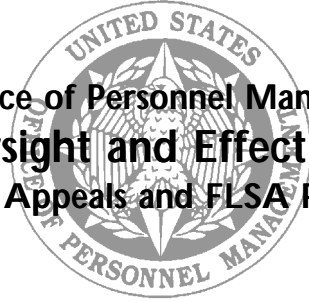


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



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

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [appellant's name]

Agency classification: Customer Support Technician (OA)
GS-303-6

Organization: [name] Team
NAVFAC Contracts Office
[name] Division
Naval Facilities Engineering Command
[location]

OPM decision: Procurement Technician (OA)
GS-1106-6

OPM decision number: C-1106-06-02

Robert D. Hendler
Classification Appeals Officer

/s/ 8/6/99
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 (PCSs), 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 (PD) 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's name]
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Introduction

On March 11, 1999, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. Her position is classified as Customer Support Technician (OA), GS-303-6 (PD #L154670001). This classification was effective April 18, 1999. It was previously classified as Procurement Technician (OA), GS-1106-6. The appellant, however, believes the classification should be Procurement Technician, GS-1106-7. The position is located in the [name], Naval Facilities (NAVFAC) Contracts Office, [name] Division, NAVFAC Engineering Command, [location]. We have accepted and decided her appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant makes various statements in her appeal about the adequacy of the installation's evaluation of her position. In her original appeal letter of February 17, 1999, the appellant states that in July of 1997, her PD was rewritten by her first level supervisor, [name], to reflect the duties of Procurement Technician, GS-1106-7. This new PD was then sent to [name] Division along with a cover letter from her then second level supervisor, [name], requesting an accretion of duties upgrade from a GS-1106-5 to a GS-1106-7. In the appeal administrative report, the Naval Inventory Control Point (NAVICP) listed [name], Supervisory Civil Engineer, GM-810-13, PD #LG92192000 as the appellant's immediate supervisor. Both the appellant and [name] state that he is not her supervisor and has no control over her work. In December 1997, [name] of NAVCIP Philadelphia HRO performed a desk audit on the appellant's position. Using the factor level descriptions and assigned point values in the Procurement Clerical and Technician Series, GS-1106 PCS, he determined the position was properly evaluated at the GS-7 grade level. The desk audit evaluation was then forwarded to [name], [name] Team Leader who, according to the appellant, decided to upgrade the position only to the GS-6 grade level "regardless of the desk audit findings." The upgrade was effective on January 18, 1998.

The appellant alleges the only reason for not accreting her to the GS-7 grade level was because the Mid-Atlantic team leader did not want to set a precedent by promoting a person more than one grade at a time or promoting a technician in a field office to the GS-7 grade level. In January 1998, the appellant's first and second supervisors were directed to remove some of the appellant's duties in the PD to meet classification to the GS-6 grade level. Minor changes were made to Factor 2, Supervisory Controls, Factor 3 Guidelines, and Factor 4, Complexity. Essentially, the appellant was to have more supervision and no longer work independently.

In December 1998, the appellant's supervisor was told by [name] Division to change the title and series from Procurement Technician, GS-1106-6 to Customer Support Technician, GS-303-6. The appellant claims the changes were only made to the PD. The actual duties are the same and she is "still performing all the duties described in the GS-1106-7 Procurement Technician position description."

These submissions have raised procedural issues warranting clarification. All positions subject to the Classification Law contained in title 5, U.S.C., must be classified in conformance with published OPM PCSs or, if there are no directly applicable PCSs, consistently with PCSs for related kinds of work. Therefore, other methods or factors of evaluation are not authorized for use in determining the classification of a position, e.g., comparisons to other positions that may or may not be classified correctly.

The classification appeal process is a de novo review that includes a determination as to the duties and responsibilities assigned to the appellant's position and performed by the appellant, and constitutes the proper application of PCSs to those duties and responsibilities. This decision sets aside any previous agency decisions. We have evaluated the work assigned by management and performed by the appellant according to these requirements. In reaching our decision, we carefully reviewed the information provided by the appellant and her agency, including her PD of record. In addition, we conducted a telephone audit with the appellant on June 25, 1999, and a telephone interview with her immediate supervisor, [name], the Contract Specialist, on June 29, 1999. We also spoke by telephone with the appellant's current second level supervisor, [name] Assistant Officer in Charge, on June 28, 1999.

OPM PCSs must be applied within the confines of the position classification theories, principles, and practices established by OPM. The 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.

We must apply these principles in our evaluation of the appellant's work.

Position information

The appellant serves as the sole procurement technician in a team situation with the contract specialist responsible for preaward and postaward functions for leases, rentals, Facilities Support

Contracts (FSC), and Architect/Engineering (A/E) contracts, issued under NAVFAC authority. FSC contracting is contracting for services such as: refuse removal, janitorial services, inspection, maintenance, repair of tank monitoring, vehicle leasing, and grounds maintenance. A/E contracts are for architectural and engineering services to design, study, evaluate, survey new, or repair/renovate existing facilities. Procurement for professional services covers such areas as: architectural/engineering designs for office renovations, warehouse conversions, heating, ventilating, and air conditioning (HVAC) systems, sanitary utility systems, and support services in specialized technical and logistical areas.

As part of her preaward duties, the appellant examines procurement/specification packages, forwarded by the Facilities Service Contract Manager (FSCM), for administrative or regulatory discrepancies, proper allocation of funds, and errors. She returns packages to the FSCM for any needed revisions or corrections. These documents include a wide variety of clauses requiring extensive pricing data, varying delivery schedules, and detailed and unique descriptions and provisions. The appellant detects potential contract problems, insures special provisions/clauses; i.e., partial shipment and payment options, and availability of funds are included in the procurement/specification package. The appellant works with the contract specialist, the customer, the FSCM, the Quality Assurance Evaluators (QAEs) and other specialists to take corrective action if necessary.

The appellant prepares bidders lists and ensures updates to the lists are made as required. She prepares all procurement documentation necessary for solicitations; i.e., invitations for bids, requests for proposals, Small Business Administration's evaluation forms, Brooks Bill requirements, and amendments to solicitations. The appellant accesses the U.S. Department of Labor through the Internet to determine the correct wage determination to be incorporated into the procurement package. She composes Commerce Business Daily advertisements by electronic mail and modifies them if necessary.

As part of her postaward duties, the appellant reads and understands the conditions of FSC and A/E contracts. She maintains the contract files, prepares and issues modifications to contracts, purchase orders, and other documents in accordance with the proper authority and contract clauses. The appellant completes all additional paperwork necessary for a comprehensive contract file. Upon completion and acceptance of work by NAVICP, the appellant is responsible for the receipt, distribution and processing of contractor invoices. The appellant maintains accurate invoice logs, verifies availability of funds, and ensures the use of appropriate accounting data. She resolves any invoice discrepancies directly with the contractor's accounting department, NAVICP and the Defense Finance Assistance Service personnel. She reviews, types, and mails final release and invoice forms and assures accuracy to guard against any future claims against the government.

The appellant independently prepares A/E and FSC requests for proposal letters, task orders, and modifications by extracting pertinent information from file documentation and memorandums of

negotiation. She prepares documentation and correspondence on administrative matters to insure completion of all contract requirements.

The duties involved in the soliciting, awarding, and administration of the FSC and A/E contracts take up the great majority of the appellant's time. The appellant's PD and other material of record furnish much more information about her duties and responsibilities and how they are performed and are hereby incorporated by reference into this decision.

Series, title, and standard determination

The May 7, 1999, NAVICP Control Point's cover letter to OPM forwarding the requested classification appeal information stated: "It should be noted that [name] was reassigned to PD#L154670001, Customer Support Technician, GS-303-6 on 18 April 1999 from PD#L15467001, Procurement Technician, GS-1106-6." Because there are no published grade level criteria in the GS-303 PCS, the activity graded the position using the GS-1106 PCS.

The appellant's position is not classifiable to the Miscellaneous Clerk and Assistant Series, GS-303. The purpose of this series is to cover one-grade interval work that is not classifiable in any other series. Positions classified in the Miscellaneous Clerk and Assistant Series, GS-303 involve *specialized* work for which no appropriate occupational series has been established. Typically, positions in this series are too few of a kind to have been recognized as separate lines of work. Positions that involve work which requires knowledge of specialized processes or subject matter in established series are excluded from Miscellaneous Clerk and Assistant Series, GS-303.

Based on the grade level analysis that follows, we find the primary and paramount work of the appellant's position is that of procurement technician for FSC and A/E service contracts. These duties are properly included in the Procurement Clerical and Technician Series, GS-1106. This series includes positions that involve performing or supervising clerical and technical work that supports the procurement of supplies, services, and/or construction, and involves one or more phases of the procurement process. The work requires a practical knowledge of procurement procedures, operations, regulations, and programs. This series includes work that can be located in a variety of work situations, serving as an important link between the contractor and various agency or activity personnel, and providing support to other procurement support staff. The processes and procedures followed by the appellant are procurement support functions within the meaning of the GS-1106 PCS.

The agency has determined that the appellant's work requires competitive keyboard skills using office automation equipment, warranting the parenthetical title (OA), with which the appellant does not disagree and we concur. Therefore, we find the position is allocated properly as Procurement Technician (OA), GS-1106-6.

Grade determination

Evaluation using the GS-1106 PCS

The Procurement Technician, GS-1106 PCS is written in Factor Evaluation System (FES) format. Positions graded under the FES format are compared to nine factors. Levels are assigned for each factor and the points associated with the assigned levels are totaled and converted to a grade level by application of the Grade Conversion Table contained in the PCS. Under the FES, factor level descriptions mark the lower end, i.e., the floor, of the ranges for the indicated factor level. If a position fails in any significant aspect to meet a particular level in the standard, the next lower level and its lower point value must be assigned unless the deficiency is balanced by an equally important aspect that meets a higher level.

The appellant disagrees with the evaluation of Factor 2, Supervisory Controls, and Factor 3, Guidelines. She agrees with the agency's crediting of Levels 1-4, 4-3, 5-2, 6/7-2b, 8-1 and 9-1. We reviewed carefully the levels assigned to the other factors by the agency and the accompanying rationale with which the appellant has not taken issue. We found these determinations to be appropriate for Factors 1, 4, 5, 6/7, 8 and 9 and have so credited the position. Accordingly, our appeal analysis focuses on the evaluation of Factors 2 and 3.

Factor 2 - Supervisory Controls

We find the supervisory controls meet Level 2-2 as described in the PCS. At Level 2-2, work is governed by standard operating procedures and instructions. The supervisor or other designated authority provides standing instructions on recurring assignments by indicating what is to be done, applicable policies and procedures to follow, quality and quantity of work expected, and deadlines and priority of assignments. For example, standing instructions may cover the steps involved in processing procurement documents. This guidance may include an explanation of how to screen documents for missing or incompatible information, assemble and prepare the forms, clauses, or other paperwork that make up the order or contract file, use reports or data to monitor the status of deliverables, recognize and reconcile discrepancies, prepare contract and order files for closeout, and/or use automated systems to access, retrieve, and generate various procurement data and reports. Additional guidance is provided on new or difficult assignments. Procurement technicians at this level use their own initiative to perform recurring or individual assignments and resolve recurring problems. The supervisor reviews completed work for technical soundness, appropriateness, and compliance with established directives, policy, and requirements.

In contrast, at Level 2-3 the supervisor provides guidance for unusually involved situations. Procurement technicians plan and carry out successive steps necessary to accomplish their work and to resolve problems and deviations where standard operating procedures do not apply because of the specialized non-recurring nature of the problem, conflicting documentation, or similar conditions.

The appellant and her supervisor stress that she works independently with little day-to-day supervision. However, her specialized work involves mostly routine and standardized tasks associated with the day-to-day contract support, rather than unusual situations requiring deviating from standard operating procedures typical of Level 2-3. She deals with standard, recurring problems by following accepted practices, previous experience, and work policies. Although standardized work such as hers may appear to be performed with a high level of independence, the work itself is well defined and prescribed. Whether or not her supervisor is present to observe her work, the quantity, quality, and deadlines applicable to it and the specific procedures and work methods that she uses are still controlled by standard operating procedures and supervisory instructions. Regardless of her knowledge of program objectives, alternative, local priorities, and operating policies, the appellant may not normally deviate from standard operating procedures on any significant matter without supervisory approval. The manner in which she works is controlled by instructions and guidelines that do not permit the incumbent to exercise Level 2-3 judgment on a regular and recurring basis sufficient to control the evaluation of this factor. Therefore, this factor is credited at Level 2-2.

Factor 3 - Guidelines

We find the guidelines used meet Level 3-2 as described in the PCS where a number of established procedures and specific guidelines are available in the form of desk procedures, commercial catalogs, Federal supply code manuals, specific acquisition regulations, precedent actions, and coding and processing manuals. Because of the number and similarity of guidelines and work situations, the employee must use judgment to identify and select the most appropriate procedures to use, choose from among several established alternatives, or decide which precedent actions to follow as a model. There may be omissions in guidelines, and the employee is expected to use some judgment and initiative to handle aspects of the work not completely covered. The appellant uses various guidelines such as the FAR, DFAR, NAPS, NAVFAC P-68, labor rates, lists of bidders, government specifications, drawings, scopes of work, general provisions and standard clauses, and numerous other procedural guides in the form of manuals and written and oral instructions. She uses judgment to identify and select the most appropriate procedures to use and uses initiative in responding to questions and resolving problems. The appellant refers situations requiring significant judgment to the contract specialist or others for guidance or resolution.

We do not find the guidelines meet Level 3-3. At that level, while guidelines are the same as at Level 3-2, they are not completely applicable *to many aspects* of the work, because of the problem solving or complicated nature of the assignments. For example, work at Level 3-3 involves routinely responding to such serious issues as contractor protests or resolving problems encountered in closeouts. At Level 3-3, when reconstructing an incomplete contract file, the employee may have to rely on experienced judgment, rather than guides, to fill in gaps, identify sources of information, and make informed assumptions about what transpired. The employee uses judgment to interpret guidelines, adapt procedures, decide approaches, and resolve specific problems. This includes, for example, using judgment to reconstruct incomplete contract files, devise more efficient methods for procedural processing, gather and organize information for

protests or inquiries, or resolve problems referred by others. The employee at Level 3-3 analyzes the results of applying guidelines and recommends changes. These changes may include, for example, suggesting the development of controls, training, or specific guidance related to the procedural handling of documents and information. The duties of the appellant do not require the interpretive demands nor occur with the frequency required for crediting at Level 3-3. As discussed previously, those judgments are vested in her supervisor's position. Therefore, Level 3-2 is credited.

Summary

In summary, we have evaluated the appellant's position as follows:

Factor	Level	Points
1. Knowledge required by the position	1-4	550
2. Supervisory controls	2-2	125
3. Guidelines	3-2	125
4. Complexity	4-3	150
5. Scope and effect	5-2	75
6. Personal contacts and	}2 b	75
7. Purpose of contacts		
8. Physical demands	8-1	5
9. Work environment	9-1	5
Total points		1,110

A total of 1,110 points falls within the GS-6 grade level point range of 1,105 to 1,350 points on the Grade Conversion Table in the GS-1106 PCS.

Our analysis of the office automation duties by application of the Office Automation Grade Evaluation Guide results in a lower grade level than the GS-1106 work and, therefore, does not impact the final grade level worth of the position.

Decision

The appellant's position is classified properly as Procurement Technician (OA), GS-1106-6.