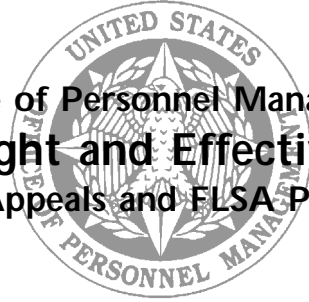


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



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: Civil Engineer
GS-810-11

Organization: [appellant's activity]
Forest Service
Department of Agriculture
[location]

OPM decision: Civil Engineer
GS-810-11

OPM decision number: C-0810-11-02

/s/ Bonnie J. Brandon
Bonnie J. Brandon
Classification Appeals Officer

4/28/99
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's name and address]

Human Resources Officer
[name of National Forest]
Department of Agriculture
[address of servicing personnel office]

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 January 12, 1999, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted an appeal from [the appellant]. The appealed position is assigned to [the appellant's activity], Forest Service, Department of Agriculture, [location]. The agency has classified the position as Civil Engineer, GS-810-11. The appellant believes his position should be classified as Civil Engineer, GS-810-12, and has filed an appeal with this office under the provisions of section 5112 of title 5, United States Code.

The appellant certified to the accuracy of the duties described in position number [number], dated April 2, 1984, and to the amendment dated May 18, 1998. However, he believes that the agency's evaluation of his position does not adequately reflect the impact of person on the job, his professional engineer's license, scope and complexity of his current responsibilities, his independence in performing his duties, his personal judgment used in the bridge inspection program, and the personal liability assumed in inspecting bridges and major culverts.

The appellant's supervisor certified that position number [number], dated April 2, 1984, and the amendment dated May 18, 1998, accurately reflect the duties performed by the appellant. We find that position number [number] and its amendment are adequate for position classification purposes.

In reaching our classification decision, we considered information submitted by the appellant and his agency and information obtained by telephone from the appellant and his supervisor. As required by law, we classified the position based upon its duties, responsibilities, and qualification requirements as compared to the criteria specified in the appropriate OPM classification standards and guidelines (sections 5106, 5107, and 5112 of title 5, United States Code).

General issues

The appellant believes that the GS-810 position classification standard does not provide adequate or appropriate guidance for evaluation of his work, based on the age of the standard (1966). The classification process is governed by law, regulations, and other requirements. The adequacy of grade-level criteria in OPM standards is not appealable (section 511.607 of title 5, Code of Federal Regulations). All OPM standards are consistent with the definitions for the work at each of the 15 grades as established in law. These definitions are based on the difficulty and responsibility of the work at each level and qualifications required to do that work. All occupations change over a period of time, 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 yields the correct grade for a position. Any of the duties which may not be 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.

The appellant states that he is required to have a professional engineer's license as indicated in section 650.307 of title 23, Code of Federal Regulations. However, this section indicates several

ways in which an individual may meet the minimum qualification requirements required to be in charge of a bridge inspection team: being a registered professional engineer **or** being qualified for registration as a professional engineer **or** having a minimum of five years of experience in bridge inspection assignments with completion of certain training. When classifying positions, qualifications are considered only to the extent that they are required to perform the current duties and responsibilities of the position. Therefore, we have carefully considered the appellant's personal qualifications only insofar as they are needed for this purpose.

The appellant believes that the concept of the "impact of the person on the job" was not considered when his position was classified. This concept holds that, by virtue of exceptional competence, an employee may have such an impact on the duties, responsibilities, and qualification requirements of a position that it is changed to the point where its classification must also be changed. On the other hand, the mere fact that an individual in a position possesses higher qualifications or stands out from other individuals in comparable positions is not sufficient reason by itself to classify the position to a higher grade. When determining grade level based on this concept, it is essential that management recognizes and endorses the duties and that the work environment allows continuing performance at a different level. Neither the appellant nor officials of his agency provided information to indicate that impact of the person on the job should be a factor in evaluation of the appellant's position, i.e., that his performance actually makes the appealed position materially different from what it otherwise would be.

Position information

The appellant provides civil engineering support and technical advice to National Resource Managers for construction of projects such as bridges, retaining walls, drainage structures, reinforced concrete structures, pavements, forest roads, recreation facilities, and administrative facilities. He serves as Engineering Representative or as Contracting Officer's Representative providing professional engineering expertise, technical advice, recommendations, and suitable alternatives to the Contracting Officer and Forest officials. The appellant serves as Program Manager and Bridge Inspection Team Leader for the Bridge Inspection Program for [a specific] National Forest and for other forests when assigned. He is the coordinator for the Construction Inspector Certification Program and manages [a specific] National Forest Engineering Construction Certification Program: he schedules, orders, and administers exams; assists in the training of construction inspectors; maintains records of certifications; and prepares correspondence and reports as needed. He ensures that inspections, records, and reports conform to National Bridge Inspection Standards and to requirements in Forest Service Manual 7736. The appellant is responsible for contract compliance on all assigned projects. He reviews all proposed construction changes and modifications, recommending major changes to superiors. He interprets agency policy and contracts for contractors and resolves problems relating to plans, specifications, materials, and reports. In case of defective workmanship or noncompliance with the contract, he initiates action to withhold payment.

The duties of the appealed position require knowledge of professional civil engineering concepts, principles, and practices applicable to a major construction job; construction practices, methods, techniques, costs, materials, and equipment; soils and materials testing equipment and methods sufficient to determine acceptable tolerances of materials and to review test results; and safety regulations, potential hazards, and precautions sufficient to advise the contractor on all safety matters and to make decisions about safety conditions even to the extent of stopping construction if necessary.

Series, title, and standard determination

The GS-810 Civil Engineering Series includes professional positions in the field of civil engineering, typically requiring application of general knowledge of the physical sciences and mathematics underlying engineering, and specialized knowledge of mechanics of solids, hydraulics, theory of structure, strength of materials, engineering geology, and surveying. The appellant does not dispute the series or title of his position, and we agree that the GS-810 series and Civil Engineer title are appropriate for the position.

The standard for the GS-810 Civil Engineering Series is used to evaluate the appellant's position. This standard consists of the following sets of grade-level criteria: Part I, Criteria for grades GS-5 and GS-7; Part II, Planning and Design; Part III, Construction; Part IV, Facilities Engineering Management; and Part V, Investigations and Survey.

The appellant states that he supervises bridge inspectors and construction inspectors in that he schedules their work, recommends training, and provides performance information to their administrative supervisor. This level of supervision does not meet the criteria for application of the General Schedule Supervisory Guide (GSSG). For the GSSG to apply to the appellant's position, the appellant's supervisory duties and responsibilities must require accomplishment through combined technical *and* administrative direction of others; occupy *at least* 25 percent of the position's time; *and* meet Factor 3-2, e.g., plan work to be accomplished by subordinates, set and adjust short-term priorities, and prepare schedules for completion of work; assign work to and evaluate work of subordinates; give advice, counsel, or instruction to employees on both work and administrative matters; interview candidates for positions; hear and resolve complaints from employees; effect minor disciplinary measures; identify developmental and training needs; develop performance standards. Work performed by contractors can be considered only if the appealed position meets the GSSG coverage requirements based on supervision of noncontractor personnel. Neither the agency nor the appellant provided information that indicates that the appellant's position meets the minimum requirements for application of the General Schedule Supervisory Guide.

Grade determination

In applying the criteria in the GS-810 standard, the function that is paramount is used to evaluate the position. Because the appellant's position is primarily concerned with surveillance and

supervision of construction operations, Part III was used to grade this position. In Part III, the standard uses two elements to determine grade-level: (1) level and kind of authority exercised and (2) scope and complexity of construction operations. The total points for these two factors are converted to a grade level according to the grade-level conversion table in Part III.

Element 1, Level and kind of authority exercised

This element is concerned with the kinds of functions performed and the relative independence and authority with which the functions are carried out. Element 1 has a range of five degrees, A through E, with point values of 20, 30, 40, 50, and 60, respectively. Only Degrees A, C, and E are defined in the standard, but Degrees B and D are to be credited when a position falls between the defined degree. Thus, in order for a given degree level to be credited, the position must fully meet the criteria for that degree. If the criteria are only partially met, a lower degree level must be assigned.

At Degree A, employees perform one or more of the “field” or “office” functions listed in the standard, with respect to such assignments as supervising the inspection of construction operations on a shift; performing surveillance over limited, specialized phases of construction operations; or negotiating and preparing all contract change orders and modifications. Employees at Degree A generally have authority to recommend only, and take no significant final actions without review or consultation. The supervisor is consulted and gives guidance on controversial issues that arise in dealing with contractors, or on actions that require changes in contract terms, agency technical standards or policies, and the like.

At Degree C, the engineer is usually responsible for one of the major portions of construction on a project or throughout a geographical area. A “major portion” would be such work as (1) the clearing and building of the reservoir and construction of roads, bridges, railroads, and utilities that have to be relocated in connection with construction of a large dam; (2) construction of the canals for an irrigation system; or (3) the entire “field” or “office” engineering phase of construction activities. The standard indicates that responsibility for the “field” engineering phase, which includes construction management, is considered to be a major portion of construction. The engineer at Degree C has the authority to establish detailed inspection requirements, schedules, and control methods. The engineer interprets contract specifications pertaining to the assigned phase of construction and determines whether construction meets contract requirements. The engineer recommends changes in designs, specifications, and schedules to accommodate conditions at the construction site or to expedite construction.

At Degree E, the engineer serves as the engineer-in-charge for an entire construction project or for major portions of construction throughout a geographic area. The engineer at Degree E carries out a wide range of “field” or “office” engineering functions, usually through a staff of subordinates. The engineer is responsible for overall coordination of construction design, planning, contracting, scheduling, and evaluation. The engineer at Degree E has final authority to control the progress of construction operations. The engineer also has final authority to organize, assign, and control the work of engineers, inspectors, technicians, and administrative

personnel. At Degree E, most of the engineer's determinations on construction and engineering matters take effect through direct action, without review or concurrence by a higher level.

The appellant's position exceeds Degree A criteria in that determinations are subject to only limited review, and he exercises considerable authority within his area of responsibility and expertise. The authority exercised by the appellant meets and does not exceed Degree C. The appellant is responsible for making decisions on work problems surfaced by contractors. He determines whether contractor work meets standards of adequacy necessary for the authorization of payment and reviews contractor performed work for technical adequacy. The appellant is responsible for the completion of the projects as to plan and specifications and the intent of the program for which the project is constructed. The appellant is expected to independently accomplish the work with minimum reference to the supervisor. The appellant provides professional engineering expertise, technical advice, recommendations, and suitable alternatives to the Contracting Officer and Forest officials. Completed work is accepted as technically accurate, and it is reviewed by the supervisor only for administrative and general engineering requirements.

The authority exercised by the appellant does not meet Degree E. Although the appellant exercises considerable authority within his area of responsibility and expertise and his determinations in the area are subject to only limited review, he does not have the final authority to directly control the construction function. The appellant serves as Program Manager and Bridge Inspection Team Leader for the Bridge Inspection Program for the Forest, but his supervisor maintains ultimate authority over the function. Although the appellant is responsible for the safety of the public and Forest Service use of over 500 structures, higher level positions within the organization retain the authority to require action. The appellant's primary area of responsibility and expertise covers one portion of construction. His position does not include the full range of functional responsibilities described at Degree E.

The appellant's position meets Degree C of the element. Degree C has a point value of 40.

Element 2, Scope and complexity of construction operations

This element measures the scope and complexity of the construction operations assigned in terms of such elements as the size of the projects (including dimensions, geographic dispersion, length of time required for construction, and similar considerations), diversity of structures or facilities, installation of technical or specialized facilities, problems posed by the construction site, and presence of controversy or obstructive attitudes. This element encompasses seven levels, numbered 1 through 7, with point values assigned to each level. Levels 1, 3, 5, and 7 are described, but the intermediate levels are to be used when the scope and complexity of the assigned construction operations fall between two of the described levels.

At Level 1, projects mainly consist of one or two types of structures, requiring several months to a year to construct. Construction is accomplished by use of standard, commonly used equipment,

materials, and methods. The projects may present such problems as need for adapting structures to site to take advantage of already existing roads, utilities, and structures or to obtain best foundation. Operations in an area include a number of small projects, mainly involving a limited number of types of structures or facilities. Foundation and soil conditions do not vary significantly in area; standard construction equipment and methods are used for all projects.

At Level 3, projects include several kinds of structures and facilities, construction of which normally require two or three years to complete. The structures contain some custom-built features or specialized equipment, requiring specially adapted construction methods and equipment. Examples include (1) a group of barracks, administration, and training buildings with features specially designed to house technical training operations and equipment and (2) a system of sewer forcemains, interceptors, and pumping stations for an industrialized urban area. Operations in an area may cover several kinds of facilities, some of which require extensive treatment to correct site and foundation problems, or present problems in satisfying special user requirements. Examples include (1) floodwater retarding facilities for a soil conservation program in an area approximating a State, including dams, sediment control structures, and channel improvements and (2) buildings, roads, and utilities to accommodate camping and recreation activities, special visitor centers, and exhibits in park areas.

At Level 5, projects are characterized by (a) a variety of kinds of facilities and structural components, requiring about 4 years to construct, where construction involves new and specialized equipment, materials, and methods and presents considerable site layout and foundation preparation problems; (b) a highly specialized facility requiring about two years to construct and involving extensive special-purpose technical equipment installation and structural features requiring specially adapted construction methods and quality control techniques; or (c) a series of two or three main types of structures or facilities that require about five years to complete where the operation is subject to considerable variation in terrain, soil, and climatic conditions and requires coordination with a number of contractors, different local government jurisdictions, business and civic groups, and landowners. Examples include (1) an irrigation water distribution system with three pumping plants, power substations and distribution lines, reservoirs, surge tanks, and drains; (2) relocation requiring construction of several miles of railroad, secondary roads, power transmission and telephone lines; and (3) a unique facility for studying and testing the structural behavior of materials and equipment under impact, pressure, and shocks of great magnitude. At Level 5, construction operations in an area may include a variety of types of facilities, with considerable variations in climate and soil conditions where construction presents problems of adapting materials, construction methods, and schedules to the different conditions. An example would include several large housing projects, including utility and recreation facilities, located throughout the State or larger geographic area.

The appellant's position exceeds Level 1 and meets Level 3 in that assigned projects encompass several types of structures and facilities, such as bridges and major culverts, water and waste water systems, solar systems, timber roads, new construction, and office and building facilities. The structures contain some custom-built features or specialized equipment, requiring specially adapted

construction methods and equipment. The appellant's construction projects normally require one or two years to complete.

The appellant's position does not meet the criteria described at Level 5 in that the appellant is not responsible for a variety of kinds of facilities and structural components, requiring four years to construct; a highly specialized facility requiring about two years to construct, involving extensive special-purpose technical equipment installation; or construction operations in an area include a variety of types of facilities, with considerable variations in climate and soil conditions, or dealing and coordinating with a number of contractors, different local government jurisdictions, business and civic groups, and landowners.

Level 3 is assigned with a value of 30 points.

Summary

The combined number of points for both elements is 70. According to the standard's grade conversion table, a total of 70 points equates to the GS-11 level.

Decision

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