

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: Highway Engineer
GS-810-11

Organization: [The appellant's organization]
Bureau of Indian Affairs
U.S. Department of the Interior

OPM decision: Civil Engineer
GS-810-11

OPM decision number: C-0810-11-06

/s/

Carlos A. Torrico
Classification Appeals Officer

September 6, 2000
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).

Since this decision changes the classification 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 servicing personnel 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:

[The appellant's address]

Agency:

[The appellant's servicing personnel office]

Bureau of Indian Affairs
U.S. Department of the Interior

Ms. Carolyn Cohen
Director of Personnel
U.S. Department of the Interior
Mail Stop 5221
1849 C Street, NW.
Washington, DC 20240

Introduction

On April 24, 2000, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. His position is currently classified as Highway Engineer, GS-810-11. However, the appellant believes his position should be graded at the GS-14 level. He works in the [name of the appellant's organization], Bureau of Indian Affairs, U.S. Department of the Interior. 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. In addition, to help decide the appeal, an Oversight Division representative conducted separate phone interviews with the appellant and his supervisor on August 4, 2000. Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) number K34.3416A.

The appellant believes that his qualifications and length of service should have some impact on the classification of his position. However, we cannot consider the appellant's engineering qualifications as they apply to the position except insofar as they are needed to perform the work of the position. To that extent, we carefully considered the appellant's qualifications along with all other information furnished in the record. During our interview, the appellant discussed his length of service and the experience he has gained during that period. However, the length of service cannot be considered in determining the grade of a position (The Classifier's Handbook, Chapter 5).

The appellant compares his duties to another engineering position classified at the GS-12 level, and makes various statements about his agency and its evaluation of his position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal, and can only consider his statements insofar as they are relevant to making that comparison.

The appellant occasionally performs duties as the Contracting Officer's Representative. These duties involve performing contract administration functions of limited scope such as assuring timely submission of required reports by contract architectural/engineering (A/E) firms, monitoring A/E performance and ensuring contract compliance, recommending approval or disapproval of contract payment requests, recommending possible termination, and completing quarterly status reports to the Contracting Officer as required. These duties occupy only about 10-15 percent of the appellant's time. However, only duties that occupy at least 25 percent of an employee's time can affect the grade of a position (Introduction to the Position Classification Standards, section IIIJ). Therefore, we will not evaluate the appellant's contract administration duties in this decision.

Position information

The appellant is responsible for providing engineering support in surveying and evaluating proposed projects requested by tribal members of [name of state] Native villages. Projects mainly involve the design of rural gravel roads and village streets, wooden boardwalks, culverts and bridges. The appellant surveys the proposed project site, analyzes data on natural resources and characteristics, and determines feasibility while analyzing and weighing social, environmental and ecological ramifications. He develops the scope of work and design criteria for A/E firms, coordinates projects with appropriate [name of state] government agencies, evaluates planned contracting costs estimates for the projects as submitted by A/E contractors, and may serve as the Contracting Officer's Representative. The engineering work for the Design Section is usually contracted out to A/E contractors, although some projects have been assigned to in-house engineers. The appellant reviews pre-construction surveying and design projects accomplished by A/E contractors and subsequently prepares appropriate responses for the supervisor's review and signature. He interprets engineering data and prepares reports on drainage, soils, right-of-way, and land survey issues for road design and construction problems. He also prepares feasibility, hydrology, geo-technical reports as well as plans, specifications and engineer's estimates. He operates and utilizes the CADD engineering computers, plotter, scanners, etc., in the design and plan preparation. The appellant reviews the assigned project to ensure quality and that all compliance standards are met, e.g., community agreements, material permits, utility easements, etc. The appellant applies knowledge of planning, surveying, designing and constructing rural roads and appurtenances in the arctic conditions of [name of state].

The appellant's position description, record information, and the results of our interviews furnish more information on the appellant's duties and how they are performed.

Series, title and standard determination

The agency has classified the appellant's position in the Civil Engineering Series, GS-810, and the appellant does not disagree. We concur with the agency's determination. As described in the series definition of the GS-810 classification standard (dated December 1964), and like the appellant's job, positions in that professional series require 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 agency has titled the appellant's position "Highway Engineer." However, given the types of roads that he designs and plans, we find that title inappropriate. According to the GS-810 standard (page 7), positions titled "Highway Engineer" are concerned with highway systems, that require application of knowledge and considerations of economics, route location, mass traffic behavior and vehicle characteristics, and highway geometrics. The appellant is concerned with the planning and design of rural, gravel, two lane roads, used as access roads from native villages on tribal lands to county or state roads. He is also involved with the design and maintenance of rural roads connecting certain points on tribal lands, design of gravel roads/streets in the villages, and design of allied structures such as culverts, boardwalks, drainage areas, etc. Some of these

roads are no longer than one and one-half miles. These assignments do not require application of knowledge typical of Highway Engineer positions. The rural roads are not highway systems, thus considerations such as economics, route location, mass traffic behavior, vehicle characteristics, and highway geometrics are not needed. Rather, these roads serve only native village traffic, which can consist of only 200 residents. They are not high speed highways subject to a wide variety of vehicles with many different characteristics (e.g., weight, length, size), and are not designed with multi-lanes for the movement of large amounts of traffic. Because the appellant's paramount knowledge requirements clearly do not fit into the Highway Engineer specialization (or any of the others listed in the standard), his position is titled Civil Engineer. Consequently, the agency should remove references to highway engineering in the appellant's position description to comply with our findings.

As stated in the section on titling positions in the Introduction to the Position Classification Standards, the requirement to use official titles prescribed in OPM classification standards does not preclude agencies from using any unofficial title they choose for positions. Unofficial titles (such as those relating to specific agency organizations or programs) may be appropriate and helpful for internal agency use or for recruiting purposes, even though they are not descriptive of the overall occupation for government wide purposes. Thus the appellant's installation may wish to assign an unofficial title to the appellant's position which directly reflects the mission or function of the [appellant's organization].

The standard for the Civil Engineering Series, GS-810, contains four sets of grade level criteria covering four different types of engineering functions. Because the appellant's position primarily deals with determination of road systems requirements, reconnaissance of sites, and location and preparation of designs and plans (concerning roads, bridges, and other structures like boardwalks and culverts), Part II-Planning and Design, is used to grade this position as discussed below.

Grade determination

Part II of the GS-810 standard defines grade levels in terms of (1) the inherent complexity of the planning and design problems assigned, and (2) the level of judgment and authority exercised. Our evaluation of these two factors as applied to the appellant's position at the relevant grade levels follows.

To indicate levels of complexity of planning and design problems in the grade-level descriptions, the standard uses the terms "conventional work" and "advanced work." Conventional work can be accomplished by applying or adapting standard references, criteria, and precedents. Advanced work requires searching out and selecting laws, formulas, principles, and materials and applying them to novel situations.

As described on pages 16-17 of the GS-810 standard, the GS-11 level engineer is expected to be well-versed in the standard theory and practices in his/her field and to proceed without technical instruction or guidance in applying these to conventional projects or pieces of work. The GS-11 level engineer receives assignments of conventional work with a general indication of results expected, and must identify the limits of the problems involved, the kinds of controlling data

needed, and the criteria and techniques to be applied in accomplishing the assignment. The work often requires consideration of and selection from several alternative approaches or solutions to problems to arrive at the best treatment from a technical standpoint, and sometimes requires substantial adaptation of standardized guides and criteria. The GS-11 engineer obtains guidance from the supervisor on how to proceed when there are critical problems regarding cost vs. the optimum technical solutions, prioritizing operational needs, or responding to conflicting political or public interest pressures.

The GS-11 engineer is responsible for coordinating his/her area or phase of work with engineers concerned with related specialized phases, to arrive at mutually satisfactory approaches and solutions to problems. When the GS-11 engineer is assigned work of an advanced nature, the supervisor usually defines the limits and objectives of the assignment, and during the course of the work discusses and makes suggestions about the use of untried or unusual techniques or methods. As indicated in the standard, a typical example (#6) of a conventional GS-11 level civil engineer assignment would be preparing designs and specifications setting forth required capacity, size, location and materials and methods to be used in building various roads and allied structures in parks. The engineer must consider such things as landscape features and providing for heavy water runoff and drainage.

As discussed on pages 18-22 of the GS-810 standard, GS-12 level engineers are not only well-versed in standard theory and practices in their field, but must have gained further experience and know-how that will enable them to identify and define the nature and scope of obscure problems, and to project assumptions and derive criteria from inconclusive or variable data. Assignments at this level typically include (1) individual work on advanced planning or design problems, or (2) responsibility for coordinating or monitoring planning and design work that is largely conventional in nature, but which encompasses a number of components or phases of project work.

Individual assignments carried out by GS-12 engineers deal with systems or facilities that (a) encompass a fairly wide range of interrelated elements some of which are conflicting and difficult to reconcile or accommodate, (b) pose critical problems of performance requirements vs. costs, under application of standard materials and criteria, or (c) require designs and plans which must deal with factors of an undetermined or unprecedented nature. The engineer must engage in intensive search and study of the approaches applied and results obtained in similar situations, the findings of research and study on related problems, manufacturer's and laboratory reports on materials and equipment, or other similar sources of information. From such study, and from firsthand investigation and observation, he/she extends or modifies existing criteria or techniques or develops new approaches to the solution of problems. The engineer may develop prototypes, models or other testing criteria and methods to try out or validate design assumptions and approaches.

In coordinating or monitoring planning and design efforts, the engineer develops schedules for orderly and timely accomplishment of work, arranges for obtaining data and information from outside sources, and advises other engineers on solutions to technical problems.

As at the GS-11 level, the GS-12 engineer is expected to coordinate his/her efforts with those in other specialties to insure compatibility of approach and optimum results. In addition, the GS-12 engineer contacts other government agencies (Federal, State, local) and representatives of business and private interests to negotiate differences, to obtain their cooperation in carrying out investigations, to get their clearances, and the like. At the GS-12 level, supervisory guidance is mostly in the nature of an indication of results desired with limits placed by approved project scope and findings. The engineer keeps the supervisor apprised of controversial problems, and confers with him/her on proposed actions that may require policy decisions.

The complexity of the appellant's projects/assignments fully meets the GS-11 level. Like that level, he is well-versed in standard civil engineering theories and practices, applying these to conventional projects without technical instruction or guidance. In doing so he is responsible for the full range of technical and administrative tasks associated with road projects including the planning, design and estimate, selection and negotiation with the A/E firm, and the review and approval of an A/E design. The appellant's projects are located in rural isolated [name of state] Indian communities/villages. Like the GS-11 level they are conventional in nature and typically include assignments such as building new gravel roads, constructing village boardwalks, streets and allied structures, designing/redesigning culverts, and conducting design investigations of small bridges. These types of assignments favorably compare to example six discussed earlier at the GS-11 level. Problems resulting from frozen ground called "permafrost", soil erosion and other conditions, wind and seismic forces, and environmentally and ecologically sensitive issues such as the nesting area of endangered species may impact the design and planning functions. However, those problems impacting road building are not unexpected, but rather are common problems typical of arctic engineering in [name of state]. They are the norm rather than the exception, and the civil engineering theories and practices needed to accommodate them are well established through numerous precedents, and are considered conventional building conditions regularly dealt with in [name of state]. In addition, there are well-documented designs (thoroughly researched and studied) prepared by other government entities (e.g., local and state) as well as private industry, that the appellant utilizes in his planning and design work.

The complexity of the appellant's assignments does not fully meet the GS-12 level. Although he is responsible for coordinating and monitoring conventional planning and design work, particularly when A/E firms and other outside sources are involved, he is not faced with identifying and defining the nature and scope of obscure engineering problems, where the engineer must project assumptions and derive criteria from inconclusive or variable data. As previously noted, he deals with conventional engineering problems typical of construction in [name of state]. Engineering resolutions are well established, especially given the types of structures he works on, e.g., gravel roads, boardwalks, streets, culverts, and small bridges. We found no indication that he individually works on projects having advanced planning and design problems encompassing the elements characteristic of the GS-12 level summarized above, and his representative assignments are not comparable to those typical project examples discussed in the standard at the GS-12 level.

The level of judgment and authority exercised by the appellant fully meets the GS-11 level, and in some respects approaches the GS-12 level. Like the GS-11 level, the supervisor makes assignments with a general indication of the results expected, and the appellant independently

identifies the limits of the engineering problems involved, the data needed, and the engineering criteria and techniques to be applied to the assignment. If there are critical project problems involving costs, prioritization of engineering operations, or controversy stemming from political or public interest pressures, guidance is obtained from the supervisor or higher levels within the agency. Like both the GS-11 and GS-12 levels, the appellant coordinates his work efforts with those in other engineering specialties. In addition, similar to the GS-12 level his contacts include individuals from other government agencies, and representatives of business and private industry, to negotiate differences, and obtain their clearance and cooperation. These contacts include manufacturer's representatives, utility owners, village leaders, tribal officials and native corporation officials.

Although the appellant operates with considerable independence and his completed work is accepted as technically accurate (reviewed only in terms of meeting general engineering requirements), his degree of judgment and authority must be considered within the context of the limited complexity of his planning and design projects. As previously mentioned, we have found that his assignments are conventional in nature and do not meet the scope and technical complexity typical of the GS-12 level. Careful reading of the GS-810 standard and other OPM guidelines indicates that for a person's level of judgment, authority, and responsibility to truly meet the GS-12 level, the employee's responsibilities should be exercised within the context of GS-12 assignments. As discussed earlier, the appellant's assignments are best graded at the GS-11 level. Therefore, a higher level of judgment and responsibility cannot be assigned.

The appellant believes that his position should be graded at the GS-14 level based on meeting two illustrative statements described on pages 25-26 of the GS-810 standard at the GS-14 level. These two statements are: (1) "the GS-14 engineer is virtually free to define and develop the technical scope and aims of his assignment, and to select what he considers to be fruitful areas in his specialty for study or investigation by himself or others in the agency," and (2) "The GS-14 engineer is expected to devise new theoretical approaches for developing criteria and solving problems, to develop standard engineering methods and procedures covering agency operations in his specialty, and to give technical review to such operations carried out in diverse locations and circumstances." However, the overall grade of a position cannot be based on a comparison to words or sentences taken out of context from a particular grade level description in a classification standard. Rather, the classification of the grade of a given position is based on a thorough comparison of the entire grading criteria in the standard to the duties and responsibilities performed. A position must fully meet the scope and intent of the grade level criteria to be assigned a specific level. With respect to the appellant's belief that his position meets the GS-14 level, we found no evidence that he functions as an authoritative source of theoretical expertise and practical "know how" throughout his agency (i.e., Bureau of Indian Affairs), in a function or program, subject-matter area, or a category of facilities as described in the standard at that level. Moreover, his specialty does not encompass projects of major significance for which controlling theory and practices are in great measure undefined, or in which operating requirements or engineering methods and practices are in a state of development, or are affected extensively by advances in technology. His assignments contain none of these highly complex elements and bear no similarity to such projects. Therefore, his position does not meet the intent of the GS-14 level.

Decision

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