

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

Philadelphia Oversight Division
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

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

Appellant: [appellant's name]

Agency classification: Freight Rate Specialist
GS-2131-7

Organization: Movements Branch
Logistics Services Department
Directorate of Logistics
Fort [name]
Department of the Army
[location]

OPM decision: Freight Rate Specialist
GS-2131-7

OPM decision number: C-2131-07-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

May 9, 2002

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* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name]
[appellant's address]

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Introduction

On October 26, 2001, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant's name]. The case was received by the Philadelphia Oversight Division for adjudication on December 12, 2001. His position is currently classified as Freight Rate Specialist, GS-2131-7. The appellant works in the Movements Branch, Logistics Services Department, Directorate of Logistics (DOL), Fort [name], Department of the Army, Fort [name], [location]. We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

On January 10, 2002, the appellant informed OPM that he had been reassigned to a new position description (PD) as part of a most efficient organization (MEO) reorganization. However, he also informed his agency and OPM that he wished to continue his appeal because he was performing the same duties and responsibilities that were the basis for his appeal. The agency confirmed that the new PD ([number]) was substantially the same as the former PD. OPM received the supplemental administrative report on February 13.

General issues

On November 13, 2000, the appellant informed his immediate supervisor that his PD of record was not accurate and requested a desk audit of his position. The record shows that a revised PD was sent to the servicing human resources (HR) office on December 14, 2000. On June 20, 2001, the agency informed the appellant that its May 17, 2001, position audit sustained the current classification of his position and advised him of his right to appeal. The agency forwarded the appeal package to OPM on October 9, 2001. OPM received the appellant's comments on the appeal administrative report on November 16, 2001. In his appeal memorandum, the appellant requested that his position be classified either as Traffic Management Specialist, GS-2130-9 or Transportation Specialist, GS-2101-9. He cited a recruitment notice for a position with duties synonymous to the duties that he performs classified as Transportation Specialist, GS-2101-9. Subsequently the appellant said that his position exceeded the GS-9 grade level because he reports to a GS-13 position in the new organizational structure rather than the GS-12 Traffic Manager in the previous organization. He also raised concerns about the agency's review and analysis of his position.

The appellant's rationale relies on the description of work in his proposed PD that was not implemented, and stresses that his current and former PD's of record do not accurately reflect his program advisory and analytical duties. A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by an employee. 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 PD. Therefore, this decision is based on the actual work assigned to and performed by the appellant.

By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCS's and guidelines (5 U.S.C. 5106, 5107, and 5112). Other methods or factors of

evaluation are not authorized for use in determining the classification of a position, such as comparison to positions that may or may not be properly classified or the organizational placement of a position. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding his agency's classification review process are not germane to this decision.

Implicit in the appellant's rationale is a concern that his position is classified inconsistently with other positions. Like OPM, the appellant's agency must classify positions based on comparison to OPM PCS's and guidelines. Section 511.612 of 5 CFR, requires that agencies review their own classification decisions for identical, similar, or related positions to insure consistency with OPM certificates. Thus, the agency has the primary responsibility for insuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that his position is classified inconsistently with those of other similar positions, he may pursue this matter by writing to his agency headquarters HR office. In so doing, he should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to him the differences between his position and the others, or grade those positions in accordance with this appeal decision.

The appellant said that if his position is upgraded he should receive additional compensation since his agency took two years to issue its decision. However, the Comptroller General (CG) states that an “. . . employee is entitled only to the salary of the position to which he is 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 employee is promoted. . . Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classification” (CG decision B-232695, December 1989). This ruling and previous rulings were reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976).

Position information

The PD of record states that the appellant determines the most efficient, legally applicable and economic rates, routes and methods for the movement of freight according to published classification, tariffs and tariff routings. He considers the availability of carriers, required handling equipment, weather, physical and seasonal characteristics, agreements and priority of using various modes singly or in combination, consolidation of shipments, and other related factors. Shipments are made within [state], all of the continental United States (CONUS), and occasionally overseas. Many shipments are recurrent between established points. Most shipments involve special handling, accessorial charges, or transit privileges. The appellant handles a great variety of commodities and uses rail, motor, air and water, singly or in combination for shipping. He performs pre-audits of classification, rating and routing decisions, and performs post audits to determine that services billed were authorized and that the services were performed.

The work includes processing Government Bills of Lading (GBL's) and Commercial Bills of Lading (CBL's) by using the Global Freight Management (GFM) system and advance Transportation Control and Movement Documents (TCMD). He uses GFM to process outbound intra-[state] shipments, and prepares advance TCMD to prepare shipping instructions for use by

vendors and others for contracts and purchase orders. He uses the Global Transportation Network (GTN) and Water Port System (WPS) for tracing purposes. He is the local administrator for these and other systems including the Integrated Booking System (IBS), and the Powertrack (PT) system used to pay carriers.

While the appellant acknowledged that he performs these duties, he stated that the PD of record does not accurately describe his advisory services and other program functions that occupy 60 percent of his work time. For example, the appellant said that he (1) advises the Traffic Managers, Transportation Officer, and Plans and Operations staff on transportation services required to meet their mission objectives, (2) evaluates mobilization service needs and develops transportation service plans necessary to meet mission needs, and serves as the subject matter expert for Forts [name] and [name], and (3) is the principal point of contact used by the Traffic Manager to review, analyze, and evaluate new automated systems either mandated or for optional use, and explains and/or implements advanced software applications at all three forts. The appellant stated that he administers the [state] Carrier Performance Program ([letter]CPP), including (1) developing and negotiating program needs and procedures with customers and participating commercial carriers, (2) reviewing program policies and procedures with shippers and carriers, (3) evaluating program enhancements, (4) integrating program enhancements into the program, and (5) distributing guidance, additions, and enhancements to all commercial carrier program participants.

Our fact-finding revealed that the appellant's proposed PD overstates the difficulty and complexity of his advisory services and program functions. For example, while the appellant monitors the performance of the eight trucking carriers that participate in the [letter]CPP, program authority over the program is retained by the Logistics Staff Support organization in the Directorate of Logistics. Logistics Staff Support looks to the appellant for input on practical program implementation issues at [letter]CPP program meetings. He acts as a conduit of information when distributing program changes mandated by Department of Defense (DoD) and Army organizations, e.g., the Military Traffic Management Command (MTMC). The appellant provides similar technical operations advice to customers on the procurement of common carrier and other transportation services. For example, he applies established technical program methods and procedures when he advises the Plans and Operations staff on the most effective and efficient ways to move freight for military exercises. As a skilled system user, he functions as the local functional system administrator for all freight automated software programs (e.g., WPS, IBS, GFM and PT), and assists other users in resolving problems. The structure and use of these systems are not within the appellant's or his activity's control. The appellant's use of Excel and other office automation package software to help develop load plans and reports is also typical of similar software user work.

The appellant estimated that his work was equally divided among intra-[state] movements, shipments into [state], and shipments out of [state]. He primarily uses the [letter]CPP to move freight within [state] by truck. However, based on customer time or other constraints, he routinely uses other modes such as rail and air, to move freight. The appellant supports units with a variety of missions, including engineering units, an aviation battalion, a finance battalion, a medical activity, a signal (communications) unit, and part of an infantry brigade. These organizations use a great variety of commodities including vehicles, explosives, ammunition, medical supplies, electronics equipment, and aviation equipment. Many items require special

handling and/or accessorial services because of their hazardous nature or security requirements. While the appellant routinely ships commodities to defined points, including the other DoD customer agencies in the State, he also ships to non-recurrent points to support emergency field deployments, training exercises, and changing customer needs.

Shipping organizations make inbound freight classification and rate decisions. For example, the appellant often is asked to calculate shipping costs to [state] by the contracting office which uses the information to evaluate contracts that include shipping costs. Ammunition shipments into [state] are controlled by the ammunition supply points. The appellant coordinates the process through GFM or MTMC. Major freight movements in and out of [state] are by water and use the regional domestic contract negotiated and managed by MTMC. Other commercial carriers may be used only if ocean carriers covered by the contract refuse the request. Major exercises that require moving large amounts of military equipment occur one to four times each year. The appellant develops the requirements, MTMC solicits and awards the one-time rate request, and the appellant prepares GBL's based on the offer of service. These movements are to recurring points, i.e., Fort [name], [location] and Fort [name], [location]. The same process is used for major overseas exercises that occur approximately once every two years in [country name] or [country name].

The appellant is responsible for procuring transportation services for occasional smaller overseas deployments for humanitarian purposes, e.g., providing medical support in [name]. He is responsible for planning and procuring shipments to CONUS. Typically this entails consolidating shipments and using MTMC's GFM system. For example, the appellant will offer a container with items going to many locations to MTMC which then arranges for shipment to the Defense Distribution Center [name] in [location]. The Center breaks down the container and ships the items to their final destinations.

We conducted telephone audits with the appellant on April 8 and 9, 2002, and a telephone interview with his supervisor, [name], on April 12. To clarify information provided during those conversations, we conducted telephone interviews with the appellant's former supervisor, [name], on April 24, and [name], Chief, Logistics Staff Support, Directorate of Logistics (the Transportation Officer), on April 25 and [name], Chief, Traffic Cargo Management Section, [number] Transportation Battalion, MTMC on April 26. We carefully considered all information submitted by the appellant in his appeal, the agency appeal administrative report, including the PD of record and the appellant's proposed PD. Based on our review, we find that the PD of record contains the major duties and responsibilities performed by him and we incorporate it by reference into this decision.

Series, title, and standard determination

The appellant stated that his position should be classified in the Traffic Management Series, GS-2130, or the Transportation Specialist Series, GS-2101. The GS-2130 series covers positions that perform, administer, or supervise technical and analytical work concerned with planning, development, and execution of traffic policies and programs; or that direct and manage programs to obtain the economical and efficient transportation of freight, personal property, and/or passengers. The work primarily requires knowledge of Federal traffic management principles and policies; transportation industry operations, practices, and capabilities; special handling or

movement requirements associated with freight, passengers, or other transportation operations; and the relationship of traffic management to other agency or organizational programs and functions. The Transportation Specialist Series, GS-2101, covers administrative positions that advise on, supervise, or perform work that involves two or more specialized transportation functions or other transportation work not specifically included in other GS-2100 Transportation Group series.

In his rationale, the appellant listed knowledge, skills, and abilities (KSA's) described in the GS-2130 PCS and said that they are required to perform his work, e.g., using a broad knowledge of traffic management principles and transportation industry practices to develop new methods and recommend changes. Each position performs part of the mission of the organization in which they are located. The positions created to perform the assigned mission must be considered in relation to one another. The appellant and his organization are not involved in the type or level of work covered by either series. He does not develop traffic management policies or plan traffic management programs. Instead, he implements local policies and practices promulgated by Logistics Staff Support that adhere to MTMC and other higher level policy and procedural requirements. The appellant does not direct or manage a program to obtain the economical and efficient transportation of freight and other services, but instead classifies freight and procures common carrier services for the movement of freight based on published rate schedules and Government-wide contracts negotiated by other organizations. The appellant's program functions are more limited than those covered by the GS-2130 series. For example, his recommendations to use office automation software to develop load plans or reporting information is not equivalent to developing or making modifications to the GFM or other automated freight management systems. The appellant's responsibilities in overseeing [letter]CPP carrier performance, informing carriers of program changes directed by higher echelon organizations, attending carrier meetings, and requesting carrier rate tenders are performed within program requirements established and controlled by the Logistics Staff Support organization. The appellant's input on potential program changes and comments, such as MTMC proposed contracts, arises from his role as a major program user and does not require applying the full range of KSA's for positions classified to the GS-2130 series.

The appellant's primary duties are to perform work involved in the procurement of common carrier and other transportation services by water, motor, air, rail and other miscellaneous means for the foreign and domestic movement of freight. The paramount requirement is knowledge of published classification guides, rate tariffs, agreements, contracts, and related carrier and Federal publications in the classification of freight and the determination of appropriate rates and routes. The appellant's advice to customers and co-workers on planning for and obtaining these services, including freight consolidation and [letter]CPP and other program work, is based on the exercise of the same knowledge. His advice on training exercise movements and load planning, including shipment consolidation and determining the number of trucks, flatbeds or other transportation equipment needed, is part of the carrier and transportation service procurement process. These duties and responsibilities match those in the Freight Rate Series, GS-2131. Therefore, the GS-2131 PCS must be used for title and grade level determination. Based on the grade level analysis that follows and titling practices in the GS-2131 PCS, the appellant's position is properly allocated as Freight Rate Specialist, GS-2131.

Grade determination

The GS-2131 PCS is written in narrative format. The grade level of work is determined on the basis of four elements: (1) Nature and Purpose of Work, (2) Finality of Action, (3) Judgment Exercised, and (4) Supervision Received. The duties and responsibilities of the position are compared to each grade level narrative until a satisfactory match is made. The full intent of each description must be met in order to credit the grade level shown. If the position fails in any significant aspect to meet a grade level description, the next lower grade level must be assigned.

The appellant's rationale is based on proposed PD which states that movements are worldwide with responsibility for rates and routes to final destination, that all modes are used regularly with substantial use of a combination of modes for regular exercises, that either a normal or great variety of commodities are shipped, and that a substantial portion of all shipments involve special handling or accessorial services. The PD says that he pre-audits freight bills with these same characteristics. The PD extracts aspects of the first illustration under item A at the GS-9 grade level. The first illustration covers work which is characterized by responsibility for determining the most efficient and economical rates when (1) movements are worldwide with responsibility for rates and routes to final destination; (2) many movements are not recurrent and do not follow an established pattern; (3) all modes are utilized regularly; (4) either a normal or great variety of commodities are shipped; and (5) a substantial portion of the shipments involve transit privileges, special handling; or accessorial services. Item B covers pre-auditing freight bills when the same conditions and limitations are present.

However, we find that the appellant's work most closely matches the first and third illustrations for the GS-7 grade level. The first illustration covers work which is characterized by determining the most efficient and economical rates and routes for the movement of freight when (1) movements are made principally within a geographic area of the country comprised of a relatively small number of States, for example, the New England or the southern States; (2) many movements are not recurrent and do not follow an established pattern between points; (3) a substantial number of shipments require consideration of several modes, and several modes are utilized regularly; (4) a great variety of commodities are shipped; and (5) a substantial portion of the shipments involves transit privileges, special handling, or accessorial services.

As in the first illustration at the GS-7 grade level, the appellant fully controls movement in [state], which is geographically equivalent to a small number of States. While a substantial number of movements are between recurrent points, many movements are not. Although [letter]CPP is the principal means of movement, a substantial number of shipments require considering several modes and several modes are regularly utilized because of weather conditions and time constraints. A great variety of commodities are shipped, and a substantial portion of the shipments require special handling and/or accessorial services, e.g., ammunition and fueled vehicles.

The appellant's work fails to fully meet any of the pertinent GS-8 grade level illustrations. The first illustration under item A is characterized by responsibility for determining most efficient and economical rates and routes for the movement of freight when (1) movements are primarily either within a geographic area comprised of approximately one-half of the United States; or nationwide (and sometimes to contiguous foreign countries) including shipments to seaports when there is no responsibility for rates and routes beyond the seaports; (2) many movements are

not recurrent and do not follow an established pattern between points or ports; (3) a substantial number of shipments require consideration of several modes, and several modes are utilized regularly; (4) a great variety of commodities are shipped; and, (5) a substantial portion of the shipments involves transit privileges, special handling, or accessorial services.

The appellant's work does not principally involve foreign movements or nationwide movements. Major CONUS and foreign movements are infrequent. Major CONUS movement choices are constrained by mandatory MTMC programs and other organizational controls, e.g., ammunition supply point involvement in movements to and from CONUS. Movements to CONUS typically follow an established pattern to ports, e.g., CONUS to [state] shipments usually move from [city] to [city]. Because of the regional domestic contract, most shipments do not require considering several modes and several are not regularly utilized. These shipments do involve aspects 4 and 5.

The second illustration under item A is characterized by determining most efficient and economical rates and routes for the movement of freight when: (1) movements are worldwide with responsibility for rates and routes to final destination, (2) many movements are not recurrent and do not follow an established pattern between points or ports, (3) substantial number of shipments require consideration of several modes, and several modes are utilized regularly, (4) limited variety of commodities are shipped, and (5) few shipments involve transit privileges, special handling, or accessorial services. While the appellant's position exceeds aspects 4 and 5, it fails to meet aspects 1, 2, and 3 as previously discussed.

Item B at the GS-8 grade level covers pre-auditing freight bills with the same conditions and limitations as item A. Because item A conditions are not present, the appellant's position also fails to fully meet item B. Since the positions fails to fully meet GS-8 grade level criteria, comparison to GS-9 grade level criteria is not necessary or appropriate.

Our evaluation to the GS-7 grade level fully considers the appellant's other functions, including reconciling PT statements, providing on-the-job training to co-workers on making rating and routing decisions and assisting them in using program software and hardware. These duties are performed using the same skill and knowledge required to perform the full range of the appellant's own work. The appellant's system administrator functions do not occupy a sufficient portion of the appellant's time to potentially affect the classification of the position. These duties also do not require in-depth knowledge of or skill in using information technology principles, concepts and methods. The appellant functions as a skilled user of these work tools that must be used to process rating and routing transactions. The software owner provides training on these systems and handles technical issues referred by the appellant.

The appellant stressed his freedom from supervision, and his supervisor confirmed that he himself is not skilled in freight classification and rating. GS-2131 PCS grading criteria at and above the GS-5 grade level presume general technical supervision. The employee receives general instructions on the nature and coverage of the work, including the priority of assignment and target dates for completion. Within these guidelines, the employee makes all technical decisions on how to meet those objectives. Only unusually difficult classification, rating, and routing situations or problems are referred to the supervisor before decision and commitment.

Review of completed work is for compliance with regulatory guides and program policies and for soundness of decisions and conclusions.

The appellant receives more limited direct supervision than described in the PCS. However, as discussed previously, other DOL staff members are responsible for resolving program or other significant issues. As the lead transportation agency, MTMC is responsible for and is available to assist on technical program issues. Since the appellant's duties cannot be evaluated above the GS-7 grade level, the appellant's somewhat greater freedom from supervision does not permit classification of the position above that grade level.

Decision

The appellant's position is properly classified as Freight Rate Specialist, GS-2131-7.