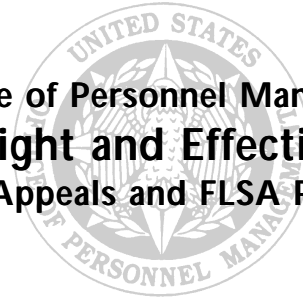


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



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: Agricultural Commodity Grader (Meat)
GS-1980-9

Organization: [name] Area Office
Office of Field Operations
Meat Grading and Certification Branch
Livestock and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
[location]

OPM decision: Agricultural Commodity Grader (Meat)
GS-1980-9

OPM decision number: C-1980-09-02

Robert D. Hendler
Classification Appeals Officer

/s/ 4/26/00

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 (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name]
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Introduction

On February 13, 2000, the Chicago Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. The case was received by the Philadelphia Oversight Division on March 13, 2000, for adjudication. His position is currently classified as Agricultural Commodity Grader (Meat), GS-1980-9. However, the appellant believes the position should be classified as Agricultural Commodity Grader (Meat), GS-1980-10. He works in the [name] Area Office, Office of Field Operations, Meat Grading and Certification Branch, Livestock and Seed Program, Agricultural Marketing Service, U.S. Department of Agriculture (USDA), [name]. His duty station is [location]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

General Issues

In a letter dated March 16, 2000, the appellant objected to the procedures used by his agency to classify his position. Our fact finding takes previous classification decisions into account only insofar as they provide verifiable facts germane to this appeal. In addition, our conclusions are based solely on our independent analysis of those facts.

The appellant also objected to the inclusion of his supervisor's position description (PD) (Number LM7, classified as Supervisory Agricultural Commodity Grader (Meat), GS-1980-11) in the appeal record. That PD, and other documents referenced by the appellant in his letter, are requested by OPM as standard procedure in the appeal administrative report. The supervisor's PD provides information on how work is organized and on the nature of supervision exercised over the subordinate staff.

The appellant claimed there is no difference between the GS-1980-10 PD that he provided in his appeal and his GS-1980-9 PD #LM8 of record. The law requires our classification decisions be based solely upon a comparison between the actual required duties and responsibilities of the position and the appropriate PCS's. 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, such as the GS-1980-10 position cited by the appellant in his appeal rationale.

The PD for the GS-1980-10 position provided by the appellant contains many duties that parallel those performed by the appellant himself. However, that PD reflects a penological work environment that is materially different from the appellant's work environment. Like OPM, the appellant's agency must classify positions based on comparison to OPM's PCS's and guidelines. If the appellant considers the appealed position so similar to others that they warrant the same classification, he may pursue this matter by writing to his agency's human resources management headquarters. He 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 the appealed position, 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 him the differences between the appealed position and the others.

The appellant also objected to his employing agency classifier's lack of technical expertise in the GS-1980 occupation. Position classification does not require technical expertise in the occupations and positions analyzed. Rather, the primary and paramount function involves obtaining relevant facts about the position being reviewed, selecting the appropriate PCS's, and correctly interpreting the PCS's in the light of the facts to classify that position.

The appellant also maintained that "Any time additional duties are added to a position description there should be some credit due to the employee." Neither the quantity nor quality of an employee's work has any bearing on the classification of a position. In most instances, the highest level work assigned to and performed by the appellant for the majority of the time is grade determining. When the highest level of work is a smaller portion of the job, it may be grade determining only if it is officially assigned to the position on a regular and recurring basis, occupies 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 conducted telephone audits with the appellant on April 3 and April 5, 2000, and a telephone interview with the appellant's first-level supervisor, [name], on April 6, 2000. In deciding this appeal, we fully considered the audit findings and all information of record furnished by the appellant and his agency, including his current assignment and PD of record, #LM8. The appellant and his first-level supervisor agree that the PD of record contains the duties and responsibilities of the appellant's position and we incorporate it by reference into this decision.

Position Information

The primary function of the position is to examine and evaluate meat, meat products and livestock carcasses to determine their official U.S. grade and/or acceptability in terms of quality and condition in accordance with standards and related regulations. The appellant spends approximately 80 to 85 percent of his time on this work. Meat graded and certified includes beef, lamb, veal, and/or calf. Grading and certification are carried out in meat packing/processing plants and cold storage facilities. The appellant independently examines carcasses to assess a variety of characteristics and applies the official grading standards related to these characteristics that include maturity, marbling, fat streaking, color, texture, firmness, rib eye size, kidney, heart, and/or pelvic fat. Following prescribed procedures, he selects samples and examines meat food products for compliance with contract specifications.

The appellant performs carcass grading in facilities using either an automated "chain" method of carcass presentation or a stationary rail method. In chain grading facilities, carcasses move past the appellant on mechanized hooks at speeds ranging from 300 to 480 carcasses an hour. He determines the yield grade of carcasses by applying official standards involving such factors as carcass weight, amount of fat, and area of the ribeyes. He makes independent decisions, often

involving difficult or "borderline" determinations and must be able to defend those decisions by thoroughly explaining how they were reached.

The appellant independently defends grade or certification determinations to plant personnel, resolving most disagreements. He corrects errors observed and assists in maintaining relations with the plant's management by explaining application of relevant standards, rules, and regulations and advising on plant procedures as they relate to the requirements of the grading services, and by coordinating the grading work with plant activities. In certain cases, the appellant reevaluates carcasses previously identified for grade; records and forwards evaluation data for factors which determine the final quality and yield grade of specific carcasses identified for evaluation through the carcass data programs; and further evaluates live animals and carcasses according to Chicago Mercantile Exchange and schedule specification requirements such as breed types, quality and/or yield grade levels, sex, and weight range.

In addition, the appellant prepares and issues certificates, maintains permanent records relating to his work, and performs similar administrative tasks using written and computer formats. If he is assigned to work with lower graded co-workers, he provides on-the-job training in technical and administrative areas. When so designated he may serve as "Grader-in Charge," coordinating the work of several lower graded co-workers assigned to a specific location. When requested, he provides grading and/or certification demonstrations and reviews retail meat outlets for compliance with Public Law 272, which prohibits use of misleading grading nomenclature or improper use of official USDA grade terminology.

Series, title, and standard determination

The agency has placed the appellant's position in the Agricultural Commodity Grading Series, GS-1980, for which there is a published PCS, and titled it Agricultural Commodity Grader (Meat). The appellant has not disagreed, and we concur with these determinations.

Grade determination

The GS-1980 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. Conversely, the position may exceed those criteria in some respects and still not be credited at a higher level because it fails to meet all significant aspects at that particular level.

The appellant agrees with the following agency factor level evaluations of his position and, based on our analysis of the appeal record, we concur: Levels 3-3, 6-2, 7-3, 8-3, and 9-2. In his initial communications with OPM he disagreed with the agency factor level evaluations of 2-3, 4-3, and 5-3 and stated they should be 2-4, 4-4, and 5-4 respectively. During our first telephone audit, the appellant said he also disagreed with the agency crediting of Factor Level 1-6, stating he believed it should be Level -7. Accordingly, our appeal analysis focuses on the evaluation of the contested factors.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts which agricultural commodity graders must understand to do acceptable work and the nature and extent of the skills needed to apply that information or facts.

The knowledge required by the appellant's position compares closely to Level 1-6. As at Level 1-6, the appellant applies extensive overall knowledge enabling him to perform assignments involving a wide range of duties and resolve a wide variety of problems. His knowledge and skill is developed to the extent that he independently grades and/or inspects the primary products in the commodity group, and regularly makes borderline grading decisions or applies the full range of grading skills and knowledge at an extremely fast pace requiring instant determinations. He also uses knowledge of the standards, regulations, and rules to examine products against contract specifications and/or grade (both for quality and yield), making nearly all determinations independently, and uses skill in maintaining appropriate relations with industry personnel.

In contrast, at Level 1-7, the requirement is for advanced technical knowledge to recognize and identify extremely rare commodity defects and diseases and considerable experience and advanced training in grading and/or inspecting rare or unusual products in the relevant commodity group, e.g., unusual meats such as buffalo. At this level, graders regularly serve as technical experts performing final grading on reviews, making appeal determinations, resolving controversies, or providing broad technical guidance on difficult and controversial grading inspection problems. To meet Level 1-7, a grader in a field office must be responsible for making final authoritative determinations on appeals of decisions made by GS-9 grade level full performance level graders involving difficult, controversial, and borderline determinations. A grader meeting Level 1-7 must also have the skill to explain and demonstrate classing techniques and principles to guide and advise full performance level graders on difficult determinations.

The appellant's position does not require him to regularly perform final grading on reviews, make appeal determinations, be able to explain and demonstrate classing techniques and principles to full performance level graders, nor grade and/or inspect unusual meats. Those functions are generally performed by first-line supervisors or, in the case of unusual meats, specially trained commodity graders. The appellant is neither required nor authorized to carry out those functions. Therefore, Level 1-6 is credited (950 points).

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work. The principal considerations in determining the level of this factor are: (1) the amount of responsibility for planning and independence in carrying out daily assignments; (2) the range and type of problems the employee is required to solve independently; and (3) the depth of the technical/administrative review of the grader's work by the supervisor, officer-in-charge, or senior grader.

The supervisory controls on the appellant's position meet Level 2-3. As at that level, the appellant receives continuing assignments. The work objectives are well defined, and the appellant refers only unusual deviations from the assignment to the supervisor for assistance. When assigned with other graders to the same facility, he may share responsibility for coordinating the work with them. Occasionally he operates with lower graded employees, in which case he makes final grade determinations. He independently completes the successive steps to accomplish the work, adjusting specific work procedures to varying situations. During the assignment, technical assistance is normally not required and usually is not readily available. The appellant resolves nearly all technical problems, only rarely referring them to a supervisor. He normally has at least partial responsibility for dealing with plant management on major problems.

As at the Level 2-3, the appellant's work is reviewed for conformity to usual policies and procedures. His technical proficiency is spot checked, but generally the technical procedures he uses are not reviewed in detail. His supervisor visits on an average of 3 to 4 times per month, with seasonal variations. Once a month, the supervisor typically stays 2 to 3 hours, and randomly selects 10 carcasses, correlating his gradings of yield, grade quality, and maturity with those of the appellant as a check on the accuracy of the appellant's grading. The supervisor also, on a monthly basis, examines 20 head previously graded by the appellant and physically measures the carcasses to make an objective assessment of the accuracy of the appellant's grading. The supervisor also checks the accuracy of the appellant's grading of G1 certifications both on the chain and as phenotypes on the kill floor. As at Level 2-3, the appellant may have basically independent program responsibility for a large section or department of a plant or facility or may be assigned as the only grader at a plant or facility, depending on the difficulty of the problems requiring independent resolution or the volume of grading work required there.

In contrast, at Level 2-4 the grader's assignment normally includes coordinating the work of other full performance level graders by setting priorities, scheduling work coverage, or providing technical assistance. The grader also applies standards to unusual products, applies grade standards in unusual situations, and/or determines compliance with sanitation requirements. In addition, at this level, the grader has the primary responsibility for dealing with plant management on matters affecting the grading program at the plant or facility and is responsible for resolving any major problems involving sanitation, quality control, or general plant procedures or practices,

referring only very controversial matters to the field supervisor. The appellant does not typically coordinate the work of other full performance level graders. He is not delegated the authority to determine compliance with sanitation requirements. He does not have primary responsibility for dealing with plant management on issues affecting the grading program itself, or resolving major problems of quality control or general plant procedures. Those problems and issues are referred to his supervisor. Therefore, Level 2-3 is credited (275 points).

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

As at Level 4-3, the appellant performs a variety of duties that require applying different procedures and methods according to the phase of the assignment being performed. The pertinent factors to be considered also differ with the phase of work and the particular issue involved. Typically, these factors are technically complex. For example, the appellant's grading duties regularly encompass a variety of distinct products, product formulations, and contract specification types, as in a meat processing plant that processes beef, mutton, and veal. As at this level, his duties normally involve some inspection or monitoring of general sanitation conditions, conditions of product storage, containers, or packaging and may also include technical supervision of non-federal licensed graders or inspectors. His decisions are based on complex and detailed grading regulations and procedures for each of several types of meat - beef, lamb, and veal. Each type has separate and distinct grading criteria and all are of similarly high degrees of complexity and specificity.

In contrast, Level 4-4 is characterized by the requirements to make many decisions concerning the adaptation or modification of grading or inspection regulations or procedures, or the modification of grading standards or procedures. In addition, typically complex activities at this level include developing modified sanitation inspection procedures for a new processing plant, performing staff work to plan grading operations in a new area, and resolving grading or inspection procedural problems when data is conflicting or incomplete. The appellant is neither required nor authorized to modify the grading or inspection regulations or modify the grading standards or procedures. He is not authorized to modify sanitation inspection procedures for new processing plants. The extremely detailed and specific steps in the grading procedure preclude the making of decisions of adaptation and modification envisioned at Level 4-4. Therefore, Level 4-3 is credited (150 points).

Factor 5, Scope and effect

This factor covers the relationship between the nature of the work , i.e., the purpose, breadth, and depth of the assignment, and the effect of the grading and/or inspection services provided both within and outside the organization.

As at Level 5-3, the appellant applies standards and regulations to determine the grade or acceptability of meat or meat-food products, and resolves problems with plant personnel concerning the determinations or related difficulties. His grade and inspection determinations directly affect the economic value of the products and the financial interests of the producer, processor, wholesaler, or receiver of the meat. He issues grade certificates, inspection reports, and similar work products which directly affect the financial interests of all those having an economic claim on the product or its production.

In contrast, at Level 5-4, the scope and effect is widened by making authoritative final determinations on inspections and gradings and furnishing review or advisory services on unconventional problems or questionable characteristics. The appellant is not responsible for inspections of this scope. Although the appellant has the degree of expertise required to justify confidence in his gradings, he is not typically called upon to provide the advisory services on unconventional problems or questionable characteristics. When plant personnel dispute the gradings of the appellant in an attempt to obtain a more valuable higher grading for the carcasses, he generally succeeds in convincing them of the accuracy of his gradings. However, should he be unable to convince the plant personnel of the accuracy of his gradings, the authoritative final determinations are made by his immediate supervisor or by a still higher level of supervision. Therefore, Level 5-3 is credited (150 points).

Summary

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

Factor	Level	Points
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts	6-2	25
7. Purpose of contacts	7-3	120
8. Physical demands	8-3	50
9. Work environment	9-2	20
Total points:		2,015

8

A total of 2,015 points falls within the GS-9 grade level point range of 1,855-2,100 points on the Grade Conversion Table in the GS-1980 PCS.

Decision

The appealed position is classified properly as Agricultural Commodity Grader (Meat), GS-1980-9.