

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:

PERSONAL

[appellant's name]

U.S. Department of Veterans Affairs

Medical Center -[address]

[street address]

[location]

[name]

Director, Human Resources

U.S. Department of Veterans Affairs

Medical Center

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PERSONAL

[appellant's name]

U.S. Department of Veterans Affairs

Medical Center -[address]

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Mr. Ronald E. Cowles

Deputy Assistant Secretary for Personnel
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Introduction

On February 3, 1999, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name] and [appellant's name]. Their identical additional positions are classified currently as Engineering Technician, GS-802-9, position description (PD) #03288A. The appellants requested their positions be reclassified as Engineering Technician, GS-802-11. In a decision issued on August 28, 1998, the agency concluded that the appealed position was properly classified as Engineering Technician, GS-802-9. The positions are located in the U.S. Department of Veterans Affairs (VA) Medical Center, Facilities Management Support Service, Engineering and Technical Support Division, [location]. We have accepted and decided their appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellants make various statements in their appeal about the installation's evaluation of their positions. They believe the appealed positions should be classified at the GS-11 grade level and submitted various exhibits describing assigned projects they believe meet that grade level. They also submitted an evaluation of their positions based on a comparison with the Factor Evaluation System (FES) Primary Standard. Finally, they express their belief that other medical centers have similar positions evaluated at higher grade levels.

All positions subject to the Classification Law contained in title 5, U.S.C., must be classified in conformance with published OPM PCS's or, if there are no directly applicable PCS's, consistently with PCS's for related kinds of work. Therefore, other methods or factors of evaluation, such as comparison to other positions that may or may not be classified correctly, e.g., positions at other VA medical centers, are not authorized for use in determining the classification of a position.

Like OPM, the appellants' agency must classify positions based on comparison to OPM standards and guidelines. Section 511.612 of title 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 ensuring that its positions are classified consistently with OPM appeal decisions. If the appellants consider the appealed position so similar to others that they warrant the same classification, they may pursue this matter by writing to their agency's human resources management headquarters. In so doing, they should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as theirs, or warrant similar application of the controlling PCS's, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to them the differences between the appealed position and the others.

In evaluating the appellants' duties and responsibilities we reviewed a number of their project assignments over a representative period of time. OPM PCS's must be applied within the

confines of the position classification theories, principles, and practices established by OPM. The Introduction to the PCS's (Introduction) states that:

Some positions involve performing different kinds and levels of work which, when separately evaluated in terms of duties, responsibilities, and qualifications required, are at different grade levels. . . . In most instances the highest level of work assigned to and performed by the employee for the majority of time [emphasis added] is grade-determining. When the highest level of work is a smaller portion of the job, it may be grade controlling only if:

- The work is officially assigned to the position on a regular and continuing basis;
- It is a significant and substantial part of the overall position (i.e., occupying at least 25 percent of the employee's time); and
- The higher level knowledge and skills needed to perform the work would be required in recruiting for the position if it became vacant.

Only those duties currently assigned, observable, identified with the position's purpose and organization, and expected to continue or recur on a regular basis over a representative period of time are considered in evaluating the position. The period of time considered should cover the full cycle of duties performed. This may vary from a few months for some clerical work to a more lengthy period for work that involves long term cases or projects. For example, Budget Analyst, GS-560 positions typically deal with an annual work cycle that includes dealing with the current year, including adjustments to previous years and projected out years. Given the project nature of the appellants' work, an annual cycle is appropriate.

The classification appeal process is a de novo review that includes a determination as to the duties and responsibilities assigned to the appealed position and performed by the appellants, and constitutes the proper application of PCS's to those duties and responsibilities. We have evaluated the work assigned by management and performed by the appellants according to these requirements. We conducted an on-site audit of the appellants' positions (hereafter referred to as the appealed position) on April 28, 1999. The audit included interviews with the appellants and their immediate supervisor, [name]. We also spoke with the appellants' second level supervisor, [name], Director of the Facilities Management Support Service. In reaching our decision, we carefully reviewed the audit findings and all information of record provided by the appellant and their agency, including the PD of record.

It is necessary to comment on the adequacy of the official PD (#03288A). The installation, in its appeal submission to VA, remarked that the factor level descriptions in the PD were not reflective of the duties performed but were taken from the PS. The appellants disagreed with that observation. A PD is the official record of the major duties and responsibilities assigned to a

position by a responsible management official; i.e., a person with authority to assign work to a position. According to OPM's Classifier's Handbook:

a good description is one that is a forthright presentation of the work assigned to a position. It should avoid using general or indefinite terms, vague expressions, unnecessary detail, and repetition. . . . Statements that rely heavily on adjectives and adverbs and form conclusions and judgments do not add to the quality of the description, e.g., "performs difficult work."

Much of the appellants' official PD uses general or indefinite terms, relies heavily on adjectives and adverbs, and forms conclusions and judgments. The PD must, therefore, be evaluated in conjunction with a review of the current projects assigned to the appellants. A **position** is the duties and responsibilities which make up the work performed by an employee. Title 5, U.S. C., section 5106 prescribes the duties, responsibilities and qualifications required by those duties and responsibilities as the basis for determining the classification of a position. The Introduction further provides that "As a rule, a position is classified on the basis of the duties actually performed." Additionally, 5 CFR 511.607(a)(1), in discussing PD accuracy issues, provides that OPM will decide classification appeals on the basis of the actual duties and responsibilities assigned by management **and** performed by the employee. The point here is that it is a real operating position that is classified, and not simply the PD. Therefore, this decision must be based on the actual work assigned to and performed by the appellants, not merely a review of their PD of record.

Position information

The appellants serve as project managers for facility support projects. As such, they design, develop and perform engineering/technical review of contract plans and specifications; prepare detailed cost estimates for competitive bidding; conduct pre-performance conferences with successful contractors to review contract requirements; inspect and evaluate assigned construction projects to ensure contractor compliance with plans, specifications and phasing; and as appropriate, develop recommendations for changes/modifications to contracts. The appellants are designated as the Contracting Officer's Technical Representative on awarded construction contracts. Projects include construction and repair of buildings and facilities as well as installation, alteration, maintenance and repair of electrical, heating, ventilation, and air conditioning (HVAC), and mechanical systems. Some typical projects assigned over the past two years include water filter replacements, installation of underwater storage tanks, roof replacements, steam and condensate replacement, pharmacy air conditioning unit replacement, and cook/chill systems installation. They work under the supervision of the Supervisory Project Engineer who is the engineering authority for projects at the installation and who makes project assignments to the appellants. At any time, a number of projects (approximately 8 to 9) of varying scope and complexity are assigned to each appellant. Progress is monitored by the supervisor at biweekly meetings. The supervisor is available for advice on problems that cannot be resolved by the appellants or if conflicts occur. The appellants' PD and other material of

record furnish much more information about their duties and responsibilities and how they are performed.

Series, title, and guide determination

The agency has placed the appealed position in the Engineering Technician Series, GS-802 and titled it Engineering Technician in conformance with titling practices of the GS-802 PCS. The appellants agree with the series and title determination made by the agency, and we concur. Therefore, the appealed position is allocated properly as Engineering Technician, GS-802, for which there is a directly applicable published PCS.

PCS's must be applied within established OPM position classification theories, principles, and practices. The Introduction states that the PS may be used for supplemental guidance but only in conjunction with other FES standards. It may not be used alone to classify a position unless when evaluating an individual FES factor which falls below the lowest or above the highest factor level described in the applicable FES standard. Therefore, the appellants' proposed direct application of the PS to the appealed position is inappropriate.

Grade determination

The GS-802 PCS uses two classification factors for grade determination: *Nature of Assignment and Level of Responsibility*. These factors are definitive for the grade evaluation of engineering technician work. They serve to provide both the framework within which the occupation is structured and specifically applicable criteria for the evaluation of levels of work.

Nature of Assignment

This factor includes the scope and difficulty of the project and the skills and knowledges required to complete the assignment.

GS-9 engineering technicians typically perform a variety of work relating to the area of specialization that requires applying a considerable number of different basic but established methods, procedures, and techniques. Assignments usually involve independent responsibility for planning and conducting a block of work that is a complete conventional project of relatively limited scope, or a portion of a larger and more diverse project. They require study, analysis, and consideration of several possible courses of action, techniques, general layouts, or designs, and selecting the most appropriate. Assignments generally require consideration of numerous precedents and some adaptation of previous plans or techniques. Often changes or deviations must be made during progress of an assignment to incorporate additional factors requested after commencement of the project or to adjust to findings and conclusions which could not be predicted accurately in the original plans.

GS-9 assignments typically require coordination of several parts, each requiring independent analysis and solution. When phases or details are performed by other groups or personnel outside the organizational unit, the engineering technician reviews, analyzes, and integrates their work. In addition, assignments at this level require a good understanding of the effect that recommendations made or other results of the assignment may have on an item, system, or process and its end-use application.

Typical assignments performed by GS-9 engineering technicians include preparing plans, specifications, and cost estimates for new construction or major modification of existing electrical exterior distribution systems and interior wiring for light and power in a variety of small conventional buildings such as residences, barracks, bakeries, small shops, and offices. They compute loads and lay out distribution systems including substations, poles, lines, and control equipment. On alteration and repair projects they make field investigations to collect data needed for design, to determine nature and condition of existing facilities, and to determine what should be done to provide, improve, or restore service under the existing conditions. They review comparable electrical designs prepared by engineering firms for conformance to design criteria and instructions, for accuracy and completeness, and for quality of design for practicability, economy, and suitability to functional requirements. Standards, agency guides, and instructions are generally applicable to design problems; difficult analyses and novel design requirements are typically referred to supervisor or others. Other typical assignments include preparing plans, specifications, and estimates for roads and airport runways including surfacing and pavements of various kinds not subject to extreme conditions of climate or loading. The work involves the application of established engineering practices in designing the concrete slab, foundation, and drainage structures. They review standard and precedent designs and makes necessary selections and adaptations to meet specified requirements and field conditions peculiar to the locale, apply prescribed design criteria and standard and precedent specifications, and searches for current information on related design as developed by industry.

The appellants' more complex work meets this level. For example, the "Steam Condensate Replacement PH2" project, the "Water Filter Replacement" project, the "Underwater Storage Tank" project, and the "North Wing HVAC Replacement" project all involve the application of a number of different basic but established engineering methods, procedures, and techniques. Cathodic underground tank protection represents the direct application of a commercially available technology to an appropriate project. Using negative air pressures in tuberculosis HVAC design reflects a typical use of this technology for infectious disease control. While these may represent the initial application of these technologies at the medical center, these projects are not precedent setting as implied in the appellants' letter of February 22, 1999. The appellants' assignments involve independent responsibility for planning and conducting a number of projects requiring study, analysis, consideration of several possible courses of action, techniques, general layouts, or designs, and the selection of the most appropriate.

At the GS-11 grade level, engineering technicians perform work of broad scope and complexity that requires application of (1) demonstrated ability to interpret, select, adapt, and apply many

guidelines, precedents, and engineering principles and practices which relate to the area of specialization; and (2) some knowledge of related scientific and engineering fields. GS-11 engineering technicians plan and accomplish complete projects or studies of conventional nature requiring the independent adaptation of a general fund of background data and information and interpretation and use of precedents. They are *typically* confronted with a variety of complex problems in which considerable judgment is needed to make sound engineering compromises and decisions. Other related interests must often be considered, entailing frequent coordinative action with personnel in the fields concerned.

Initiative, resourcefulness, and sound judgment are needed in planning and coordinating phases of assignments and in selecting which of several sound alternatives is to be used in arriving at acceptable engineering compromises. Ingenuity and creative thinking are required in devising new ways of accomplishing objectives, and in adapting existing equipment or current techniques to new uses.

By comparison, engineering technicians at lower levels receive assignments which are usually segments or phases of the type independently carried out at the GS-11 grade level or which involve less complex systems and facilities requiring design adaptation. GS-9 engineering technicians apply standard engineering methods and techniques whereas GS-11 engineering technicians are typically required to be creative in devising ways to accomplish the work.

Illustrative assignments at the GS-11 grade level include developing cost estimates for competitive bidding for a variety of multiple-use construction projects, and preparing designs and specifications for various utility systems such as heating, plumbing, air conditioning, ventilating, pumping, gas supply, and pneumatic control systems that involve utility systems for office buildings, technical laboratories, experimental buildings, pumping stations, and flood control facilities, where the complexity or nonconventional nature of the buildings and facilities entails design problems requiring *considerable adaptation* of precedents or design of features for which precedents are not directly applicable.

The work performed by appellants is not of the broad scope and complexity described at the GS-11 grade level. The projects typicality do not involve ingenuity in devising new ways of accomplishing objectives and in adapting current techniques to new uses. They typically apply standard engineering methods. While developing cost estimates for competitive bidding for assigned projects is typical of the work performed by the appellants, these projects do not typically include multiple-use construction projects. Although they prepare designs and specifications for various utility systems at the medical center, they are not of the scope described at the GS-11 grade level in the standard where the complexity or nonconventional nature of the buildings and facilities entail design problems requiring considerable adaption of precedents, or design of features for which precedents are not directly applicable. Therefore, this factor is credited at the GS-9 grade level.

Level of Responsibility

This factor includes the nature and purpose of person-to-person work relationships, and supervision received in terms of intensity of review of work as well as guidance received during the course of the work cycle. The personal contacts that the engineering technician maintains with others, and the extent to which the employee's technical judgments are relied upon without detailed review are important considerations in determining the level of responsibility.

At the GS-9 grade level, the supervisor outlines requirements, provides information on any related work being performed, and furnishes general instructions as to the scope of objectives, time limitations, priorities, and similar aspects. The supervisor is available for consultation and advice where significant deviations from standard engineering practices must be made and gives more detailed instructions when distinctly new criteria or new techniques are involved. The supervisor observes the work for progress and for coordination with work performed by other employees or other sections and for adherence to completion and cost schedules. Standard methods employed are seldom reviewed but review is made for adequacy and for conformance with established policies, precedents and sound engineering concepts and usage. Personal work contacts are primarily to resolve mutual problems and coordinate the work with that of personnel in related activities. Some contacts are made with using agencies for whom work is done, and with contractors and architect-engineer firms. Typical contacts are made to clear up doubtful points, advise as to discrepancies found in meeting contract terms, consider recommendations for acceptable substitutes, and promote adherence to agency standards and concepts of good engineering.

This is the type of supervision received and the level of responsibility found in the appealed position. Assignments are made by the supervisory general engineer who is the installation supervisory project engineer. Assignments are made based on the individual expertise of the engineering technicians or workload considerations. The supervisor outlines project requirements and furnishes other general instructions. The appellants meet with operational personnel to assist in writing up the scope of the project and devise preliminary plans, including designs, for the projects. The supervisor reviews and approves the plans as the project engineer. Biweekly project status meetings are held with the supervisor, contractors, and trades personnel. The appellants work with a high degree of independence in completing their assignments. The supervisor is available to discuss problems that arise.

At the GS-11 grade level, engineering technicians have considerable freedom in planning work and carrying out assignments. The supervisor makes assignments in terms of the major objectives, providing background information and advice on specific unusual problems which are anticipated or on matters requiring coordination with other groups. Unusual or controversial problems, or policy questions arising in the course of a project, may be discussed with the supervisor but technical supervisory assistance is infrequently sought or required. The supervisor is usually informally advised regarding progress but there is little review during progress of typical assignments. Completed work in the form of recommendations, plans, designs, reports, or correspondence is reviewed for general adequacy, conformity to purpose of the assignment, and sound engineering judgment. By comparison, engineering technicians at lower grade levels

receive advice and guidance on the application of nonstandard methods and techniques or in the solution of complex problems requiring significant deviations from established practice.

GS-11 engineering technicians customarily make contacts in the course of their work with the same groups of individuals as do engineering technicians at lower grade levels and the purpose of the contacts are similar. Because of the increased scope of GS-11 assignments, these contacts tend to become more extensive than at lower levels. Contacts with contractors and other personnel regarding complex engineering and administrative problems are carried out without close supervision. However, the engineering technicians generally discuss with the supervisor the approach to be taken.

Although the appellants have considerable independence in planning their work and carrying out their assignments, the nature of their assignments is not as complex as described at the GS-11 grade level. It is an established classification principle, when applying narrative standards that there is an interrelationship between the nature of assignments and level of responsibility. Neither increased independence nor increased difficulty of assignments is meaningful unless each is viewed concomitantly with the other. Because of the increased scope of assignments at the GS-11 grade level, the responsibility at that level is more demanding. Since the nature of the appellants' assignments limit their level of responsibility, this factor cannot be credited at the GS-11 grade level. Accordingly, this factor is credited at the GS-9 grade level.

With both factors credited at the GS-9 grade level, the appealed position is classified properly at the GS-9 grade level by application of the GS-802 PCS.

As stated in the *General Issues* section above, all positions subject to the Classification Law contained in title 5, U.S.C., must be classified in conformance with published OPM PCS's. However, it can be useful at times to cross reference the grade levels of work with other related published PCS's for grade confirmation purposes.

This may be particularly useful in occupations such as engineering technician in which employees work similar to that performed by some professional engineers. Section VIII of the OPM PCS for the Engineering Group, GS-800, in discussing the use of professional engineering PCS's in the evaluation of engineering technician positions in grades GS-9 and above, indicates that such PCS's may be used with caution particularly in work situations where differences in the kind of qualifications required (i.e., professional or nonprofessional) do not affect materially the grade level of the work, so that in the evaluation of nonprofessional positions the professional standards may be applied directly without particular emphasis on these differences. This is evident in occupational areas such as construction supervision, cost estimating, safety program administration, etc., where the relative intensity of knowledge of fundamental sciences plays a very minor role in evaluating grade levels of professional engineering positions.

We have made a comparison of the appealed position with the benchmark descriptions found in the OPM PCS for the Mechanical Engineering Series, GS-830. Benchmark descriptions for GS-9

Mechanical Engineering positions reflect the performing of work similar to work assigned to and performed by the appellants. For example, Benchmark #9-1 describes a GS-9 position where the incumbent:

Performs design and layout of mechanical equipment systems such as plumbing, heating, air conditioning, sprinkler, steam distribution, etc., and prepares working drawings for installation of the systems in government buildings such as hospitals, office buildings, penal institutions and related structures. Projects include additions and renovations to existing structures and, to a lesser extent, new construction. Employee has complete design responsibility for small, routine projects and performs portions of large, complex projects under the direction of a higher grade engineer.

Benchmark #9-2 describes a GS-9 position where the incumbent:

Performs duties concerned with the administration of the mechanical aspects of contracts for government buildings and facilities, ensuring that actual construction complies with contract designs and specifications and safety requirements. Work involves mostly repair and improvement projects, but does include some new construction. Employee may be assigned complete project responsibility for relatively routine projects, or a portion of a large and complex project which has been assigned to a higher grade engineer.

- S Once contract has been awarded, assumes responsibility for carrying it out.
- S Attends pre-construction meeting, along with contractor and client agency, to discuss the contract and make arrangements to begin construction.
- S Conducts frequent inspections to ensure that work being done is consistent with plans and specifications and doesn't violate any code requirements.
- S Makes recommendations based on observation of tests and review of test data regarding such technical matters as possible changes in construction procedures, techniques and materials.
- S Advises and coordinates with contractor on design deficiencies or unforeseen conditions which arise during the course of construction and which may necessitate modifications in the contract. Also consults with the designer to resolve these problems.
- S Estimates cost of contract changes and processes change orders.

- S Upon completion of construction, conducts a final inspection and writes up a defects and omissions list for contractor to complete before final payment is made.
- S Discusses any construction deficiencies or problems with officials of the using agency and together with the contractor, determines necessary adjustments.

These benchmark descriptions compare closely to the range of projects assigned to the appellants and confirm that comparable work assigned to and performed by professional engineering positions also would be evaluated at the GS-9 grade level as discussed in Section VIII of the OPM PCS for the Engineering Group, GS-800.

Decision

The appealed position is classified properly as Engineering Technician, GS-802-9.