

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

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [The appellant]

Agency classification: Civil Engineering Technician
GS-802-9

Organization: [The appellant's organization]
U.S. Forest Service
U.S. Department of Agriculture

OPM decision: Civil Engineering Technician
GS-802-9

OPM decision number: C-0802-09-40

Carlos A. Torrico
Classification Appeals Officer

April 26, 2001
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:

[The appellant's address]

Agency:

[The appellant's servicing personnel office]

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Introduction

On October 10, 2000, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received from [the appellant] an appeal of the classification of his position. His position is currently classified as Civil Engineering Technician, GS-802-9. However, he believes it should be classified at the GS-11 level. He works in the [appellant's organization], U.S. Forest Service, U.S. Department of Agriculture. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

This appeal decision is based on a careful review of all information submitted by the appellant and his agency, as well as telephone interviews with the appellant and his current supervisor. The appellant has certified, with some clarifications, that his current position description is accurate. His supervisor has also certified to the accuracy of the position description. The appellant compares his position to other GS-11 civil engineering technician positions in his organization. Therefore, he believes that his job should be graded at that level. In adjudicating this appeal, our concern is to make our own independent decision on the proper classification of the 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). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

Position information

The appellant is a civil engineering technician in the [appellant's organization]. He performs civil engineering technician duties, including contracting work, up to 65% of the time. These duties involve: (1) preparing plans and estimates for projects concerning buildings, structures, water resources, bridges, roads and trails; (2) preparing, analyzing, and reviewing drawings and specifications; (3) establishing, adapting, modifying, and analyzing testing items and programs, and (4) determining the feasibility of and selecting the best layouts.

The appellant also performs Contracting Officer's Representative (i.e. construction inspection) work no more than 35% of the time. These duties involve (1) inspecting construction materials, electrical, mechanical, or water systems, and buildings; (2) interpreting plans and specifications; and (3) working with builders to identify and insure correction of deficiencies, as well as suggesting alternative construction methods.

Series, title, and standard determination

The agency has classified the appellant's position in the Engineering Technician Series, GS-802 and the appellant does not disagree. We concur with the agency's determination. While the appellant performs a "mix" of engineering technician and Contracting Officer's Representative duties, our fact-finding disclosed that the engineering technician knowledge is paramount to perform the primary duties of the position. Like positions in the GS-802 series, his technical engineering knowledge includes practical knowledge of engineering practices, procedures, and

techniques to plan and implement road maintenance and construction projects; knowledge of field and office methods of engineering necessary to complete surveys, design, specification writing, cost estimating, contract preparation, and contract administration. The engineering technician knowledges are essential for writing and monitoring the technical portions on contracts, with the basic knowledge of contract provisions and procedures being secondary to the position. The main reason for the position's existence is to fulfill civil engineering technician work for the agency. Engineering technician related occupations are the main lines of promotion for the position, and the recruitment source consists of those individuals with knowledge and expertise in practical engineering. For all of the preceding reasons, the GS-802 series is the most appropriate series. Because the appellant works in the civil engineering specialization and spends up to 65% of his work time on these duties, the prescribed title for this position is Civil Engineering Technician. Positions in the GS-802 series are evaluated by reference to the grading criteria in the standard for the Engineering Technician Series, GS-802, dated June 1969 (reissued in HRCD-7, July 1999) as discussed below.

As previously noted, the appellant spends no more than 35% of his time serving as Contracting Officer's Representative, onsite. Thus, the standard for the Construction Control Series, GS-809, dated February 1969 (reissued in HRCD-7, July 1999), was reviewed for its applicability to this position. Construction inspectors and especially construction representatives work with and assist the contractor to discharge his/her contractual obligations on a timely basis. They confer with contractor personnel on matters of scheduling, work methods, the acceptability of substitute materials, and the quality of workmanship. These duties are described as follows and on pages 6 and 7 of the standard:

- Review project plans and specifications prior to contract advertisement to determine practicability from construction standpoint; whether physical obstructions or other construction difficulties have been anticipated; whether materials specified are readily available.
- Attend pre-bid and pre-construction conferences to discuss principal construction features and requirements, in terms of methods and equipment.
- Supervise conduct of detailed site survey; set stakes to mark pertinent features; investigate foundation and borrow pits.
- Develop or review specifications for clearing of land, excavation, building access roads and utilities, construction offices, testing facilities, equipment and material maintenance and storage facilities.
- Inform contractor of requirements concerning construction scheduling, progress reporting, safety measures, wage and hour law observance, labor relations, payroll records.
- Observe and investigate construction at all stages to identify problems, report potential problems, and take timely action to recommend changes to designer to solve problems such as unusual foundation conditions.
- Supervise inspection of construction operations for compliance with plans and specifications; interpret plans and specifications; confer with contractor representatives to resolve differences of opinion.
- Review, advise on, and evaluate the contractor's system of inspection.
- Investigate need for contract change orders, considering conditions at work site, field measurements and computations, and local prices, and negotiate costs for changes required.

- Investigate and report on situations in controversy with contractors, which may lead to formal claims by the contractor. These may arise from such things as contract changes, labor strikes, unusual weather.
- Record changes and modifications to contract drawings and specifications for use in preparation of “as-built” drawings at completion of construction.
- Coordinate construction operations with contractors and Federal, State, and local agencies involved; and with railroad, pipeline, utility companies and highway officials on relocation of facilities.
- Keep officials of local jurisdictions informed on project operations, and maintain public relations through news media and personal contact with civic and business groups.

Although the appellant does not perform the full scope of duties typical of positions classified in the GS-809 series, he does perform similar tasks such as: ensuring compliance with the terms and conditions of the contract; issuing start and stop work orders; accepting and rejecting quality of equipment used; interpreting plans and specifications; making minor changes requiring contract amendments and modifications; and recommending final acceptance of the completed project. Therefore, in addition to application of grading criteria in the standard for the Engineering Technician Series, GS-802, we have evaluated his Contracting Officer’s Representative duties by cross-reference to the grading criteria in the standard for the GS-809 series.

Grade determination

The appellant’s position is a “mixed” grade position. As described in the Introduction to the Position Classification Standards dated August 1991 (reissued in HRCD-7, July 1999), page 17, mixed positions are those that perform 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. Likewise, the grade of the appellant’s position will be determined by the highest level work assigned to and performed by him for the majority of the time.

Evaluation of Engineering Technician Duties

The standard for the Engineering Technician Series, GS-802, 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 assignments meet the GS-9 criteria as discussed on pages 28-31 of the standard. GS-9 technicians perform a variety of tasks that require a considerable number of different basic but established methods, procedures, and techniques. According to the appellant’s position description, he performs overall work planning, recommends and prepares contract modifications, prepares drawings and cost estimates, prepares and interprets drawings and specifications, and approves modifications which do not radically alter design or costs. Similar to

the GS-9 level, these duties require application of varied but established technical engineering methods and procedures to conventional projects of relatively limited scope. Like the GS-9 level, the appellant's assignments require consideration of various possible courses of action and selection of the most appropriate. The GS-9 illustrative assignment number 6 (page 31) provides a typical example of GS-9 work which favorably compares to the appellant's assignments. The technician in the illustration prepares plans, specifications, and estimates for roads and airport runways including surfacing and pavements of various kinds not subject to extreme conditions of climate or loading. The requirements (e.g., load bearing capacity) are stipulated and the work involves the application of established engineering practices in designing the concrete slab, foundation, and drainage structures. Like the GS-9 level, the appellant's work requires a good understanding of the effect of recommendations made on a particular system, e.g., drainage structures and road culverts.

The appellant's assignments fall short of the GS-11 criteria as described on pages 32-34 of the standard. Unlike that level, his work is not so broad and complex that it requires application of demonstrated ability to interpret, select, adapt, and apply many guidelines, precedents, and engineering principles, and some knowledge of related scientific and engineering fields. The GS-11 illustrative assignment number 2 (page 33) provides a typical example of GS-11 work. The technician in the illustration prepares designs and specifications for a wide variety of utility systems such as heating, plumbing, air conditioning, ventilating, pumping, gas supply, and pneumatic control systems. These systems are in office buildings, technical laboratories, experimental buildings, pumping stations, and flood control facilities. The complexity or non-conventional nature of these buildings and facilities entails design problems requiring considerable adaptation of precedents or design of features for which precedents are not directly applicable. In comparison, the appellant prepares plans and specifications relating to road and all-terrain vehicle trail reconstruction, parking lot projects, bridge construction and maintenance, water system construction for campgrounds, and carpeting, painting, roofing, and reconstruction of relatively small to medium sized, existing structures. His engineering work does not involve as wide a variety of systems as those in the illustration. Further, the roads and other structures on which he works are less complex than the technical laboratories and experimental buildings discussed in the illustration. Because of this, his engineering problems require less adaptation of precedents or design of features than described in the GS-11 level work illustration.

Given the above points, the appellant's assignments do not meet the GS-11 level. His work lacks the broad scope discussed at that level because his engineering duties involve less variety of systems than is typical at that level. The work lacks the engineering complexity typical at the GS-11, since the roads and other structures on which he works are less complex than is characteristic at that level. The appellant's duties do not involve adapting precedents to the extent envisioned at the GS-11 level. His assignments meet the GS-9 level, but fall short of the GS-11 criteria. Thus, the position is properly evaluated at GS-9 for this factor.

Level of responsibility

The appellant's level of responsibility meets the GS-9 criteria as discussed on page 32 of the standard. At the GS-9 level the supervisor is available for consultation and advice where significant deviations from standard engineering practices must be made, and provides more detailed instructions when distinctly new criteria or new techniques are involved. Similarly, the

appellant's supervisor identifies known or anticipated controversial or complex issues, and is available to discuss unusual problems, and make recommendations on alternate solutions. Also, at the GS-9 level the work is reviewed for adequacy and for conformance with established policies, precedents, and sound engineering concepts and usage. According to both the appellant and the supervisor, the appellant's work is reviewed at the planning, implementation and completion stages. Work is reviewed for adherence to guidelines, policies, and project objectives.

The appellant's responsibilities do not fully meet the GS-11 criteria as described on page 34 of the standard. There is some similarity to the GS-11 criteria in that he has considerable freedom in planning and carrying out the work, and has wide latitude to make daily decisions and changes with contractors within the scope of the contract. However, careful reading of the engineering technician standard and other OPM guidelines indicates that for a person's level of responsibility to truly meet GS-11 criteria, those responsibilities should be exercised within the context of GS-11 assignments. In discussing the first classification factor, Nature of assignment, we have found that the appellant's assignments are best evaluated at the GS-9 level. As discussed above, his responsibilities are most similar to GS-9 responsibilities and on balance fall short of the GS-11 criteria. Therefore, his level of responsibility must be evaluated at GS-9.

The appellant's position is properly evaluated at the GS-9 level for both Nature of assignment and Level of responsibility.

Evaluation of Contracting Officer's Representative Duties

The standard for the Construction Control Series, GS-809, contains two criteria for evaluating the grade of construction inspector positions: Assignment characteristics and Level of responsibility. Our comparison to the two criteria follows:

Assignment characteristics

The appellant's assignments meet the GS-8 criteria as described on page 15 of the standard. At the GS-8 level, typically there are few complicating features such as complex foundation problems or unique design components. The appellant's work is similar to the illustrative work example at the GS-8 level in the standard which addresses inspection of electrical, mechanical, and structural aspects of construction of multi-story office or residence buildings of moderate size and conventional design. The appellant inspects the construction of buildings, bridges, roads and trails of moderate size and conventional design.

As described in the standard, personal contacts at the GS-8 level include extensive contacts with contractor representatives concerning problems of work scheduling, interpretation of plans and specifications, selection of work methods, and acceptability of materials and workmanship. The appellant's contacts include state and federal contractors and inspectors, city of [name of city], State of [name of state], and U.S. Department of Highways representatives. Like the GS-8 level, the purpose of his contacts is to interpret and change plans and specifications, as well as to accept construction materials.

The appellant's assignments do not meet the GS-9 criteria (page 16) where projects are characterized by the inspection of construction of unusual difficulty and complexity. Illustrative of GS-9 assignments is (1) inspection and testing of complex and sophisticated electrical or mechanical systems in a large multi-story, special purpose building(s), such as a laboratory or hospital, or (2) inspecting complicated structures involving highly complex construction problems, e.g., stabilizing the subsoil structure in constructing a missile launching pad or a runway for jet aircraft with extremely exacting requirements for strength and surface smoothness. The appellant's assignments involve roads and small to medium sized structures that do not equate to the complexity of such projects. In addition, his contacts are not as critical and extensive as described at the GS-9 level.

Level of responsibility

The appellant's level of responsibility favorably compares to the GS-8 level (page 15) where construction inspectors independently interpret plans and specifications relating to construction problems other than those of unusual complexity or controversy or requiring specialized knowledge. On such questions assistance and guidance is obtained from the supervisor. The appellant has the authority to approve minor modifications, additions, deletions, and changes to the contracts that he monitors. This responsibility matches the GS-8 level where inspectors approve minor obviously needed changes to plans that do not alter basic design or involve additional cost to the Government, such as minor realignment of pipes to eliminate interferences. Inspection work is reviewed through periodic discussions with the supervisor and written reports.

The appellant's level of responsibility does not meet the GS-9 criteria (page 17). While he operates with considerable independence, unlike the GS-9 level he does not deal with construction problems of unusual difficulty and complexity. His responsibility is exercised within the context of GS-8 assignments.

Given the above analysis, the appellant's Contracting Officer's Representative duties are best evaluated at the GS-8 level with respect to both classification factors in the GS-809 standard.

Summary

We have evaluated the grade level of the appellant's position using two standards to cover the engineering technician and Contracting Officer's Representative duties respectively. The engineering technician work has been graded at the GS-9 level. The Contracting Officer's Representative work has been graded at the GS-8 level. Because his engineering technician work is the highest level of work assigned, is paramount and occupies the majority of his time, it is grade controlling. Therefore, the final grade of this position is GS-9.

Decision

The appellant's position is properly classified as Civil Engineering Technician, GS-802-9.