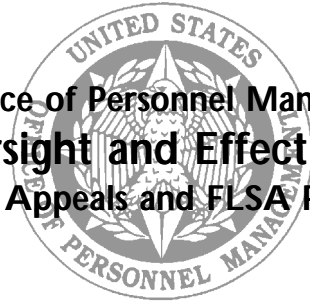


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Atlanta Oversight Division
75 Spring Street, SW., Room 972
Atlanta, GA 30303

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

| | |
|-------------------------------|---|
| Appellant: | [Appellant] |
| Agency classification: | Civil Engineer GS-810-11 |
| Organization: | Forest Service U. S. Department of Agriculture |
| OPM decision: | Civil Engineer GS-810-11 |
| OPM decision number: | C-0810-11-04 |

Kathy W. Day
Classification Appeals Officer

5/28/99

-
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]

[Personnel Officer]

Mr. Roger L. Bensey
Director, Office of Human
Resources Management
U. S. Department of Agriculture
J. L. Whitten Building, Room 316W
1400 Independence Avenue, SW.
Washington, DC 20250

Introduction

On February 17, 1999, the Atlanta Oversight Division, U.S. Office of Personnel Management (OPM), accepted an appeal for the position of Civil Engineer, GS-810-11, Forest Service, U. S. Department of Agriculture, [city/state]. The appellant is requesting that his position be classified as Civil Engineer, GS-810-12.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code (U.S.C.). This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

General issues

The appellant believes he is responsible for a variety of complex projects which require independent judgment. He also makes the following claims concerning the evaluation of his position:

- *He believes that the GS-810 standard is outdated.* The adequacy of grade-level criteria in OPM standards or guides is not appealable. However, all occupations change over a period of time, some more rapidly than others, but the fundamental duty and responsibility patterns and qualifications required within an occupation generally remain stable. Thus, careful application of the appropriate standard to the work performed should yield the correct grade for the position. Any duties not specifically referenced in the standard can still be evaluated by comparison with similar or related duties which the standard does describe, as well as with the entire pattern of grade-level characteristics.
- *His requirement to have a Professional Engineer license should be considered.* The requirement that employees be licensed or certified to perform work is not, by itself, grade-controlling. The level of responsibility or authority that may or may not be associated with such licensure is addressed by application of the appropriate elements within the standard.
- *He provides extensive technical supervision and guidance to the zone engineers.* The appellant does not meet the minimum requirements in the General Schedule Supervisory Guide to be classified as a supervisor. The technical advice and guidance he provides to others is evaluated by reference to the engineering standard identified in the decision.
- *He believes that a more accurate evaluation can be obtained by using the Primary Standard outlined in the Classifier's Handbook.* The Introduction to the Position Classification Standards states that if the work assigned to a position is covered by criteria in a standard for a specific occupational series, the work must be evaluated by the criteria in that standard. There is a published standard for the GS-810 series; therefore, the appellant's position is evaluated against that criteria. The Primary Standard may be used

for supplemental guidance on occasion, but only in conjunction with other Factor Evaluation System (FES) standards. The GS-810 standard is not written in FES format so the Primary Standard may not be referenced.

- *He states that his job compares favorably to other GS-12 positions in the [Region].* By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's current duties to another position as a basis for deciding his appeal.

Position information

The appellant is responsible for providing engineering support, assistance, and guidance in developing plans for all aspects of potable water supply and wastewater systems, building structures and related mechanical and electrical systems, and dams. He develops designs, plans, specifications, cost estimates, and construction documents, and reviews/resolves technical problems arising during the construction process. He inspects and reviews the assigned projects to ensure quality control and compliance with state and Federal regulations. He also inspects and analyzes the maintenance of the systems, facilities, and dams and advises on maintenance procedures and methods. The appellant is responsible for all facilities and systems located throughout the 7 Districts and 1.8 million acres that comprise the National Forests in [state]. He is a Registered Professional Engineer with final responsibility for signing and sealing documents as required by state laws and regulations and is the designated engineer for final inspections of facility contracts. He is considered a technical expert and provides advice and assistance to field office personnel.

The Engineering Program Coordinator provides broad program objectives, and with the Team Leader and Forest Supervisor, considers recommendations from the appellant and determines what facilities and dam projects will be undertaken during the fiscal year. The appellant plans all technical aspects of his work, establishes priorities and work schedules, approves changes, and handles all contacts with the public and Federal, state and local agencies. The appellant independently manages his day-to-day work but keeps his supervisor informed.

Series determination

The appellant's position is covered by the Civil Engineering Series, GS-810. This series includes professional positions in the field of civil engineering with responsibility for management, supervision, or performance of planning, designing, constructing, and/or maintaining structures and facilities that provide shelter, support transportation systems and control natural resources.

Title determination

Civil Engineer is the appropriate title for the position following the guidance in the standard.

Standard determination

Civil Engineering Series, GS-810, Part IV, December 1964.

Grade determination

The Civil Engineering Series standard is comprised of four parts. We find that the appellant's paramount duties and responsibilities most closely match Part IV - Facilities Engineering Management. Engineers performing functions covered by Part IV make judgments and recommendations as to what facilities to build, with what resources, where and in what order, and take action to ensure that approved facilities do get built and maintained. They may have responsibilities pertaining to any or all phases of the engineering of facilities including feasibility studies, development of proposals for work and budget approval, planning and design, construction and maintenance. Grade levels in Part IV are defined principally in terms of (1) the scope and complexity of facilities for which the position has engineering management responsibility, (2) the range of facilities engineering activities managed, and (3) the level of responsibility assigned.

At the GS-11 level, assignments typically concern facilities in one locale or installation. While facilities are varied in type and purpose, there exist ample precedents for their planning, design and construction. Engineers at the GS-11 level perform work such as (1) development of programs and coordination of project accomplishment with respect to maintenance, repair and minor construction for an installation or activity that has facilities to carry out a variety of operations, or that has facilities used by a number of different kinds of activities or organizations; or (2) program development covering proposed construction of a variety of new facilities for an installation or activity similar to (1) above. The engineer usually performs such assignments under the supervision of a higher grade engineer who administers the entire facilities engineering program for the managing activity. The facilities engineering management functions are performed under comprehensive standards and guidelines issued by a higher organizational echelon, regarding justification and authorization of facilities projects and programs. Engineers at this level must apply full professional engineering knowledge and judgment in the application of standard practices, or modification of these to fit conditions that vary moderately from those previously encountered. There is relatively limited contact with the public because of the limited facilities program. The engineer typically deals with a variety of administrative and engineering personnel within the employing organization, and in the organization of the contractors or agencies who carry out the actual construction of facilities, to obtain information and cooperation and to furnish information about facilities engineering programs.

At the GS-12 level, the engineer is fully responsible for development or coordination functions relating to facilities of substantial complexity and variety, possibly in a number of locations, or under the control of a number of different activity managers. This means usually that facilities engineering management must be accomplished under a number of statutory, regulatory and procedural restrictions and jurisdictions. The GS-12 engineer in facilities engineering management usually serves as an assistant to a higher grade engineer, with responsibility for a portion of the facilities program assigned to that engineer. In such "assistant" assignments, the facilities for which the GS-12 engineer is responsible exceed in complexity and variety those typical of the "full responsibility" assignments described in the paragraph above. GS-12 engineers must apply experienced professional judgment in dealing frequently with specialized facility requirements. This often requires that the engineer search out and develop new or greatly modified methods. They work with considerable freedom from technical guidance, and their recommendations for action in matters of normal engineering practice are considered authoritative. Engineers at this level are expected to obtain supervisory guidance or clearance on actions that may be of a controversial nature, or that represent a new approach or course for the organization. The presence of problems of responding to different activity requirements or standards, and of compliance with differing legal and technical requirements under various jurisdictions, differentiates this level from grade GS-11.

The appellant's work is most comparable to Example 1 at the GS-11 level in the standard. He is responsible for a variety of projects, the majority of which are considered conventional, located throughout 7 districts in [state]. Projects range from dam repair and construction for flood control and recreation to work centers, recreational facilities, wastewater and potable water systems, and electrical and mechanical systems. He analyzes sites, prepares design plans and specifications, develops contracts, negotiates changes, inspects construction activities, coordinates work to maintain schedules, and signs off on finished work. When unexpected repairs are needed, he determines what needs to be done, estimates the cost, and takes the information to his supervisor before the work is contracted out. Completed work is accepted as technically accurate and is reviewed by the supervisor only in terms of overall program objectives. However, according to the supervisor's position description and information obtained from the supervisor and the Team Leader, the supervisor does have ultimate responsibility for all engineering functions including planning, expenditures, and technical aspects.

While the nature of the appellant's public contacts and the independence with which he works somewhat exceed the GS-11 level, he does not fully meet the GS-12 level description. Less than 20 percent of the appellant's work is considered to be of the level of complexity described at GS-12. Although he works in various local jurisdictions throughout [state] and with individuals in the 7 Forest Service districts, only local procedures and requirements would possibly change from district to district. The variety of regulations and procedures that must, therefore, be considered with each project is more limited than intended at GS-12. In addition, the majority of activities and facilities supported by the appellant are similar within each district and do not routinely involve projects considered to be of substantial variety and complexity requiring the engineer to search out new or greatly modified methods. With the majority of his projects

considered to be comparable in complexity to those typically found at the GS-11 level plus the presence of a supervisor with ultimate authority for all the engineering functions in the appellant's area of responsibility, the appellant's position cannot be credited at the GS-12 level.

Part IV is credited at GS-11.

Decision

The appellant's position is properly classified as Civil Engineer, GS-810-11.