 4-5, work consists of a variety of duties requiring the application of many different and unrelated processes and methods to a broad range of activities, a key technological program or industrial emphasis area, or in-depth analysis of controversial or high visibility issues. The employee makes decisions and executes and/or directs actions exploring, reconciling, and resolving major uncertainties, unique situations, obscure problems, or conflicting objectives typically resulting from the abstract nature of the concepts or the existence of serious conflicts among scientific requirements, technological developments, standards, program direction, and administrative requirements; reliance on inconclusive or variable facts or data, or rapid or continuing changes in program or work requirements; or agency objectives with unusual demands or major constraints, e.g., funding, labor, materials, and scheduling. The employee exercises judgment and ingenuity in evaluating the value and applicability of new or improved technology, strategies, trends, or applications; investigating, predicting, and anticipating issues and conditions extending beyond a single specialty area, and affecting known standards, approaches, precedents, or concepts; developing or collaborating in the formulation of new standards, applications, concepts, or theories changing existing knowledge and extending an understanding of phenomena; assessing and carrying out strategies and actions to affirm the integrity, economy, quality, and effectiveness of engineering, architecture, or scientific programs; or advocating recommendations, strategies, and actions to reconcile or resolve novel, conflicting, or controversial issues or policies.

Consistent with Level 4-4, the appellant's work typically involves the application of many different and unrelated, but standard, engineering practices to develop new mechanical/structural

technologies into the fleet and expand technical capabilities to future ship platforms. The appellant decides what needs to be done by considering different, sometimes conflicting information. The appellant also exercises judgment and originality in developing plans, milestones, and prioritizations for the progress of work; determining resources needed to meet goals and milestones; and modifying and adapting existing applications, processes, precedents, and techniques to perform work. Unlike Level 4-5, the appellant does not typically work on controversial or high visibility issues or decide what needs to be done by reviewing abstract concepts or seriously conflicting scientific information. Such work, when it occurs, is assigned to and performed by other staff members, including his supervisor. Much of the appellant's work, especially with the SDPS, consists of designing subsystems or modifying existing technology for larger, well-established systems.

Level 4-4 is credited for 225 points.

Factor 5, Scope and effect

This factor covers the relationships between the nature of 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. Effect measures whether the work output facilitates the work of others, provides timely services of a personal nature, or impacts the adequacy of research conclusions. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture allowing consistent evaluations, and only the effect of properly performed work is considered.

At Level 5-4, work involves originating new and improved applications and strategies for engineering or architecture concepts, theories, and principles; investigating, evaluating, advising on, and resolving unusual problems, issues, and conditions; adapting precedents to unusual conditions and projects; assessing project and program effectiveness; developing criteria, procedures, or instructions for a particular functional or specialized area; or providing consultant or advisory services on problems, conditions, programs, and functions to a broad customer base. Work results affect the efficiency, feasibility, security, integrity, accuracy, adequacy, and safety of a wide range of agency activities, or the activities of other organizations within a regional or equivalent geographic area; planning, completion, and direction of major engineering or architecture projects; or ability of the agency to meet its goals and the needs of its customers.

At Level 5-5, work involves isolating and defining unprecedented issues and unknown conditions; formulating and exploring new theories and phenomena; developing, testing, and advising on new technologies, methods, approaches, and guides; or providing expertise and advice on program planning and policy-making functions covering a broad range of engineering, architecture, or scientific programs. Work results affect the efficiency, feasibility, security, integrity, and safety of a wide range of agency activities and/or the activities of other organizations within several regions or a large geographic area; work of other engineering, architecture, or scientific experts and high-level officials both within and outside the agency; well-being of a substantial number of people; or the development of activities or achievement of desired outcomes for major aspects of the agency's engineering, architecture, or scientific programs or missions.

Comparable to Level 5-4, the appellant develops and/or assists in the development and application of new technology. While the appellant might have existing guidelines and established techniques, he often must adapt existing precedents, technology, and/or guidelines to new projects. The appellant also provides advisory services on a range of engineering issues, particularly the SDPS, to fleet personnel. The appellant's work affects the ability of the fleet to do its mission. However, unlike Level 5-5, the work does not involve defining unprecedented issues and unknown conditions and exploring new theories to provide expertise on a broad range of engineering programs. While the appellant's work might result in new or modified technology employed on multiple classes of ships throughout the fleet, such work is not sufficiently regular and recurring to potentially affect the level credited for this factor since it is typically narrow in scope only affecting a few specific systems on the ships.

Level 5-4 is credited for 225 points.

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

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

Personal contacts

At Level 2, personal contacts are with employees in the same agency and/or the general public in a moderately structured setting. Contacts may include professionals and specialists from other occupations or functions, e.g., scientists, legal professionals, contractors, and client organizational representatives. Contacts within the agency may be with people at various levels, such as headquarters or field offices.

At Level 3, personal contacts are with individuals or groups from outside the agency, including consultants, contractors, or representatives of the media or professional associates, in moderately unstructured settings. This level may also include contacts with agency officials who are several managerial levels removed from the employee when contacts occur on an ad hoc basis.

In his appeal, the appellant states he has contact with high-level individuals while conducting SDPS certification training, teaching operational risk management, and attending the test ship USS EX-Foster composite window install planning teleconference. Per his memorandum, these contacts include commanding officers, [Organization] managers, and managers from other Navy detachments.

The appellant's personal contacts match Level 2, as they are primarily with employees in the Department of the Navy at various levels, such as [Organization] or other field offices. While the appellant might interact with individuals from outside the agency, i.e., contractors to discuss the GFE or the development, installation, or maintenance of equipment or with high-level officers who are several managerial levels removed from him, it is not in an unstructured setting, because the contacts and the purpose of the contacts, i.e., certification training, are fairly routine and the role and authority of the various parties well-defined.

Purpose of contacts

At Level C, the purpose of contacts is to influence and persuade persons or groups to comply with established policies; to accept established methods using persuasion or negotiation; or to establish rapport to gain information. Contacts may require skill in dealing with fearful, skeptical, or uncooperative people to obtain the desired results.

At Level 7 D, the purpose of contacts is to justify, defend, negotiate, or settle matters involving significant or controversial issues and/or programs. Work usually involves active participation in conferences, meetings, hearings, or presentations involving broad problems or issues of considerable consequences or importance. Persons contacted typically have diverse viewpoints, goals, or objectives requiring the employee to achieve a common understanding of the problems and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.

The purpose of the appellant's contacts is consistent with Level C. The appellant is routinely required to establish rapport with other Navy personnel or contractors to gain information pertaining to assigned projects or programs. In addition, the appellant must often persuade sometimes uncooperative fleet personnel to comply with established policies during certification inspections. Although these conversations might often be perceived as controversial by the parties involved, they do not revolve around broad problems or issues of considerable consequence because they only affect the specific ship being inspected.

Level 2C is credited for 145 points.

Factor 8, Physical demands

This factor covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities, e.g., agility or dexterity requirements, and the physical exertion involved in the work, e.g., climbing, lifting, pushing, balancing, stooping, kneeling, crouching, crawling, or reaching. The frequency or intensity of physical exertion must also be considered.

At Level 8-1, work is primarily sedentary. Some work may require periods of walking, standing, bending, climbing, or driving a motor vehicle in activities such as inspections of installed equipment and visits to construction sites and industrial, commercial, agricultural, and other business establishments. Employees may carry light items such as books, instruments, and other similar materials. The work does not require any special physical effort.

At Level 8-2, work requires some physical exertion, such as long periods of standing, or recurring and considerable walking, stooping, bending, crouching, and climbing such as in performing regular and periodic construction activities, field inspections, or to observe and study work operations in an industrial, storage, or comparable work area. Work may also include frequent lifting of moderately heavy items weighing less than 50 pounds, such as equipment and samples.

At Level 8-3, work requires frequent, considerable, and strenuous physical exertion such as: lifting heavy objects over 50 pounds; long periods of standing, walking, running, or driving over rough, rocky, uneven, and hazardous terrain; crouching or crawling in restricted areas such as culverts, mines, and tunnels; and climbing fences, walls, and ladders.

While the appellant typically works in an office environment, his position requires frequent and routine field inspections of ships and equipment which involve considerable climbing and descending of ladders, bending, and crouching typical of Level 8-3. This physical exertion is typically not strenuous enough to meet Level 8-3.

Level 8-2 is credited for 20 points.

Factor 9, Work environment

This factor considers the discomfort and risk of danger in the employee's physical surroundings and the safety precautions required. Although safety regulations and techniques can reduce or eliminate some discomfort and dangers, they typically place additional demands upon the employee.

At Level 9-1, work is usually performed in an office setting. The work area normally involves everyday risks or discomforts requiring safety precautions typical of offices or meeting and training rooms or may involve occasional exposure to conditions in production facilities, laboratories, or construction sites requiring normal safety precautions.

At Level 9-2, work involves regular and recurring exposure to moderate risks, discomforts, and unpleasantness such as: high noise levels; infectious materials; dust, autos, and/or aircraft exhaust; maritime docks; climbing through cargo ship areas; high winds; and low or high temperatures. Special safety precautions such as protective clothing and gear are necessary.

While the position requires regular and recurring exposure to moderate risks and discomforts, such as maritime docks and climbing through ship cargo areas, no special safety precautions are necessary. Therefore, the position does not fully meet Level 9-2 and must be credited at Level 9-1 for 5 points.

Summary

Factor Level Points

1.	Knowledge required by the position	1-7	1,250
2.	Supervisory controls	2-4	450
3.	Guidelines	3-4	450
4.	Complexity	4-4	225
5.	Scope and effect	5-4	225
6. & 7.	Personal contacts and Purpose of contacts	2c	145
8.	Physical demands	8-2	20
9.	Work environment	9-1	5
		Total	2,770

The total points assigned to the appellant's position equals 2,770. According to the JFS's grade conversion table, positions with total point values between 2,755 and 3,150 are properly graded at GS-12.

Decision

The appellant's position is properly classified as Mechanical Engineer, GS-830-12.