

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

Atlanta Oversight Division
75 Spring Street, SW., Suite 1018
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Classification Appeal Decision
Under section 5112 of title 5, United States Code

Appellant: [Appellant]

Agency classification: General Engineer
GS-801-12

Organization: Department of Veterans Affairs
Veterans Health Administration

OPM decision: Civil Engineer
GS-810-12

OPM decision number: C-0810-12-03

/s/

Virginia L. Magnuson
Classification Appeals Officer

10/04/01

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Since this decision changes the title and series 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, as permitted by 5 CFR 511.702. The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[Appellant]

Mr. William Ellison
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Introduction

On May 5, 2001, the Atlanta Oversight Division, Office of Personnel Management (OPM), accepted an appeal for the position of General Engineer, GS-801-12, [organization], Veterans Health Administration, Department of Veterans Affairs, [geographic location]. The appellant requests that his position be reclassified to GS-13. We received a complete administrative report from the agency on July 30, 2001.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code (U.S.C.). This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart f, of title 5, Code of Federal Regulations.

General issues

The appellant seeks retroactive pay for responsibilities assigned to him since January 1997. He contends that he was hired under a false position description, the duties of his position have greatly exceeded the previous grade, and the duties are erroneously classified. However, the U.S. Comptroller General states that an "...employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted... Consequently, backpay is not available as a remedy for missassignments to higher level duties or improper classifications." (CG decision B-232695, December 15, 1989).

The appellant furnished a list of past and proposed duties and responsibilities and an unclassified position description with promotion potential to GS-13 dated November 16, 1999. Only current duties and responsibilities officially assigned to the incumbent of a position can be considered in classifying positions. Therefore, we cannot consider duties performed over a year ago, proposed duties, or the unclassified position description in deciding this appeal.

During the interview, the appellant compared his position to other positions he believes are similar to his but classified differently. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official position description.

Position information

Given the confusion regarding the appellant's correct position description, it is useful to provide some background information. The agency certified the accuracy of position description number [#]. The supervisor and appellant certified position description number [#]. Upon further review, the agency found it had mistakenly entered the position description into their numbering

log twice. This established two different position description numbers for the same position. The agency and the supervisor recertified the accuracy of position description number [#].

Based on our findings, the position description does not meet the standards of adequacy described on pages 14 and 15 in the *Introduction to the Position Classification Standards*. A position description is a statement of the major duties, responsibilities, and supervisory relationships of a given position. The description of each position must be kept up to date and include information about the job which is significant to its classification. For a nonsupervisory position, the position should include enough information so that proper classification can be made when the description is supplemented by other information about the organization's structure, mission, and procedures. The position description should be written to clearly define the major duties assigned and the nature and extent of knowledge and responsibility required. Qualification requirements should be evident from reading the description, and specialized requirements not readily apparent from the description should be specifically mentioned and supported by the described duties.

The position description states the appellant is responsible for coordinating and implementing all aspects of the Capital Asset Management Program. The appellant evaluates capital investment proposals and funding for major, minor and non-recurring construction programs, equipment, and other real property, and ensures the program is consistent with Department, agency, and network strategic goals and objectives. He provides technical expertise, research, and support to a variety of committees and task groups, reviews current and projected healthcare delivery for ability to support service delivery, recommends reconfiguration requirements for assets, and considers alternatives to enable the network to enhance services to veterans and/or to generate revenue. The appellant prepares reports, surveys, spreadsheets, presentations, charts, graphs, correspondence, etc., and responds to general, technical and congressional inquiries. He is also responsible for timely and accurate submission of all reports required by management. The appellant is the network's liaison with headquarters and other organizations, contractors, medical centers, and other networks for the Capital Asset Management Program.

Capital Asset Management is a long-range planning process coupled with a disciplined budget process that manages a portfolio of capital assets and proposed investments. For example, the appellant reviews proposals to ensure they are completed in accordance with program requirements and within established time frames. Incomplete information and problems are coordinated and resolved with the initiating party. Since Capital Asset Management is a long-range planning and budget process, knowledge of strategic and workforce planning and budget formulation and execution functions are essential, but ancillary to the appellant's engineering responsibilities and knowledge.

The position description does not adequately identify the knowledge required to perform these duties. Although the capital asset portfolio includes leases, enhanced use of initiatives, medical equipment, non-medical equipment, and information technology equipment and infrastructures, the appellant is not required to have full professional knowledge or extensive experience in any of these program areas. For example, the appellant is a member of the Capital Investment Board (CIB). In this capacity, the appellant is one of several subject-matter experts on a multi-disciplinary review board responsible for ensuring that proposals are sufficiently developed prior

to review by the Capital Asset Management Board (CAMB). Each member of the CIB contributes to the process by providing guidance and expertise in his/her respective program area, e.g., acquisition management, real estate, biomedical equipment, health sciences, property management and disposal.

The appellant's paramount duty is review of minor construction, major construction, and non-recurring maintenance construction proposals for technical accuracy and feasibility, alternative considerations and cost saving options. The work requires general knowledge of the physical sciences and the theory of structures. It requires consideration of the nature of soils and/or earth formations used as foundations, construction materials, and familiarity with related engineering disciplines to make sound judgments and to identify problems in proposed construction projects.

The position description does not accurately define the nature and extent of supervision received in carrying out the duties assigned by management. For example, the position description states the appellant works under the general administrative supervision of the Business Manager. Work is assigned in terms of broadly defined missions, overall program goals, objectives, and functions of the Capital Asset Management Program. While most assignments are performed independently as part of the capital asset planning cycle, the supervisor states that the appellant is also assigned action items received from Central Headquarters Office and other offices in terms of expected results, priorities, and deadlines for completion.

The position description also states that the appellant sets program priorities, resolves conflicts as they arise, and coordinates work with others in conjunction with the supervisor. The work is performed within established policies and guidelines, and the appellant reviews capital assets and funding proposals against specific criteria established by higher authority. In addition, higher levels within the agency set program priorities, and all minor construction proposals are reviewed and approved by headquarters. Based on information furnished by the agency and the supervisor, the appellant does not function at the level of autonomy described in the position description.

Since position descriptions must meet the standard of adequacy in the *Introduction to the Classification Standards*, we have directed the agency, by separate letter, to review and revise the appellant's position description to meet that standard.

Series determination

The agency placed the appellant's position in the General Engineering Series, GS-801. The appellant does not contest the agency's determination. We disagree.

The GS-801 series includes all classes of positions which advise on, administer, supervise, or perform research or other professional and scientific work of a special or miscellaneous character not specifically classifiable in any other engineering series, but which involve the application of a knowledge of such engineering fundamentals as the strengths and strain analysis of engineering materials and structures, the physical and chemical characteristics of engineering materials such as limits, maximum unit stresses, coefficients of expansions, workability, engineering methods

of construction and processing, etc.; or positions involving professional work in several branches of engineering.

The appellant's work requires familiarity with the general principles of other engineering disciplines, but does not require the degree of knowledge required for classification to the GS-801 series. For example, positions classified in the GS-801 series perform work at the journey level in three or more engineering disciplines. However, contractors such as the Corps of Engineers and architect/engineering firms provide professional consultant services on the resolution of energy conservation, environmental engineering concerns and problems, and on hazardous materials and toxic waste program management. In addition, chief engineers at each medical center are available to answer technical questions and resolve problems on any engineering aspect of the proposed work. A senior engineer in headquarters reviews and approves all proposals for minor construction projects. Therefore, the work does not require full professional knowledge in several engineering disciplines.

The Civil Engineering Series, GS-810, includes professional positions in the field of civil engineering, typically requiring application of general knowledge of the physical sciences and mathematics underlying engineering, and specialized knowledge of the mechanics of solids, particularly of soils, hydraulics, theory of structure, strength of materials, engineering geology, and surveying. Positions in this series have responsibility for management, supervision, or performance of planning, designing, construction, and/or maintaining structures and facilities that provide shelter, support, transportation systems and control of natural resources, investigating, measuring, surveying and mapping the earth's physical features, and phenomena, and research and development activities.

Civil engineers involved in planning and design functions require familiarity with electrical, mechanical, utility and structural requirements for planning and design projects, as well as related disciplines, e.g., environmental, safety, geology, and architectural. Civil engineers also have responsibility pertaining to any or all phases of facilities engineering such as initiation of technical and economic feasibility studies, development of presentations of proposals for work and budget approval, planning and design, and construction and maintenance.

The appellant's paramount work is similar to the work performed by civil engineers. He reviews capital investment proposals for work that involve plans and designs for construction and maintenance projects, and ensures they are technically accurate, feasible, and aligned with strategic goals for budget approval. This technical review requires application of a professional knowledge of physical science, theory of structures, soil, etc., similar to the general and specialized knowledge utilized by civil engineers. Since the work and knowledge requirements are specifically covered by the Civil Engineering, GS-810, series and the work does not require performance of work in several branches of engineering, the position is excluded from the General Engineering Series, GS-801.

The position is properly placed in the Civil Engineering Series, GS-810.

Title determination

In accordance with the titling practices outlined on page 7 of the GS-810 series, the position is titled Civil Engineer.

Standard determination

Series Definition for General Engineer Series, GS-801.

Civil Engineer Series, GS-810, December 1964.

General Grade Evaluation Guide for Nonsupervisory Professional Engineering Positions, GS-800 (GGEG), June 1971.

Grade determination

The agency used the GGEG to evaluate the appellant's engineering program responsibilities. We do not concur. The GGEG is used to classify positions in series for which there are no specific grade-level standards. The appellant's work is appropriately covered by the GS-810 series which contains grade level criteria.

The GS-810 series is divided into four parts. Part I covers grading criteria for entry level professional engineering positions at grades GS-5 and GS-7 and is not applicable. Part II covers civil engineering planning and design functions; Part III covers construction; and Part IV covers facilities engineering management. Although the work involves aspects of planning and design functions and construction, we find that Part IV is appropriate for classifying the appellant's engineering duties and responsibilities. Positions covered by Part IV may have responsibilities pertaining to any or all phases of the engineering of facilities, such as the following: initiation of technical and feasibility studies, development and presentation of proposals for work and budget approval, planning and design, construction, and maintenance.

Facilities engineering management falls into three broad groups: *Guidance, Development, and Coordination*. Facilities engineering programs are in agencies with three general types of engineering responsibility defined in this standard as *Construction agency, Control agency and Sponsor agency*. We find that the appellant performs various degrees of guidance, development, and coordination tasks for a control agency at the intermediate level (first geographic regional subdivision) of the agency.

Grade levels are defined in terms of the scope and complexity of facilities for which the position has engineering management responsibilities, the range of facilities engineering activities managed, and the level of responsibility assigned. The grade level definitions include examples illustrating these elements.

At GS-12, the engineer is fully responsible for development and coordination functions relating to facilities of substantial complexity and variety, possibly in a number of locations, or under the control of a number of different activity managers. This means that facilities engineering management must be accomplished under a number of statutory, regulatory and procedural restrictions and jurisdictions. At the agency or intermediate level of an organization, the GS-12

engineer usually serves as an assistant to a higher graded engineer, with responsibility for a portion of the facilities program assigned to that engineer. In such assistant assignments, the facilities for which the GS-12 engineer is responsible are more complex and varied than those typical of the full responsibility as described above. The engineer must apply experienced professional judgment in dealing frequently with specialized facility requirements. This often requires that the engineer search out and develop new or greatly modified methods and approaches to accomplish the facility engineering management function. The engineer works with considerable freedom from technical guidance, and his/her recommendations for action in matters of normal engineering practice are considered authoritative. He/she is expected to obtain supervisory guidance or clearance on actions that may be of a controversial nature, or that represent a new approach or course for the organization. The work also is complicated by the presence of problems or the requirement to respond to different activity requirements or standards, and the requirement for compliance with differing legal and technical requirements under various jurisdictions. For example, the GS-12 engineer may serve as an assistant to the engineer responsible for all maintenance, repair and operation activities for the national parks in a large geographic region, and perform development and guidance functions with respect to programming projects and work items needed to keep park facilities in optimum condition. The facilities serve varied activities, including scenic improvements; natural resource conservation; lodging, camping and various recreational activities; and preservation of historic buildings and sites. Because of the distinctive physical and use characteristics of each park, the consideration in determining need for work to be done and the methods of its accomplishment cannot be highly standardized.

The GS-12 level is met. The appellant is responsible for coordinating, developing, and providing guidance to field organizations on a variety of capital investment proposals for the construction and maintenance of medical facilities and two division medical centers within a large geographical area. Facilities range in age from a recently completed bed tower to historical facilities on several campuses, including leased property totaling 328,616 additional square feet, a mix of community based outpatient clinics and miscellaneous support functions, and equipment totaling more than \$300,301,969. Each medical center has a variety of repair, renovation and modernization, and construction needs, some with specialized requirements to maintain operations. The appellant maintains contacts with medical center engineers, contractors, and other specialists to discuss the technical aspects of proposed work, recommend alternative approaches to plans and designs, and to follow up on progress of approved projects and funding, emerging issues and change orders.

Most of the appellant's assignments are self-generated. He independently carries out his assignments within established program guidelines and requirements. He resolves conflicts as they arise, coordinates work with others in conjunction with the supervisor, and refers unusual situations involving long-term consequences to the supervisor. Completed work is reviewed in terms of expected results, priorities, and deadlines for completion. The appellant also assists and coordinates the organization's minor construction program with a higher graded engineer in the headquarters office.

At GS-13, engineers have full development and coordination responsibility over a broad range of facilities engineering activities, covering a variety of complex facilities in a sizable geographic

area. Often, the facilities are under the control of a number of separate organizations. Because of the geographic dispersal of the facilities and the number of controlling organizations, the engineer must be conversant with and apply a variety of statutory, regulatory, funding, and procedural controls in facilities engineering management.

The GS-13 engineer receives assignments on the basis of recognized competence, demonstrated through considerable experience related to the area of assignment. He is subject to very general supervision and his work is judged mainly for achievement of productive results.

In dealing with widely scattered organizations and groups, the GS-13 engineer's contacts are initiated and carried out largely at his own initiative. He initiates action (project directives, correspondence, reports, conferences, etc.) on all matters pertaining to his area of assignment. He refers to his superior those matters that impinge on programs or projects outside his jurisdiction, or those that require higher echelon interpretation or formulation of policy. He also discusses with the superior those matters likely to generate significant controversy or interest, or that indicate need for significant redirection or program activities. The GS-13 illustration identifies responsibility for program development and limited guidance functions pertaining to the construction and rehabilitation of family housing and appurtenant community facilities for bases of a major military command scattered throughout the country.

The GS-13 level is not fully met. The appellant does not oversee the broad range of facilities engineering activities covering a variety of complex facilities in a sizeable geographic area, found at the GS-13 grade level. Although the appellant is responsible for overseeing a program for several states, he is not responsible for major projects that involve a large number of jurisdictional issues typically found at the GS-13 level. The appellant also works with considerable freedom from technical guidance and his recommendations on normal engineering practice are considered authoritative. While the supervisor does not provide technical guidance, the CAMB, comprised of higher graded technical specialists and engineers, reviews and approves controversial engineering decisions on major plans and funding proposals. This level of responsibility and review over work does not meet the GS-13 level. Therefore, the GS-13 cannot be credited.

The appellant's engineering program functions are evaluated at the GS-12 grade level.

Decision

The position is properly classified as Civil Engineer, GS-810-12.