

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

Appellant: [appellant's name]

Agency classification: Supervisory Air Traffic Control
Specialist (Terminal)
GS-2152-13

Organization: Aviation Division
Readiness Business Center
U.S. Army Garrison
Department of the Army
[location]

OPM decision: Supervisory Air Traffic Control
Specialist (Terminal)
GS-2152-13

OPM decision number: C-2152-13-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

September 25, 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).

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Introduction

On June 27, 2002, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. His position is currently classified as Supervisory Air Traffic Control Specialist (Terminal), GS-2152-13. The appellant believes his position should be classified at the GS-14 grade level. We received the complete administrative report with the appeal request. The appellant works in the Aviation Division, Readiness Business Center (RBC), U.S. Army Garrison, Department of the Army, [location] (Post). We accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

In his May 21, 2002, appeal file sent through his servicing human resources office, the appellant points to the classification of other GS-2152 Army positions that direct Army Approach Facilities. He compares his responsibility and accountability to that exercised by Federal Aviation Administration (FAA) counterparts. For example, the rationale states that FAA does not have responsibility for the physical property surrounding the airport. The Army retains liability for passengers, individuals on the installation, the aircraft, and property surrounding the military airfield. The rationale points out that Army air traffic control (ATC) mission failure may compromise national security. OPM is required by law to classify positions on the basis of their duties, responsibilities, and qualification requirements by comparison to the criteria specified in the appropriate PCS or guide (5 U.S.C. 5106, 5107, and 5112). The law does not authorize use of other methods or factors of evaluation, such as comparison to other positions that may or may not have been classified correctly. Only the effect of properly performed work may be considered in the classification of a position (*Introduction to the PCS's*, Appendix 3, Primary Standard).

The appellant filed this appeal after receiving the Defense Civilian Personnel Management Service's (DCPMS) May 2, 2002, agency-level decision denying his appeal. 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.

Like OPM, the appellant's agency must classify positions based on comparison to OPM's PCS's and guidelines. Agencies are obligated to review their own classification decisions for identical, similar or related positions to ensure consistency with OPM appeal certificates (5 CFR 511.612). The agency has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. The appellant raised the issue of classification consistency in his agency appeal. The record shows that on May 1, 2002, the DCPMS asked the Department of the Army to conduct a consistency review of the GS-2152 positions identified by the appellant in his agency-level appeal. The appellant should contact DCPMS if he desires information on the status of the review.

The appellant questioned the classification of his subordinate Electronics Technician, GS-856-11, positions. He referred to internal FAA classification guidance stating that these positions should be classified at the GS-12 grade level. An employee may appeal the classification of his or her own position (5 U.S.C. 5112 and 5 CFR 511.603). The classification appeal process, however, does not permit an employee to appeal the classification of another

position by inference. Because we must use OPM standards and guides to evaluate work, we are barred from considering FAA guidance in determining the classification of any position.

Position information

As division chief, the appellant manages all programs assigned. He supervises Air Radar Approach Control, ATC Tower, and Air Flight Following Services for the ATC complex which is located in the greater eastern portion of [location], north of [city], adjacent to the [name] border, and west of [name]'s [place]. The ATC complex provides services to military and civilian aircraft under visual and instrument flight rules in the assigned airspace. The appellant deals with a full range of air traffic, airspace, and Post aviation duties including obstruction evaluations and noise complaints. He serves as the technical advisor to the Commander on all ATC, airspace, and airfield operations and as the FAA's licensing agent for Air Traffic Controllers on the Post.

As Air Traffic and Airspace Officer, the appellant is responsible for aviation control and related tasks within the activity and the assigned airspace that extends more than 60 miles in radius from the activity. He is responsible for airspace to 10,000 feet to the west, to 6,000 feet in the eastern half of the area, and to 23,000 feet in the Special Use Airspaces (although higher level control may be requested and granted from time to time). Civilian aircraft fly near and around on the Special Use Airspaces ([name]). The appellant also supervises the Airfield Services Branch which performs flight operations, refueling and transient alert, and supply functions.

The appellant currently supervises approximately 39 employees. The subordinate staff consists of 4 Supervisory ATC Specialists (Terminal), GS-2152-13, 1 Supervisory Electronics Technician, GS-856-12, 16 ATC Specialists (Terminal), GS-2152-12, 4 Electronics Technicians, GS-856-11 and 1 Secretary (Office Automation), GS-318-5. Although authorized five military staff members, the staff typically includes two military ATC Specialists. The Airfield Service Branch is supervised by an Airfield Facility Manager, GS-301-11. The branch staff consists of five Air Traffic Assistants, GS-2154-8, seven Motor Vehicle Operators, WG-5703-7, one Motor Vehicle Operator Leader, WL-5703-7, and one Aircraft Refueling Vehicle Operator Supervisor, WS-5701-7.

All GS-856 employees are assigned to the Monday through Friday day shift (8 AM to 4 PM). That shift typically is staffed with a minimum of five ATC Specialists, including the supervisor, with two in the tower and three on radar. The swing shift (4 PM to Midnight) is staffed with five ATC Specialists Monday through Thursday and with four ATC Specialists on Friday, including the supervisor. The weekend day shift is staffed with five ATC Specialists and the swing shift with four ATC Specialists. All other shifts are staffed with four or fewer ATC Specialists.

We conducted telephone audits with the appellant on September 5 and 18, 2002, and a telephone interview with his immediate supervisor, [name], Deputy RBC, on September 20. We obtained additional information in airspace use from [name], Reserves Training Support Coordinator, on September 20; Colonel [name], Commander, [number] Aviation Brigade, and [name], Airfield Facility Manager, on September 23; and [name], Installation Range Officer, on September 25. The appellant's position description #BN12220 of record, certified as current and accurate by the appellant and his immediate supervisor, furnishes more details about the appellant's duties and responsibilities and how they are performed and is incorporated by reference into this decision.

Series, title, and guide determination

The agency has placed the position in the GS-2152 Air Traffic Control Series, titled it Supervisory Air Traffic Control Specialist (Terminal), and evaluated it by application of the General Schedule Supervisory Guide (GSSG). The appellant agrees. Based on our review of the record, we agree with these determinations.

Grade determination

The appellant agreed with the agency's crediting of Levels 3-3b, 4A-2 and 5-7. The appellant requested that his position be credited with Levels 1-3, 2-2, 4B-3, and 6-6c. The GSSG is a threshold PCS. A defined level must be fully met before it can be credited. Our analysis of the position follows.

Factor 1, Program scope and effect

This factor addresses the general complexity, breadth, and impact of the program areas and work directed, including the organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To credit a particular factor level, the criteria for both scope and effect must be met.

The factor levels describe two situations: agency line programs, e.g., providing services to the public; and support programs, e.g., providing administrative services within an agency. The appellant's rationale for Level 1-3 is based on performing both situations. He states that Level 1-3 is creditable because of the geographical area supported and the number of people affected. The appellant points to his support of eight Air National Guard squadrons from eight states and the [name] and the need to coordinate airspace and operations with four [name] ATC facilities, two [name], and three U.S. ATC facilities, and other regional functions that he performs, e.g., serving as the activity's representative on the Governor's Coalition of Low Altitude Flight over sensitive areas in northern [State name]. He states that his work meets the second situation because he provides support to a large military base populated by approximately 10,000 permanent military and approximately 2,000 civilian employees. The appellant points to regional impact because approximately 30,000-45,000 reservists are serviced when they train at the installation and are drawn from nine states and [name] Forces. He says that the entire [number] [name] Division is deployed and returns at least once each year, resulting in the movement of approximately 20,000 people each year. The appellant states that all aviators using the airspace are directly impacted by use of air traffic services and airspace control, and that Post soldiers are affected by services provided for deployment and airspace management. He says that a large civilian population within the lateral boundaries of the approach control airspace is affected by air traffic procedures and operations.

The appellant's position falls under the second situation since his organization's airspace and ATC operations support functions for users of the airspace and ATC under the activity's jurisdiction. Although the appellant's organization provides support to all aircraft that enter the assigned airspace, only military and military charter aircraft receive the full range of support; i.e., airfield and airspace support. General aviation services are limited in nature and will be considered within this broader context. In evaluating the population affected under this factor,

we may only consider the population serviced directly and significantly by a program. We cannot count the total population in the geographic area potentially covered by a program.

- a. Scope - This element addresses the general complexity and breadth of (1) the program or program segment directed and (2) the work directed, the products produced, or the services delivered. The geographic and organizational coverage of the program or program segment within the agency structure is to be addressed under this element.

Scope also considers how the activities directed relate to the agency's mission and to outside entities, and the complexity and intensity of the services provided.

At Level 1-2, the supervisor directs a program segment that performs administrative, technical, complex clerical, or comparable work. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within agency program segments. In a field office providing services to the general public, the function directed furnishes a portion of such services, often on a case basis, to a small population of clients. The size of the population serviced is the equivalent of all citizens or businesses in a portion of a small city or an equivalent population concentrated in one city or spread over a wider geographic area.

In contrast, Level 1-3 involves directing a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage that encompasses a major metropolitan area, a State, or a small region of several States; or, when most of an area's taxpayers or businesses are covered, coverage comparable to a small city. Illustrative of this level is furnishing a significant portion of the agency's line program to a moderate sized client population that is equivalent to a group of citizens and/or businesses in several rural counties, a small city, or a portion of a larger metropolitan area.

In support of his appeal, the appellant stresses the number of people affected by his program. For example, he states that the [number][name] Division's continuing operations are affected by airspace and air traffic functions, e.g., assuring that air use does not disrupt ground-based troop training of [Post name], Reserve, and National Guard personnel. He says that yearly deployments by air affect all members of the [number][name] Division. During the telephone audit, the appellant stated that there are approximately 120,000 radar approach air movements each year. Approximately 60,000-70,000 of these movements are from about 76 helicopters based on the Post, 15,000-20,000 from Guard and Reserve traffic (including 8 jet squadrons, each consisting of approximately 20 airplanes), 5,000 from C-5A and other large military aircraft, 35,000 from general aviation (including approximately 4,000 from small commercial aircraft), and 400 large passenger charter aircraft used to deploy military personnel.

As at Level 1-3, the appellant supervises administrative and technical work at a large military installation. The population directly and significantly affected is not the entire [name][number] Division or the other large populations described by the appellant. The population properly considered for this factor consists of aviators whose movements are tracked and controlled by the appellant's staff. The primary population affected consists of military aviators who use the

Post's restricted airspace for training purposes including landings, takeoffs, touch and go, and practice runs. Unit two-week and/or weekend training frequently involves supporting two rotary and two high speed jet units at the same time. The drilling units range from several upward to 30 or 40 aircraft depending on the exercises planned. Fixed wing units train all year. Rotary units typically train from April through October. Within the past three years, the number of large commercial aircraft landing at the activity to pick up or discharge soldiers for military missions ranged from a low of 96 to a high of 140. Small commercial airplane and general aviation support is more limited. It primarily consists of tracking these aircraft to ensure that they do not stray into Special Use Airspaces and providing flight follow services as a courtesy. The number of air movements handled by the appellant's staff is properly considered under Factor 5 since they are used for classification determinations that are used to establish the difficulty of work directed. These classification determinations are also considered in Factor 6.

As at Level 1-2, the appellant's staff provides services to aviators on a case basis by tracking and controlling their movements within the assigned airspace. Airspace and ATC by a single pilot often includes multiple air operations in quick succession, e.g., multiple touch and go passes and multiple short flights to transport military personnel to ground training sites. The pilot population using a substantial range of airspace and ATC services does not exceed the population defined at Level 1-2; i.e., the pilot population permanently assigned to the Post and others who use a substantial range of ATC services for training, military transport, or equivalent purposes. Although located at a large military installation, the appellant's program does not directly affect that population within the meaning of the GSSG as discussed previously. The general aviation population does not reflect the numbers of clients or extent of service defined at Level 1-3. Therefore, this element is credited at Level 1-2.

- b. Effect - This element addresses the impact of programs, products, or correctly performed work both within and outside the agency.

At Level 1-2, the services or products significantly affect installation, area, or field office operations and objectives, or comparable program segments. This level also covers providing services to a moderate, local, or limited population of clients or users comparable to a major portion of a small city or rural county.

In contrast, Level 1-3 activities, functions, or services directly and significantly affect a wide range of agency activities, the work of other agencies, the operations of outside interests, or the general public. As illustrated in the GSSG, positions at this level furnish a significant portion of the agency's line program to a moderate-sized population of clients equivalent to a group of citizens and/or businesses in several rural counties, a small city, or a portion of a larger metropolitan area. Depending on the complexity and intensity of the service, the serviced population may be concentrated in one geographic area, or involve a significant portion of a multi-state population, or be composed of a comparable group.

As at Level 1-2, the appellant's work directly supports and affects installation level operations but do not directly affect all Post operations to the extent defined at Level 1-3, as previously discussed. Typical of Level 1-2, these services significantly impact the functions of the organizations directly supported; i.e., pilot operations which, in turn, directly and substantially impact Post military operations. This serviced pilot population also does not exceed that defined at Level 1-2. Therefore, this element is credited at Level 1-2.

Level 1-2 is credited for both *Scope* and *Effect* (350 points).

Factor 2, Organizational setting

This factor considers the organizational situation of the supervisory position in relation to higher levels of management. If a position reports to two positions, selection of the factor level is based on the position's association with the position responsible for performance appraisal.

The appellant's rationale stresses his accountability, outside his direct supervisory reporting chain, to the Garrison Commander and Commanding General, higher headquarters, and another agency. Because the Director, RBC, is a colonel, the appellant states that his position is one level below a Flag Officer.

Although the appellant is accountable beyond his immediate chain of command, applying the GSSG in the manner requested would violate the Guide's express instructions. While the rank of colonel is one rank below Flag Officer, this factor considers rank only in conjunction with placement in the reporting chain. The appellant reports to the Deputy, RBC. The record is not clear as to whether that position is a full deputy to the Director, RBC. The Director, RBC, reports to the Garrison Commander who, in turn, reports to the Commanding General. The GSSG treats reporting to a full deputy as if reporting to the same level as the Chief. The Chief, RBC, is two reporting levels below the first Flag Officer level in the appellant's reporting chain. Therefore, whether or not the Deputy RBC is a full deputy, we find that the appellant's position meets Level 2-1 since he reports to a position properly identified two or more reporting levels below the first Senior Executive Service or Flag Officer equivalent position in the direct supervisory chain. Therefore, Level 2-1 (100 points) is assigned.

Factor 4, Personal contacts

Subfactor 4B, Purpose of contacts

This subfactor covers the purpose of the personal contacts credited in Subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities related to supervision and management.

The agency credited Level 4B-2. At that level, the purpose of contacts is to ensure that information provided to outside parties is accurate and consistent; to plan and coordinate the work directed with others outside the subordinate organization; and/or to resolve differences of opinion among managers, supervisors, leaders, employees, contractors, or others.

In contrast, Level 4B-3 contacts are to justify, defend, or negotiate in representing the project, program segment(s), or organizational unit(s) directed, in obtaining or committing resources, and in gaining compliance with established policies, regulations, or contracts. Contacts at this level usually involve active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance to the program or program segment(s) managed.

As at Level 4B-2, the appellant's regular and recurring contacts are to resolve operating issues with other ATC organizations and parties interested in and/or affected by air traffic operations. The record shows that the appellant represents the program in meetings with higher level Army organizations and other agencies, e.g., FAA. These contacts are typical of Level 4B-2 since they involve planning and coordinating work with others outside his organization. His liaison work with parties interested in the program is for similar purposes, e.g., explaining rules and regulations regarding airfield and airspace encroachment. Similar to Level 4B-3, the appellant drafts Letters and Memorandums of Agreement regarding ATC and airspace or Special Use Airspace procedures with the FAA, Department of the Army, [name] ATC authorities, and others. Unlike Level 4B-3, they are subject to and approval by the chain of command and do not occur with sufficient frequency to control the evaluation of this subfactor. Therefore, because this subfactor does not fully meet Level 4B-3, it must be credited at Level 4B-2 (75 points).

Factor 6, Other conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. Conditions affecting work for which the supervisor is responsible, whether performed by Federal employees, assigned military, contractors, volunteers, or others, may be considered if they increase the difficulty of carrying out assigned supervisory or managerial duties and authorities.

In order to evaluate Factor 6, two steps are used. First, the highest level that a position meets fully is initially credited. Then, if the level selected is 6-1, 6-2, or 6-3, the Special Situations listed after the factor level definitions are considered. If a position meets three or more of the situations, then a single additional level is added to the level selected in the first step. If the level selected in the first step is 6-4, 6-5, or 6-6, the Special Situations may not be considered in determining whether a higher factor level is creditable.

The numbered paragraphs under Factor 6 are structured to address positions that function as either first level or second and higher level supervisors and managers. The appellant functions as a second level supervisor as discussed in Factors 3 and 5.

The appellant's rationale states that his position should be credited at Level 6-6 since his subordinate supervisors each direct substantial workloads comparable to the GS-12 grade level or higher. His rationale refers to Level 6-6c in the GSSG.

The position classification process requires that the full intent of PCS's be discerned and applied. Level 6-6c pertains to supervising subordinate supervisors who each direct substantial workloads comparable to the GS-12 grade level or higher. This base work requires similar coordination as that described for Level 6-5a for first line supervisors where the supervisor is responsible for major recommendations in at least three of the following or comparable areas:

- significant internal and external program and policy issues affecting the overall organization, such as those involving political, social, technological, and economic conditions, as well as those factors cited in the first item of Factor Level 6-4a;

- restructuring, reorienting, recasting immediate and long-range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, and/or funding;
- determinations of projects or program segments to be initiated, dropped, or curtailed;
- changes in organizational structure, including the particular changes to be effected;
- the optimum mix of reduced operating costs and assurance of program effectiveness, including introduction of labor saving devices, automated processes, methods improvements, and similar;
- the resources to devote to particular programs (especially when staff-years and a significant portion of an organization's budget are involved); and
- policy formulation, and long-range planning in connection with prospective changes in functions and programs.

The record shows that the appellant's subordinate Supervisory ATC Specialists are working supervisors on shifts with four or fewer nonsupervisory ATC Specialists. ATC Specialists are assigned specific operational positions and perform work independently with limited supervisory involvement. The ATC working supervisor situation confirms that shift supervisory coordination demands are limited. Therefore, these subordinate supervisors cannot be credited with directing substantial GS-12 grade level workloads involving the coordinative demands defined at Level 6-6c. The appellant's organization is staffed with three supervisory positions that each supervise a base level of work below the GS-12 grade level which also precludes crediting Level 6-6c.

Level 6-5c is creditable to positions that manage through subordinate supervisors who each direct substantial workloads comparable to the GS-11 grade level requiring coordination similar to that described at Level 6-4a. The level of work supervised in the Airfield Services Branch; i.e., GS-8 and WG-7, precludes crediting Level 6-5c. Level 6-5b may not be credited since the appellant does not directly supervise GS-13 grade level work.

Level 6-4a pertains to supervision that requires substantial coordination and integration of a number of major work assignments, projects, or program segments of professional, scientific, technical or administrative work comparable in difficulty to the GS-11 grade level. The work requires coordination and integration comparable to:

- integrating the work of a team or group where each member contributes a portion of the analyses, facts, information, proposed actions, or recommendations; and/or ensuring compatibility and consistency of interpretation, judgment, logic, and application of policy;
- recommending resources to devote to particular projects or to allocate among program segments;

- leadership in developing, implementing, evaluating, and improving processes and procedures to monitor the effectiveness, efficiency, and productivity of the program segment and/or organization directed.

This level typically is creditable to positions that directly supervise GS-11 grade level work as determined under Factor 5. Although the appellant does not directly supervise GS-11 grade level, Factor 5 has been credited at the GS-12 grade level. The ATC, electronics maintenance, and airfield services functions of the division require the extent of coordination and integration described at this level. Therefore, we find that the position is evaluated properly at Level 6-4a (1,120 points).

Summary

In summary, we have credited the position as follows:

Factor	Level	Points
1. Program scope and effect	1-2	350
2. Organizational setting	2-1	100
3. Supervisory and managerial authorities exercised	3-3b	775
4A. Nature of contacts	4A-2	50
4B. Purpose of contacts	4B-2	75
5. Difficulty of typical work directed	5-7	930
6. Other conditions	6-4a	<u>1,120</u>
Total Points		3,400

A total of 3,400 points falls within the GS-13 grade level point range of 3,155-3,600 points on the Grade Conversion Table in the GSSG.

Decision

The position is properly classified as Supervisory Air Traffic Control Specialist (Terminal), GS-2152-13.