



**Classification Appeal Decision  
Under Section 5112 of Title 5, U.S. Code**

<b>Appellant:</b>	[Appellant's name]
<b>Position:</b>	Civil Engineering Technician GS-802-10
<b>Organization:</b>	[U.S. Forest Service, USDA] [City, State]
<b>Decision:</b>	Civil Engineering Technician GS-802-10
<b>OPM decision number:</b>	C-0802-10-01

Signed by Denis J. Whitebook \_\_\_\_\_  
DENIS J. WHITEBOOK  
CLASSIFICATION APPEALS OFFICER

November 26, 1996 \_\_\_\_\_  
DATE

## **Introduction**

On June 20, 1996, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [appellant's name]. [Appellant's name] position is currently classified as Civil Engineering Technician, GS-802-10. However, [appellant's name] believes its classification should be Civil Engineering Technician, GS-802-11. [Appellant's name] works in the Supervisor's Office, [the Forest Service, Department of Agriculture]. We have accepted and decided [appellant's name] appeal under 5 U.S. Code 5112.

To help decide the appeal, an Oversight Division representative conducted a phone audit of the appellant's position on November 20-22, 1996. The audit included interviews with the appellant and [the appellant's supervisor]. It also included brief phone conversations with [the appellant's third level supervisor], and [the administrative officer] for the Job Corps Center. In reaching our classification decision, we have carefully reviewed the audit findings and all information of record furnished by the appellant and his agency, including his official position description (PD) [PD number].

[Appellant's name] makes various statements about his agency and its evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

## **Position information**

The appellant has been temporarily promoted to a GS-11 position. The agency indicates that the promotion began in April 1996 and is due to end in August 1997. In both his permanent position and his current temporary one, the record indicates that the appellant's assignments involve design and implementation of engineering projects, contract administration, sewage and water treatment system management, and technical assistance. Engineering projects include design and construction of structures, facilities, water and sanitation systems, and electrical systems. The appellant's PD, the other material of record, and our audit findings furnish much more information about his duties and responsibilities and how they are performed.

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

We find that the appellant's position is properly covered by the Engineering Technician Series, GS-802, titled Civil Engineering Technician, and graded using the GS-802 standard. Neither the appellant nor his agency disagrees.

## **Grade determination**

### *Which duties to evaluate*

As noted earlier, by law we must classify positions by comparing their current duties and responsibilities to OPM standards and guidelines. OPM guidelines and previous decisions show that current duties ordinarily are those that have occurred in about the past year. However, in this appeal

we cannot evaluate duties that the appellant has performed in the past year for two related reasons. First, the appellant has been temporarily promoted for much of that year. However, section 511.607(b)(3) of title 5, Code of Federal Regulations indicates that we cannot evaluate the position to which he has been temporarily promoted. Instead, we can classify only the appellant's permanent GS-10 position. Second, our audit indicated that for some time before the temporary promotion began, the appellant had begun to spend much time on the duties that caused his agency to temporarily promote him. If we evaluated the duties during that time period, it would at most show that the agency should have started the appellant's temporary promotion before April 1996. However, it would not show that the appellant's permanent position should be graded at GS-11.

We have chosen to evaluate duties that the appellant performed from roughly June 1994 to June 1995 for five main reasons. First, we could not evaluate duties that the appellant performed much later than this for reasons discussed in the preceding paragraph. Second, the chosen period occurred in the past and occupied about a year. Third, the record includes a task list prepared by the appellant dated June 7, 1995. He stated during our audit that the list covers roughly the one-year period from June 1994 to June 1995. Fourth, the appellant also stated during the audit that the list includes all his major tasks during that time period including his most complex ones, though it may leave out minor tasks. Finally, the list includes hours spent on each task. The appellant stated during the audit that he derived these hours from documents showing how much time he charged to each project. He also stated that he and his supervisor reviewed these major tasks and the hours spent on them. This is supported by the bottom of the task list itself, where the appellant's supervisor has written "Reviewed [name, date]." All this is significant, because it indicates that we can determine from the task list whether the appellant spent at least 25 percent of his time on GS-11 work. As discussed later, this percentage is important in determining whether the appellant's position should be graded at GS-11.

During the audit, the appellant's supervisor discussed projects the appellant will work on in the future. He expressed his belief that the appellant's future projects will be as complex as, or more complex than, those the appellant is working on now. We have carefully considered these points. However, we cannot consider the appellant's future projects in deciding this appeal for four reasons. First, page 16 of the Introduction to the Position Classification Standards indicates that as a rule we should not consider projected duties in classifying a position. This is appropriate only in rare cases such as in classifying a new position so an agency can recruit for it. The appellant's position is not new. Second, many previous OPM appeal decisions warn against considering projected duties in classifying positions. Third, we are unsure exactly what projects the appellant will be working on at any point after his temporary promotion ends, and what percentage of his time each project will occupy. For instance, the appellant's supervisor noted during the audit that he expects the appellant to spend roughly 40 percent of his time in 1998 on a project to build a two-story dormitory for the Job Corps Center. However, he admitted that these figures were imprecise, and the administrative officer for the center stated that though the dormitory project might take place largely in 1998, it might instead occur later than that. Fourth, even if we knew when the appellant was going to work on a future project, we could not be certain of the grade of that work. For example, the appellant's supervisor observed that he expects the appellant to spend roughly 40 percent of his time in 1998 on phase 2 of a project to convert a laboratory to office space. From his and the appellant's description, this will probably be the most complex large project the appellant will work on in 1998. However, since phase 2 has not yet occurred, we cannot be sure whether the appellant's work on the project

will meet various GS-11 criteria in the GS-802 standard. For instance, we cannot be sure whether he will need to adapt both guidelines and also engineering principles to the extent required at GS-11. We are unsure whether he will need to solve as wide a variety of complex problems needing considerable judgment to make sound engineering compromises and decisions as is typical at GS-11. We cannot tell whether he will need as much ingenuity and creative thinking as is required at GS-11 in devising new ways of accomplishing goals, and in adapting existing equipment or current techniques to new uses. We therefore cannot be sure whether his work on the project should be graded at the GS-11 level.

As just discussed, we cannot consider the appellant's future projects in deciding this appeal. However, we are concerned that after his temporary promotion ends, the appellant may in fact be spending at least 25 percent of his time performing GS-11 work. Therefore, shortly before the temporary promotion is due to end, his agency should review the classification of his position and take any appropriate action. For instance, if the agency finds that the appellant is spending less than 25 percent of his time on GS-11 work, it should let the temporary promotion expire. If the agency finds that the appellant is spending at least 25 percent of his time on GS-11 work, but does not find it highly probable that this will continue permanently, then it may consider extending his temporary promotion if this is allowed by law and regulation. Finally, if he is spending at least 25 percent of his time on GS-11 work and this is highly likely to continue permanently, then the agency may consider permanently upgrading the appellant's position. If the position is upgraded, we recommend reviewing it roughly six months later to ensure that the upgrade was warranted.

In summary, we will evaluate duties that the appellant performed from roughly June 1994 to June 1995 using the GS-802 standard. That standard uses two classification factors: Nature of assignment and Level of responsibility. Our evaluation with respect to those factors follows.

#### *Nature of assignment*

The appellant's June 1995 task list discusses 16 tasks. Most of them generally meet the GS-9 criteria for Nature of assignment on pages 28-32 of the standard. For instance, similar to GS-9 work, most of the appellant's tasks require applying a considerable number of different methods, procedures, and techniques. Also similar to GS-9 assignments, most of the tasks require studying, analyzing, and considering various possible courses of action, techniques, general layouts, or designs, and selecting the most appropriate. As discussed at GS-9, most of the appellant's tasks require consideration of many precedents and some adaptation of previous plans or techniques. As is typical at GS-9, the appellant must sometimes make changes or deviations during an assignment to incorporate additional factors requested after starting the project, or to adjust to findings and conclusions that could not be predicted accurately in the original plans.

One project on the task list involves serving as project manager for designing the Job Corps Center sewer plant expansion and effluent disposal field. Our audit indicated that on this project, the appellant contracted with an engineering firm to design some modifications to the existing plant, designed other modifications himself, and reviewed the contracted work. Modifications were numerous, including adding a new clarifier, a new irrigation tank, two 15-horsepower pumps, and a pump house; redesigning and enlarging a laboratory; building a separate room for hazardous materials; adding 7½ acres of spray irrigation; and designing a large control panel. Simultaneously,

the original plant had to be kept operating. This project generally meets GS-11 criteria on pages 33-35 of the standard. For example, our audit indicated that as discussed at GS-11, it was a complete project of conventional nature requiring independent adaptation of a general fund of background information, and interpretation and use of precedents. The audit also indicated that as described at GS-11, the appellant had to solve a variety of complex problems requiring considerable judgment to make sound engineering compromises and decisions. The task list indicates that this project occupied about 160 hours from June 1994 to June 1995, or roughly 8 percent of the appellant's time (160 ÷ 2087).

However, the other 15 projects on the task list fall short of GS-11 criteria. These projects involve matters such as constructing concrete block restrooms at two campgrounds, researching well logs to determine feasibility of a potable water well, designing a 1,200 ampere service entrance at the Job Corps Center mess hall, researching all water systems to acquire data to write coliform sampling plans for each system, designing demolition of a waste water treatment plant pump house and the new structure while keeping the plant operating, and designing modifications to the 12,480 volt primary power distribution system at the Job Corps Center. GS-11 projects are of broad scope and complexity. Page 34 shows that an example of a project this broad might involve preparing designs and specifications for various utility systems including heating, plumbing, air conditioning, ventilating, pumping, gas supply, and pneumatic control systems for a technical laboratory or experimental building whose complexity or nonconventional nature entails design problems requiring considerable adaptation of precedents. Our audit indicated that some of the 15 projects on the task list had unusual or complicating features. However, none of the projects were as broad in scope as the GS-11 example on page 34. Further, GS-11 projects require initiative, resourcefulness, and sound judgment in planning and coordinating their phases. Because the 15 projects on the task list are narrower in scope than envisioned at GS-11, they do not have phases requiring planning and coordination to the extent intended at that level.

With his appeal letter, the appellant provided a five-page paper intended to show that his work meets GS-11 criteria. The paper mentions many projects that the appellant has worked on. We carefully reviewed each one to ensure that we had not overlooked any work that might not appear, or might be inadequately described, on the appellant's task list. However, one of those projects involved designing the Job Corps Center sewer plant expansion, which we have already credited as meeting GS-11 criteria. Other projects mentioned in the appellant's paper ended before June 1994 and so could not be considered. For instance, the appellant noted during the audit that his site lighting plan for the Job Corps Center, some of his control panel designing, and his devising of methods to chlorinate a remote campground water system as discussed on pages 1 and 2 of his paper ended before June 1994. Still other projects discussed in the paper began occupying significant amounts of his time only after June 1995 and so again could not be considered. For example, our audit indicated that the appellant's work on an underground utilities system for the Job Corps Center, designing a new communications facility located at a remote site, and remodeling the Forest Sciences Research Laboratory as discussed on pages 1,4, and 5 of his paper all started to occupy significant amounts of his time after June 1995. Other projects described in the paper occupied too little time to affect grade level. This was true, for instance, of his work with control panels, since he stated during our audit that each panel occupied roughly 20 to 40 hours of his time. Finally, the remaining projects discussed in the appellant's paper fall short of GS-11 criteria for reasons discussed in the preceding paragraph. For instance, his paper mentions projects involving interior wiring for a new

computer system installation at the Job Corps Center, high pressure halide lighting for a gymnasium, and designing new water and waste water systems for two major campgrounds plus controls for the pumping systems. Our audit indicated that all three of these projects had unusual or complicating aspects, particularly the last one. However, for reasons provided in the previous paragraph, all three projects are narrower in scope than envisioned at GS-11, and so do not have phases requiring planning and coordination to the extent intended at that level. We note that even if the last of the three projects had been evaluated at GS-11, it would have occupied too little of the appellant's time from June 1994 to June 1995 to affect the grade of his position.

As discussed above, most tasks performed by the appellant from June 1994 to June 1995 generally meet GS-9 criteria for Nature of assignment. One project occupying about 8 percent of his time generally meets GS-11 criteria. His other tasks fall short of those criteria. Therefore, the one project is best evaluated at GS-11 for Nature of assignment, his other tasks at GS-9.

#### *Level of responsibility*

The appellant's level of responsibility on tasks performed from June 1994 to June 1995 exceeds GS-9 criteria on pages 32 and 33 of the standard. For example, our audit indicated that his supervisor has furnished fewer instructions on priorities than envisioned at GS-9. His supervisor has provided less review during progress of assignments than envisaged at that level. Our audit also indicated that unlike GS-9 contacts, the appellant's contacts outside the agency have not been arranged under supervisory guidance.

As discussed earlier, the appellant has served as project manager for designing the Job Corps Center sewer plant expansion and effluent disposal field. His level of responsibility on this project meets GS-11 criteria on page 35 of the standard. For instance, as discussed at GS-11, he has had considerable freedom in planning and carrying out project work. Our audit indicated that similar to GS-11 technicians, the appellant has discussed project work with his supervisor but has rarely if ever sought or needed technical supervisory assistance. Our audit also indicated that as described at GS-11, there has been little review during the project's progress.

The appellant's level of responsibility on other tasks performed from June 1994 to June 1995 meets GS-11 criteria in most respects. For example, his responsibilities meet the three GS-11 criteria discussed in the preceding paragraph. However, his level of responsibility on these other tasks falls short of GS-11 criteria in one respect. The last paragraph on page 35 of the standard shows that GS-11 responsibilities are expected to be exercised within the context of GS-11 assignments of broad scope. As discussed under Nature of assignment, the appellant's tasks other than the sewer plant project were narrower in scope than envisioned at GS-11.

As discussed above, the appellant's level of responsibility on tasks performed from June 1994 to June 1995 exceeds GS-9 criteria. His responsibilities on one project meet GS-11 criteria. His responsibilities on other tasks meet GS-11 criteria in all respects but one. Therefore, his level of responsibility on the one project is best evaluated at GS-11. His level of responsibility on the other tasks is also best evaluated at GS-11, though this finding is weakened because his responsibilities fall short of GS-11 criteria in one significant respect.

*Summary*

In sum, the appellant's work on the sewer plant expansion project is best evaluated at GS-11 with respect to both classification factors. His work on other tasks is best evaluated at GS-9 for Nature of assignment and at GS-11 for Level of responsibility, though this latter finding is weakened as discussed above. Given these findings, we judge that on balance the appellant's work on the sewer plant project is best graded at GS-11 overall, his work on other tasks at GS-10.

The appellant's position could be graded at GS-11 only if GS-11 work was officially assigned regularly and continuingly, occupied at least 25 percent of his time, and required knowledges and skills that would be needed in recruiting for his position if it became vacant (introduction to the standards, page 23). During our audit, the appellant's first- and third-level supervisors both indicated that higher level knowledge and skills required to perform the appellant's work would be needed in recruiting for his position if it became vacant. However, the appellant's GS-11 work on the sewer plant project occupied about 8 percent of his time. Since GS-11 work from June 1994 to June 1995 occupied less than 25 percent of his time, his position must be graded at GS-10.

**Decision**

The appellant's position is properly classified as Civil Engineering Technician, GS-802-10. However, his agency should review the classification of his position shortly before his temporary promotion is due to end and take any appropriate action.