

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

Dallas Oversight Division  
1100 Commerce Street, Room 4C22  
Dallas, TX 75242

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

**Appellant:** [appellant's name]

**Agency classification:** Realty Officer  
GS-1170-9

**Organization:** Real Property Element  
[organization]  
Department of the Air Force  
[geographic location]

**OPM decision:** Realty Specialist  
GS-1170-9

**OPM decision number:** C-1170-09-01

/s/

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Bonnie J. Brandon  
Classification Appeals Officer

August 30, 2002

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Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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).

Since this decision changes the classification (i.e., the title) of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 CFR 511.702). The appellant's human resources office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

**Decision sent to:**

[appellant's name and address]

AF Personnel Center  
Attention: DPCMC  
Department of the Air Force  
550 C Street, West, Suite 57  
Randolph Air Force Base, Texas 78150-4759

Chief, Civilian Policy  
HQ USAF/DPFC  
Department of the Air Force  
1040 Air Force Pentagon  
Washington, DC 20330-1040

Chief, Classification Appeals Adjudication Section  
Civilian Personnel Management Service  
Department of Defense  
1400 Key Boulevard, Suite B-200  
Arlington, VA 2209-5144

## **Introduction**

On October 22, 2001, the Dallas Oversight Division of the U. S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. The appellant's position is currently classified as Realty Officer, GS-1170-9. The position is located in the Real Property Element, [organization], Department of the Air Force, [geographic location]. The appellant believes the position should be classified at the GS-11 grade level. She previously appealed the classification of the position to the Department of Defense Civilian Personnel Management Service (CPMS). The CPMS decision, issued on July 12, 2001, sustained the agency's classification of the appellant's position. We have accepted and decided this appeal under section 5112 of title 5, United States Code.

We received the agency's complete administrative report on November 19, 2001. On February 20, 2002, we conducted a telephone audit with the appellant. We also interviewed her immediate supervisor by telephone on March 7, 2002. The appellant provided additional information by telephone and by electronic mail. We received the latest information from the appellant on June 21, 2002. In deciding this appeal, we fully considered the information obtained by telephone and all information of record provided by the appellant and her agency, including current work assignments and her position description of record, Air Force Core Personnel Document Number [number].

The appellant and her supervisor certified that the appellant's position description is current and accurate. However, we found that the position description contains some misleading statements under Factors 1 (knowledge required), 2 (supervisory controls), 4 (complexity), and 7 (purpose of contacts). Position classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision grades a real operating position and not simply the duties and responsibilities described in the position description. Therefore, this decision is based on the actual work assigned to and performed by the appellant.

## **Position information**

As chief of the Real Property Element, the appellant plans, organizes, and executes the realty program for the Base. The appellant's area of responsibility includes about 235 remote sites spread across 10 counties; a little more than 29,000 acres of land; 4,089 facilities and 1,412 buildings; and about 2,400 miles of cable line easements. The appellant supervises one position that her agency has classified as Realty Specialist, GS-1170-7. A summary of the appellant's major duties and responsibilities follows.

- Space utilization activities include providing advice to the Wing Commander regarding the most efficient and economical use of facilities, conducting space utilization studies, running meetings for the "B" team of the Facility Board, studying space requests and recommending solutions to issues, advising occupants of requirements, and initiating work orders associated with facility needs.

- Acquisition activities include recommending the properties to be acquired, providing advice on methods of acquisitions, and negotiating with property owners and municipal officials.
- Grants activities include negotiating outgrants and ingrants, which typically involve leases, licenses, permits, and easements for various purposes (such as recreational or commercial), ensuring that grantees comply with outgrant terms, and initiating corrective actions when compliance is not maintained.
- Activities relating to disposal actions include preparing and processing declarations of excess and proposed facility disposal actions, identifying special easement or recapture rights to be retained upon disposal, writing statements of work, estimating relocation costs, and preparing invitations for bids and participating in bid openings and awards. Disposal actions relating to excess buildings, facilities, or land involve various environmental concerns (for example, underground storage tanks, lead-base paints, asbestos, wetlands).
- Other duties include interpreting guidance concerning the technicalities of Air Force realty programs; maintaining, updating, and reconciling various real property records; serving as the point of contact for special staff visits and real estate related audits; representing the Base at various meetings and negotiating with Federal, State, tribunal, or local organizations; and developing local techniques to accomplish real estate transactions.

The position requires knowledge of real estate principles, concepts, practices, and markets. For the appellant's position, knowledge of property disposal policies and procedures is also required. Additional information about the appellant's duties and responsibilities and how they are performed is in the material of record.

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

The agency assigned the appellant's position to the GS-1170 Realty Series, titled it *Realty Officer*, and used the grading criteria in the GS-1170 position classification standard to evaluate the work. The agency did not apply the General Schedule Supervisory Guide (GSSG) because the appellant spends only about 10 percent of her time supervising one employee, a GS-1170-7 Realty Specialist. That percentage of time does not meet the minimum requirement of 25 percent for coverage of the GSSG. The appellant agrees with the agency's determinations for series, title, and standard for grading purposes. We concur that the position is properly placed in the GS-1170 series and is properly graded by application of the GS-1170 standard.

We disagree with the title assigned by the agency. The GS-1170 standard states that *Realty Officer* is the prescribed title for positions that are responsible for planning, organizing, and directing an overall realty program for a governmental organization, organizational segment, or other unit, subject only, at the local level, to administrative supervision and control. As discussed later in this decision, the appellant does not operate with the freedom from technical

supervision at the local level as the standard intends for Realty Officer positions. Consequently, the appropriate title for the appealed position is *Realty Specialist*.

### **Grade determination**

The GS-1170 standard is written in Factor Evaluation system (FES) format and uses nine grade influencing factors for determining grade level. Within each factor, there are factor level descriptions that represent the minimum or threshold for that factor. If the position exceeds one factor level but fails to meet the full intent of the next higher factor level, the lower point value must be credited. The total of the point values assigned to the nine factors is converted to a grade by use of the grade conversion table in the standard.

Work must be performed on a regular and recurring basis for 25 percent or more of the appellant's work time to control the grade of the position. The appellant agrees with her agency's assignment of levels for Factors 3 (Level 3-3), 5 (Level 5-3), 6 (Level 3), 8 (Level 8-1), and 9 (Level 9-1). She believes that Factors 1, 2, 4, and 7 should be credited at higher levels. We concur with the levels the agency credited to the uncontested factors. Therefore, our analysis focuses on the disputed factors.

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

This factor measures the nature and extent of information that the realty specialist must understand to do acceptable work (e.g., steps, procedures, practices, rules, and policies) and the nature and extent of the skills needed to apply that knowledge. The agency assigned Level 1-6; however, the appellant believes Level 1-7 should be credited.

Employees at Level 1-6 apply knowledge of commonly applied real estate principles, rules, regulations, and practices and a general understanding of real estate markets to acquire land, structures, or space involving common or familiar uses with standard encumbrances, little environmental impact, or few controversial issues. They manage Federally-controlled or Indian-owned property or space, involving common or familiar uses, limited changes in client needs, and resolution of routine contractual problems. At this level, employees dispose of Federally-controlled property or property obtained through foreclosure in prescribed geographic areas with few environmental concerns and a large local real estate market in which the sale will have little economic impact. Employees at this level develop long- and short-range plans for or oversee transactions in a moderate geographic area (for example, a small to medium metropolitan area or one or two states that comprise a portion of a region), with a limited Federal population, standard or stable housing needs, and routine alternatives for satisfying those needs, with few or no encumbrances, environmental issues, or other complicating factors.

At Level 1-6, employees apply one or more of the following: knowledge of commonly used contracting rules, regulations, and procedures; general knowledge and understanding of agency, State, and local government procedures and appropriate statutes and policies; knowledge of standard space management practices and techniques; basic knowledge of environmental laws and regulations to determine the appropriateness of alternative uses of land or property; or knowledge of standard building management practices and techniques to negotiate leases.

An employee at Level 1-7 applies knowledge of a wide range of real estate principles, concepts, and practices as well as a good understanding of the real estate market to perform work such as managing Federally-controlled or Indian-owned property when that work includes leasing or authorizing the use of unused Federal land to individuals or organizations for commercial, recreational, or various other purposes after ascertaining that the proposed use is compatible with and/or facilitates the client agency's mission. Employees at this level also apply an in-depth knowledge of agency and/or tribal policies and procedures, and applicable Federal statutes, to negotiate the terms and conditions of complex leases or similar types of agreements or authorizing documents for different types of properties.

The knowledge and skill required by the appellant's assigned duties and responsibilities best meet Level 1-6. Similar to the description for Level 1-6, the appellant's position requires knowledge and skill to perform recurring assignments of moderate difficulty. Like Level 1-6, the appellant's typical work situations are not so unique that they require significant deviation from established methods. Although the appellant's position description states that the appellant disposes of unusual excess buildings, facilities, or land, we found that the appellant's ongoing disposal activities are not indicative of assignments at Level 1-7 and do not require the knowledge envisioned at that level.

The appellant believes that her position meets the description at Level 1-7 for developing long- and short-range plans for or overseeing substantial geographic areas (for example, a large metropolitan area or several states that comprise a small region or a major portion of a larger region) with an extensive Federal population. According to the appellant, there are 4,593 personnel assigned to the Base. However, the specific number of persons assigned to the Base is not a deciding element in determining whether the appellant meets Level 1-7 because the passage in the standard must be applied in its entirety. To meet that particular description at Level 1-7, the employee must also perform work that typically involves a broad range of transactions, large inventories of Federally-controlled property with multiple tenants, extensive or unusual historic preservation or environmental issues, and a wide range of variables such as cost, methods of financing available, integration of the phases of multiple projects, and compatibility of projects with local development plans. The appellant's work does not meet the full intent of the Level 1-7 description.

Level 1-6 (950 points) is assigned.

### *Factor 2, Supervisory controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the responsibility of the employee, and the degree to which work is reviewed by the supervisor. The agency assigned Level 2-3; the employee believes Level 2-4 should be credited.

At Level 2-3, the supervisor defines the objectives, priorities, and deadlines of assignments and assists the employee with situations that have no clear precedents. Guidance is given for marketing unique properties, negotiation strategies for use in unusual situations, resolving conflicting needs within client agencies, or handling uncooperative contacts. At this level, the employee plans and carries out the successive steps and handles problems and deviations in work

assignments in accordance with instructions, policies, previous training, or accepted real estate or contracting practices. Either the supervisor or a higher graded realty specialist evaluates the work for technical soundness, appropriateness, and conformity to policies and procedures. Methods used to complete the work are not normally reviewed in detail. However, the work is reviewed for conformance with contracting and other applicable regulations.

For positions at Level 2-4, the supervisor sets the overall objectives and resources available. The employee and the supervisor, in consultation, develop the deadlines, projects, agencies, or geographic area for which the employee will be responsible. The employee plans and carries out assignments; resolves conflicts that arise; coordinates the work with others; and interprets policy on own initiative in terms of established objectives. The employee keeps the supervisor informed of progress and potentially controversial matters, such as strong Congressional or tribal interest in a project or potential condemnation of property, need for extremely expensive or difficult hazardous waste cleanup, need for extensive repair or rehabilitation of property prior to disposal that may have a significant impact on the sale price of property, or potential condemnation of property. Overall, the supervisor reviews the work for feasibility, compatibility with other realty or land use projects, and effectiveness in meeting realty program or agency goals and requirements.

This factor encompasses three elements: supervisory controls, employee responsibility, and supervisory review. Within the context of these three elements, Level 2-4 represents not only increased independence of action over Level 2-3 but also a corresponding increase in the level of responsibility assigned to the employee largely as a function of the nature of the assignment. Level 2-4 is predicated on a significant degree of program responsibility or authority where the employee has the authority to resolve conflicts and interpret policy without assistance from or consultation with the supervisor or others. Although the appellant's position description for this factor is a near-verbatim excerpt from Level 2-4 description, the level of command program supervision is not compatible with meeting the full intent of the scope of duties and responsibilities at Level 2-4. While the appellant may have basically independent program responsibility, her supervisor is responsible for ensuring that the real estate program meets its obligations; translating mission requirements into real estate objectives; establishing negotiation objectives to use during negotiations for acquisitions, outgrants, leases, mineral rights, and other contract actions; and following up on all legal reviews. In contrast to Level 2-4, the appellant does not have the latitude to determine the scope of her assignments since the supervisor defines the objectives and priorities for the appellant. Similar to Level 2-3 where the work is reviewed for conformance with contracting and other applicable regulations, the appellant must send contract documents to the legal office for review and then make any required changes in the documents. Further, her recommendations for real estate actions are subject to scrutiny, review, and approval by the Facility Board, indicating a closer level of review and supervision over the work than the level of independence envisioned at Level 2-4. Even though the appellant functions with considerable independence in carrying out her day-to-day work and her work is usually accepted as technically sound with little review from her immediate supervisor, she does not have an equivalent level of authority and freedom from administrative and technical supervision as described at Level 2-4.

Level 2-3 (275 points) is assigned.

#### *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. The agency assigned Level 4-3; the appellant believes that Level 4-4 is warranted.

The complexity of the appellant's work that is regular and recurring is characteristic of Level 4-3. Like positions at that level, the appellant's duties involve different and unrelated realty processes and methods. For example, she has developed the terms and conditions of an agricultural lease and renewal of a grazing lease; negotiated and prepared a lease for space at the [city] Airport; disposed of a site by transferring it to a local nonprofit organization; worked on acquisition of rights-of-way for a housing project and environmental testing; and proposed acquisitions, disposals, and exchanges of property to assure the highest and best use of Air Force land and facilities. The appellant's work involving acquisition and disposal actions, management, and planning match Level 4-3 where employees study each case to identify aspects (such as the needs of client agencies, the characteristics of properties, and the nature of the transaction); consider the availability of the type of space or property needed, compatibility of proposed and existing uses, cooperativeness of property owners, availability of financing and other similar issues; and analyze the impact, interrelationships, and relevance of these conditions and the ability to obtain fair market value for properties. To carry out her assignments, the appellant selects and applies established techniques, marketing approaches, or negotiation strategies. The Command headquarters provides standard language, conditions, etc., that must be included in contracts and leases. The complexity of the appellant's assignments best meets Level 4-3.

The appellant's position description is misleading in that it uses some of the language from the Level 4-4 description in the standard, for example, work involves numerous "unrelated processes and methods" and the employee "uses originality in planning the scope and direction of realty projects." Our fact-finding does not support crediting Level 4-4 because the appellant's work does not involve the use of many different and unrelated realty processes and methods in the acquisition, management, or disposal of a wide variety of properties with unusual combinations of diverse characteristics indicative of Level 4-4. Assignments at Level 4-4 may require negotiations in sensitive or unpredictable situations with reluctant or uncooperative property owners and Federal, State, and local officials. Employees use originality in planning the scope and direction of realty projects or identifying problems. They plan transactions and projects which typically involve in-depth analysis and evaluation of unique and often conflicting combinations of characteristics, issues, and alternatives to determine the applicability of established realty practices and methods. While the appellant makes recommendations and provides advice regarding use of the land and space, she does not have the authority to *decide* its use, as indicated in the position description. The appellant's position falls short of the full intent of Level 4-4.

The appellant provided examples of acquisition, property management, and disposal projects that she believes are representative of the complexity of her work. For example, she described a joint acquisition venture with the city of [city] for land where wetlands were an issue. She persuaded



the landowner to subdivide the land so that the Base could buy one parcel (that did not include the wetlands) and the city could buy the other. Acquisition of the land allows children to walk safely to school without trespassing on the adjacent land. Examples of property management include easements (ensuring access to sites, monitoring encroachments), permits and leases (helicopter training maneuvers, joint use of passenger area and indoor hangar space at an airport), and utilization surveys and compliance inspections (asbestos and lead-base paint). Examples of disposal actions include water right transfers, easement transfers, and the transfer of excess family housing units to Native American tribes.

While some of the appellant's projects (for example, the transfer of the housing units to Native American tribes) may have unique features, they do not meet the full intent of Level 4-4 where transactions typically involve 5 or more of the 15 complicating characteristics described in the standard. The 15 characteristics include multiple or conflicting uses of land, space, or facilities; limited comparable sales; conflicting legal or environmental concerns; community opposition; relocation issues; frequently changing program requirements; complex environmental control systems; complex leases with numerous interrelated clauses or conditions; high incidence of foreclosure of the assigned area; extensive damages or repeated vandalism to properties; multifamily projects which have not responded to efforts to prevent foreclosure; significant Federal government risk; unusual types of surplus properties with limited alternate uses or in remote locations; unstable economic conditions; and complex special agency needs (such as high security needs in courtrooms or unusual technological requirements for electronic research equipment). The appellant's ongoing duties and responsibilities do not involve the originality in planning the scope and direction of realty projects, the wide variety of properties with unusual combinations of diverse characteristics, and the in-depth analysis and evaluation of unique and conflicting combinations of issues and alternatives indicative of work at Level 4-4. The appellant's work is neither as broad nor as undefined as expected at Level 4-4.

Level 4-3 (150 points) is the highest level that is fully met.

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

The standard treats Factor 6 (personal contacts) and Factor 7 together. Contacts credited under Factor 6 must be the same contacts considered under Factor 7. Factor 6 includes face-to-face and telephone contacts with persons not in the supervisory chain. Factor 7 addresses the purpose of personal contacts, which may range from factual exchange of information to situations involving significant or controversial issues and differing viewpoints or objectives.

The appellant agrees with her agency's assignment of Level 3 for Factor 6. At Level 3, the highest level described in the standard, personal contacts include individuals or groups from outside the employing agency in a moderately unstructured setting. That is, the contacts are not routine, the purpose and extent of each is different, and they are identified and developed during the course of the contact. At Level 3, typical contacts include real estate brokers, real estate and title attorneys, property owners, real estate developers, business executives, appraisers, tax assessors, lenders, and representatives of mortgage companies. Employees at this level may also have contacts with representatives from the news media, civic and public action groups, professional organizations, Congressional committees, or State and local governments. Similar

to employees at Level 3, the appellant has contacts with realty specialists and Air Force members outside her immediate organization, attorneys, property owners, local government officials, and community leaders. Such contacts are generally not established on a routine basis and occur in a variety of places, inside and outside the agency.

The appellant disagrees with her agency's assignment of Level b for Factor 7. She believes that Level c is met.

At Level b, the purpose of contacts is to plan, coordinate work, or advise on efforts and resolve operating problems by influencing or motivating individuals or groups who are working toward mutual goals and who have basically cooperative attitudes.

The purpose of contacts at Level c is to influence, motivate, or question persons or groups to provide, accept, and abide by terms of complex contracts, leases, other authorizing documents, or agreements relating to such matters as relocation rights or use of surplus property or an offer or selling price. At this level, persons contacted may be suspicious of the intent of questions or results of recommendations, skeptical about trusting government employees, or unwilling to provide information. The employee must have the skill to establish rapport with uncooperative contacts and significant persuasive or negotiating skills to deal with individuals and groups to obtain the desired effect, such as gaining property information or accepting value recommendations or reconciling highly divergent interest in the use and disposition of property.

The purpose of contacts as stated in the appellant's position description is misleading in that it is written to meet Level c of the standard. However, our fact-finding does not support assignment of Level c to the appellant's position. In contrast to employees at Level c, the appellant does not frequently deal with uncooperative individuals where significant persuasive and negotiating skills are required. While the appellant routinely uses skill and judgment when negotiating contracts, she deals most often with individuals who are cooperative and willing to work toward a mutually acceptable outcome. She could provide only one example where an individual landowner was resistant because he believes that the Base does not have an easement to enter a site where repair work needs to be done. There is no indication that the appellant is regularly faced with fearful, skeptical, uncooperative, or dangerous individuals or groups as described at Level c. Most of the appellant's contacts are reasonably cooperative. On a regular and recurring basis, the purpose of the appellant's contacts is characteristic of Level b.

Since the appellant's position does not fully meet the intent of Level c, Level b is assigned for Factor 7.

For Factors 6 and 7, we evaluate the appellant's position at 3b (110 points).

### *Summary*

In summary, we have evaluated the appellant's position as follows:

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. and 7. Personal contacts and Purpose of contacts	3b	110
8. Physical demands	8-1	5
9. Work environment	9-1	5
<i>Total</i>		1,920

The appellant's position warrants 1,920 total points and falls within the range (1,855-2,100) for the GS-9 grade level. In accordance with the grade conversion table provided in the standard, the position is properly graded at the GS-9 level.

### **Decision**

The appellant's position is properly classified as Realty Specialist, GS-1170-9.