

120 Howard Street, Room 760
San Francisco, CA 94105



**Classification Appeal Decision
Under Section 5112 of Title 5, U.S. Code**

Appellant:	[appellant's name]
Position:	Supervisory Public Utilities Specialist GS-1130-13
Organization:	Department of Veterans Affairs [appellant's activity]
Decision:	GS-1130-13; title at agency discretion
OPM decision number:	C-1130-13-01

Signed by Denis J. Whitebook
DENIS J. WHITEBOOK
CLASSIFICATION APPEALS OFFICER

October 16, 1996
DATE

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision 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).

Decision sent to:

[appellant's name and address]

[address of appellant's servicing personnel officer]

Deputy Assistant Secretary for Personnel
and Labor Relations
Department of Veterans Affairs
Washington, D.C. 20420

Introduction

On February 13, 1996, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. His position is currently classified as Supervisory Public Utilities Specialist GS-1130-13. However, he believes that its classification should be GS-14. He works in the [appellant's activity, Department of Veterans Affairs (VA)]. We have accepted and decided his appeal under 5 U.S. Code 5112.

General issues

The appellant disagrees with his agency concerning the classification of his and his subordinates' positions. The agency did not audit the positions and he disagrees with the GS-11 classification of the subordinate positions and the two grade level difference between his position and his highest graded staff. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his position description (PD) 9276, and obtained through interviews with the appellant and [the Chief, Engineering Service, at the appellant's activity].

Position information

The appellant directs the Utilities Management Program (UMP). The mission of the UMP is to provide VA facilities and other Federal agencies nationwide with natural gas in the most cost effective manner possible and develop innovative solutions in an ever changing utilities industry. The UMP operates under a Board of Directors made up of representatives from facilities using the service. The UMP's funding is derived from a unit cost charged to the participating facilities derived from the volume and the overall cost savings. The operating budget for the UMP is \$300,000. This total volume was \$22.5 million this past year and cost savings reached about \$4 million. The appellant supervises 4 positions. One GS-11 position is staffed, one is vacant, and 2 positions are filled with trainees. The GS-11 position was vacated last month and the appellant hopes to fill the position at the full performance level in the spring of 1997. The UMP started in 1984 with one VA facility. By 1990 it had expanded to 11 facilities, then to 21 during 1992 and 1993. In 1995 it grew to 35 facilities and it now serves 65 VA facilities. There is a total of 178 VA facilities. According to the appellant, 105 of these facilities (including the 65 participating facilities) can be assisted by the UMP. He has plans to contact 40 facilities in Fiscal Year 1997.

The natural gas supply is on a performance type contract and is issued from each of the four geographic regions. The contracting officers are located at the VA Medical Centers in Seattle, Washington; Kansas City, Missouri; Wilkes-Barre, Pennsylvania; and Temple, Texas. The contract supplier is required to deliver 100 percent of a facility's natural gas needs except for pipeline interruption or curtailment. If a facility is interested in using the UMP, it submits copies of its natural

gas utility bills for the past 12 months for analysis. The analysis is provided via a spreadsheet indicating the potential cost avoidance. If the cost avoidance is adequate (at least 5 percent), a Memorandum of Understanding (MOU) can be signed by the agency. When the MOU and 3 years of monthly natural gas usage data are returned to the UMP, the appellant will analyze the usage data, rate schedules, etc., to help obtain a transportation agreement with the facility's local gas company and natural gas suppliers serving the contract in the geographic region. Interagency agreements are signed with other Federal agencies. The UMP staff nominates and balances gas for the participating facilities; negotiates with the local distributing companies, suppliers, and transporters to place each facility on the most advantageous rate schedule; monitors the contractors' performance, negotiates to obtain compliance, and works with the contracting officer to obtain corrections; advises facility staffs on various ways to reduce their energy costs; and monitors the billing. The appellant is performing the work normally carried out by his staff part of the time because of the recent position vacancy and the trainee status of the other 2 employees.

Under the direction of a member of the Board of Directors, the appellant is researching and preparing for the addition of electrical utilities to the UMP when the industry is deregulated. This has involved reading industry periodicals, rate cases, and tracking the law in Congress. He is setting up a board of review to review deregulation. He is also setting up meetings at different facilities for meetings on how deregulation will affect VA and how to cut costs. He is also exploring the opportunity to franchise which would allow the UMP to purchase, store a large volume of gas in the pipeline, and sell the product. The appellant and/or his subordinate Public Utility Specialist GS-11 employees opened the Texas natural gas deregulated market to all Federal agencies and their facilities, negotiated with the Department of Energy to use their depleted oil fields to store natural gas, and obtained a delegation of contracting authority from GSA for the UMP to negotiate and execute utility services contracts for the use and benefit of VA and other Federal agencies.

The appellant is responsible to the Chairman of the Board of Directors for program matters. He receives supervision concerning personnel and other administrative matters from the Chief, Engineering Service, [appellant's activity]. Travel or leave authorizations are approved by the Director of the [appellant's activity].

The interviews, official PD, and other information of record furnished by the appellant and his agency provide additional details about the appellant's duties and responsibilities and how they are performed.

Series title, and standards

We find that the appellant's position is best covered by the Public Utilities Specialist Series, GS-1130, and evaluated by reference to the General Schedule Supervisory Guide. Neither the agency nor the appellant disagrees.

OPM has prescribed no titles for positions in the GS-1130 series. Therefore, according to page 18 of the introduction to the classification standards, the appellant's agency may choose the official title for his position. In doing so, the agency should follow the titling guidance on that page.

Grade determination

The GSSG employs a factor-point evaluation method that assesses six factors common to all supervisory positions. To grade a position, each factor is evaluated by comparing the position to the factor level definitions for that factor and crediting the points designated for the highest factor level which is met in accordance with the instructions specified to the factor being evaluated. If one level of a factor is exceeded, but the next higher level is not met, credit the lower level involved. The total points accumulated under all factors are then converted to a grade by using the point-to-grade conversion table in the GSSG. Each factor is evaluated as follows for the appellant's position.

Factor 1, Program Scope and Effect -- Level 1-3 -- 550 points

a. Scope - This element addresses the general complexity and breadth of (1) the program or program segment directed; and (2) the work directed, the products produced, or the services delivered. The geographic and organizational coverage of the program or program segment within the agency structure is to be addressed under Scope. The agency evaluated this factor at Level 1-3.

- At Level 1-3, the supervisor directs a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage which encompasses a major metropolitan area, a State, or a small region of several States; or, when most of an area's taxpayers or businesses are covered, coverage comparable to a small city. Providing complex administrative or technical or professional services directly affecting a large or complex multimission military installation also falls at this level.
- At Level 1-4, the supervisor directs a segment of a professional, highly technical, or complex administrative program which involves the development of major aspects of key agency scientific, medical, legal, administrative, regulatory, policy development or comparable, highly technical programs; or that includes major, highly technical operations at the Government's largest, most complex industrial installations.

Comparable to Level 1-3, the appellant directs the Utilities Management Program that performs administrative public utilities work. The UMP covers 65 VA facilities across the nation. The UMP does not develop major aspects of *key* VA administrative, regulatory, policy development or comparable, highly technical programs as described at Level 1-4.

b. Effect - This addresses the impact of the work, the products, and/or the programs described under "Scope" on the mission and programs of the customer(s), the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

- At Level 1-3, activities, functions, or services accomplished directly and significantly impact a wide range of agency activities, the work of other agencies, or the operations of outside interests (e.g., a segment of a regulated industry), or the general public. At the field activity level (involving large, complex, multimission organizations and/or very large serviced populations) the work directly involves or substantially impacts the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions.
- At Level 1-4, work impacts an agency's headquarters operations, several bureauwide programs, or most of an agency's entire field establishment; or facilitates the agency's accomplishment of its primary mission or programs of national significance; or impacts large segments of the nation's population or segments of one or a few large industries; or receives frequent or continuing congressional or media attention.

The UMP impacts the cost effectiveness of the natural gas used by 65 of the 105 VA facilities that the UMP can assist and other Federal agencies (e.g., U.S. Mint, Denver). We did not find that the UMP work impacts most of an agency's *entire* field establishment or facilitates the VA's accomplishment of its *primary* mission or programs of national significance.

Both scope and effect are evaluated at Level 1-3; therefore, this factor is evaluated at Level 1-3 and 550 points are credited.

Factor 2, Organizational Setting -- Level 2-2 -- 250 points

This factor considers the organizational situation of the supervisory position in relation to higher levels of management. The agency evaluated this factor at Level 2-3 since the appellant reports to the Chairman of the Board, an SES position. However, for purposes of determining reporting levels under this factor, if the position reports to two positions, we must select the factor level associated with the position which has responsibility for performance appraisal (GSSG, page 14). The Chief, Engineering Service (a Supervisory General Engineer GS-801-14 position) is responsible for the appellant's performance appraisal. The Chief, Engineering Service indicated that the appellant keeps him informed of program issues and he discusses the appellant's performance appraisal with the Chairman and he will be influenced by the Chairman's comments, but he is responsible for the performance appraisal. A copy of the appellant's performance appraisal in the record was signed by the Chief, Engineering Service as the rater. Level 2-2 covers positions accountable to a position that is one reporting level below the first SES position in the direct supervisory chain.

This position is evaluated at Level 2-2 and 250 points are credited.

Factor 3, Supervisory and Managerial Authority Exercised -- Level 3-2c -- 450 points

This factor covers the delegated supervisory and managerial authorities which are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and

responsibilities to the extent described for the specific level. The agency evaluated this factor at Level 3-2.

The appellant's position exercises nearly all of the 10 personnel authorities described at Level 3-2c on pages 16-17 of the GSSG. However, we did not find that the appellant's position was delegated the managerial or supervisory authorities described in either paragraph a or b of Level 3-3.

The appellant's position is not delegated the type of managerial authority described at Level 3-3a on page 17 of the GSSG. Level 3-3a requires that the position direct lower and subordinate organizational units. The appellant directs a small unit with 4 subordinates.

At Level 3-3b, the supervisor must exercise all or nearly all of the delegated supervisory authorities and responsibilities described at Level 3-2c of this factor and, in addition, at least eight of the fifteen supervisory authorities and responsibilities listed on pages 17-18 of the GSSG. The appellant does exercise some Level 3-3b authorities, but fewer than eight. For instance, as director of the UMP he exercises significant responsibilities in advising management officials of higher rank (#2), he approves expenses comparable to within-grade increases and employee travel (#13), he recommends awards for nonsupervisory personnel (#14), and he finds ways to promote team building (#15). However, the appellant's position does not fully meet Level 3-3b.

Level 3-3b is generally intended to credit second- or higher-level supervisory authority; however, it may also be credited to first-level supervisors over organizations of sufficient size as to require the use of other employees to assist in directing the work. Level 3-3b contemplates a *requirement* to use at least two or three subordinate supervisors, team leaders, or comparable personnel to *direct* the work of the unit. The UMP is very small as it consists of the appellant and 4 subordinates. The GS-11 specialist position is involved in training the trainees and acting in the appellant's absence. Generally, it is expected that employees in two-grade interval occupations will be required to provide technical guidance to lower-graded employees; however, this responsibility is not equivalent to the role of a leader. We also cannot consider the work performed in the absence of the appellant (*The Classifier's Handbook*, page 47). The GS-11 positions do not perform as leaders. The appellant's position does not direct an organization of the size to require the use of two or three subordinate supervisors or leaders.

The appellant's position fully meets Level 3-2c and 450 points are credited.

Factor 4, Personal Contacts -- Level 4A-3/4B-3 -- 75/100 points

This is a two part factor which assesses the nature and the purpose of personal contacts related to supervisory and managerial responsibilities. The nature of the contacts, credited under Subfactor 4A, and the purpose of those contacts, credited under Subfactor 4B, must be based on the same contacts.

Subfactor 4A, Nature of Contacts - this subfactor covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal

contacts involved in supervisory and managerial work. To be credited, the level of contacts must contribute to the successful performance of the work, be a recurring requirement, have a demonstrable impact on the difficulty and responsibility of the position, and require direct contact. The agency evaluated the appellant's contacts at Level 4A-2.

To meet Level 4A-3, the appellant must have frequent contacts with high ranking military or civilian managers, supervisors, and technical staff at bureau and major organization levels of the agency; with agency headquarters administrative support staff; or with comparable personnel in other Federal agencies. Comparable to Level 4A-3, the appellant indicates that he has weekly, if not daily, contacts with the Chairman of the Board of Directors and a member of the Board of Directors concerning matters such as deregulation of the electrical utility industry and franchising. He also has contacts with VA Medical Center directors, their chiefs of engineering service, and General Services Administration regional energy managers advising them of potential energy cost savings. He has quarterly teleconferences with the Board of Directors concerning various program issues and the Director, Public Utilities, Public Building Service, General Services Administration, to establish the priority of facilities to be handled for that agency and also contractual issues. These contacts include those which take place in meetings and conferences and unplanned contacts for which the appellant is designated a contact point by higher management. These contacts require up-to-date technical familiarity with the natural gas industry. The nature of the appellant's contacts meet Level 4A-3.

The appellant's contacts do not meet Level 4A-4 where the supervisor has frequent contacts with executive level contracting and other officials of major defense contractors, flag or general officers, etc.

This subfactor is evaluated at Level 4A-3 and 75 points are credited.

Subfactor 4B, Purpose of Contacts - This subfactor covers the purpose of the personal contacts credited in Subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities related to supervision and management. The agency evaluated this subfactor at Level 4B-3.

At Level 4B-3, the purpose of contacts is to justify, defend, or negotiate (1) in representing the project, program segment(s), or organizational unit(s) directed, (2) in obtaining or committing resources, *and* (3) in gaining compliance with established policies, regulations, or contracts. Contacts at this level usually involve active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance to the program or program segment(s) managed. Comparable to Level 4B-3, the appellant negotiates with contractors and potential participants; he justified increases in staff to the Board of Directors; and he negotiates with contractors to obtain compliance with regulations and contracts.

We did not find that the purpose of the appellant's contacts meet Level 4B-4 where the purpose is to influence, motivate, or persuade persons who are sufficiently fearful, skeptical, or uncooperative to accept opinions or take actions related to advancing the fundamental goals of the program

directed, or involving the commitment or distribution of major resources, when intense opposition or resistance is encountered due to significant organizational or philosophical conflict, competing objectives, major resource limitations or reductions, or comparable issues.

This subfactor is evaluated at Level 4B-3 and 100 points are credited.

This factor is evaluated at Levels 4A-3 and 4B-3 and a total of 175 points is credited.

Factor 5, Difficulty of Typical Work Directed -- Level 5-6 -- 800 points

This factor measures the difficulty and complexity of the basic work most typical of the organization(s) directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others. The agency evaluated this factor at Level 5-6 which recognizes a GS-11 base level and the appellant believes the subordinate positions should be classified at a higher level.

The employee in the subordinate Public Utility Specialist GS-1130-11 position filed a classification appeal requesting his position be graded at the GS-13 level. Our decision found that the subordinate position is properly classified at the GS-11 level. The grade level evaluation is treated fully in this companion decision. The GS-11 level meets the criteria for base level found on pages 23-24 of the GSSG. This factor is evaluated at Level 5-6 and 800 points are credited.

Factor 6, Other Conditions -- Level 6-4a -- 1120 points

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. To evaluate Factor 6, two steps are used. First the highest level that a position fully meets is initially credited. Then, if the level selected is either 6-1, 6-2, or 6-3, the Special Situations listed after the factor level definitions are considered. If a position meets three or more of the situations, then a single level is to be added to the level selected in Step 1. If the level selected under Step 1 is either 6-4, 6-5, or 6-6, the Special Situations cannot be considered in determining whether a higher factor level is creditable. The agency credited Level 6-4.

To meet Level 6-5a, supervision and oversight requires coordination and integration of work comparable in difficulty to the GS-12 level. The appellant directs work properly classified at the GS-11 level. The appellant's position would not meet Level 6-5b where the supervisor directs GS-13 level work or Level 6-5c where the supervisor manages work through subordinate supervisors who each direct substantial workloads at the GS-11 level.

Supervision at Level 6-4a requires substantial coordination and integration of a number of major work assignments, projects, or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-11 level. Such coordination may involve work comparable to an example on page 27 of the GSSG. The appellant's position is comparable to the

third example as he is responsible for ensuring compatibility and consistency of interpretation, judgment, logic, and application of policy by the subordinate public utility specialists.

This factor is evaluated at Level 6-4a and 1120 points are credited.

Summary

In sum, we have evaluated the appellants' positions as follows:

Factor	Level	Points
1. Program Scope & Effect	1-3	550
2. Organizational Setting	2-2	250
3. Supervisory & Managerial Authority Exercised	3-2	450
4. Personal contacts		
4A-Nature of Contacts	4A-3	75
4B-Purpose of Contacts	4B-3	100
5. Difficulty of Typical Work Directed	5-6	800
	6-4	<u>1120</u>
6. Other conditions		
Total points:		3345

A total of 3345 points falls into the GS-13 range (3155-3600). The appellant's position is evaluated at the GS-13 level.

Decision

The appellant's position is properly classified to the Public Utility Series, GS-1130 at the GS-13 level and titled at the agency's discretion according to titling guidance on page 18 of the introduction to the standards.