


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

Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242

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

Appellant:	[The Appellant]
Agency classification:	Supervisory Realty Specialist GS-1170-12
Organization:	Planning and Control Branch Real Estate Division U.S Army Corps of Engineers, [The Specific District] [The Specific City and State]
OPM decision:	Supervisory Realty Specialist GS-1170-12
OPM decision number:	C-1170-12-01

/s/ Bonnie J. Brandon
Bonnie J. Brandon
Classification Appeals Officer

January 30, 1998
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).

Decision sent to:

[The appellant]

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Introduction

On September 25, 1997, the Dallas 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 Realty Specialist, GS-1170-12. He believes his classification should be Supervisory Realty Specialist, GS-1170-13. The appellant is the chief of the Planning and Control Branch, Real Estate Division, [specific] District, U.S. Army Corps of Engineers, [specific location of appellant's position]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide the appeal, an Oversight Division representative conducted a telephone audit of the appellant's position on December 19, 1997, and had followup discussions with the appellant, his supervisor and servicing personnel office representatives. In reaching our decision, we have reviewed the audit findings and all information of record furnished by the appellant and his agency, including his official position description (PD), 03389.

Position information

The appellant is chief of one of four branches in the Real Estate Division. The Division carries out projects involving real estate acquisition (i.e., purchase and lease), management, and disposal, for both military and civil works purposes. The appellant directs the work of the Planning and Control Branch which is responsible for the initial data and site analysis of proposed real estate projects, the preparation of project planning reports and design memoranda, the development of project schedules and budgets, and the continual monitoring and control of project activities and expenditures. The appellant's organization also is responsible for formulating and managing the day-to-day operating budget for the entire Real Estate Division. To mention a few duties in his PD, the appellant directs the collection, preparation, assembly, and review of current property ownership information, legal descriptions, aerial photogrammatic mapping and surveys, and various maps and plats relating to real estate acquisition. The appellant directs the performance, coordination, and control of various project and program funds, including the planning and preparation of operating budgets and schedules, and maintenance of accounts and account reports. The appellant also is responsible for promoting and maintaining harmonious and effective working relationships with local governments/communities that facilitate the completion of local/Federal cost sharing agreements for the execution of needed flood control/protection projects.

The appellant's PD and other material of record furnish much more information about his duties and responsibilities and how they are performed.

The appellant agrees that his PD provides an accurate depiction of his duties and responsibilities. However, he believes that his position is undergraded because Factor 5, Difficulty of Work Supervised, has been evaluated too low by his agency. Since he supervises two GS-12 employees and only one GS-11, the appellant believes that this factor should credit him with a GS-12 "base level" of work directed. The agency evaluation of Factor 5 finds that GS-11 is the highest level of basic work comprising 25 percent or more of the unit's nonsupervisory workload.

Series, title and guide determination

We find that the duties of the appellant's position are an excellent match to the Realty Series, GS-1170, and are clearly those of a first-level supervisor. Thus, his duties are correctly titled Supervisory Realty Specialist and are best graded by means of the General Schedule Supervisory Guide, dated April 1993. Neither the agency nor the appellant disagrees on these points.

Grade determination

The General Schedule Supervisory Guide (GSSG) uses a point-factor evaluation approach with six evaluation factors designed specifically for supervisory positions. Under each factor there are several factor level definitions which are assigned specific point values. The points for all levels are fixed and no interpolation or extrapolation of them is permitted. If two or more levels of a factor are met, points are credited at the highest level met. However, if one level of a factor is exceeded, but the next higher level is not met, credit is given only for the lower level. If the supervisory work does not fall at least one grade above the base level of work supervised (as determined by Factor 5 in the Guide), an adjustment provision can be applied. Our evaluation with respect to the six factors is as follows.

Factor 1, Program Scope and Effect

We find that this factor is best evaluated at Level 1-2. Neither the agency nor the appellant disagrees.

This factor consists of two subfactors, i.e., Scope and Effect, which are evaluated separately. The highest factor level assigned must be fully met in both subfactors.

Scope. This subfactor is best evaluated at Level 1-2. The Planning and Control Branch of the Real Estate Division performs work that is administrative and technical in nature. Approximately 65 percent of the work in the appellant's branch supports military projects carried out in a geographical area that has recently expanded and now comprises all of Texas, New Mexico, and Louisiana. Approximately 35 percent of the work supports civil works projects that are restricted only to the State of Texas. Within the District's military works boundaries, coverage includes all Army and Air Force installations and all National Guard, Reserve and Armed Forces Recruiting operations. At least four or five large or complex, multimission military installations reside in the coverage area. In addition, the appellant has responsibility for providing financial management services in support of the Department of Defense's (DoD) Homeowners Assistance Program (HAP). His area of responsibility for HAP has been expanded in the past six months from a five-state to a new fifteen-state area that comprises the central region of the United States from the Canadian to the Mexican borders. The Fort Worth District is one of only three designated to carry out the Corps of Engineers' role as DoD's executive agent for the HAP, a program which involves arranging for the Government's purchase, fix-up (if necessary), and resale of homes of DoD military and civilian employees in locales where the real estate markets and economies have been adversely affected by base closures and major realignments. Further, the Fort Worth District's Real

Estate Division occasionally carries out projects for other Federal agencies and has been designated to coordinate all real estate project support for U.S. Immigration and Naturalization Service (INS) border crossing operations along the Canadian border and from Texas to California. In that regard, however, the Fort Worth District usually arranges for the services to be provided by the appropriate Corps district with normal geographic jurisdiction in the specific locale where INS has a need. The Fort Worth District would actually provide the services if the other, respective districts cannot.

Despite the District's expanding geographical boundaries of responsibility for the military real estate projects, however, we find that Level 1-2 is appropriate for the appellant's position. While the volume of activity and related budgetary expenditures likely have increased, we found no evidence that the basic nature and difficulty of the work performed has significantly changed. The general complexity of the work is not comparable to the illustrations at Level 1-3 as the appellant is not ultimately responsible for providing the full range of day-to-day real estate services to the installations that exist within the boundaries. Instead, the appellant's organization primarily provides only planning and/or financial management support for the basic acquisition, appraisal, management and disposal functions normally carried out by the other branches of the Real Estate Division and for portions of ongoing real estate programs (e.g., HAP) for which overall program management responsibility resides at Corps of Engineers headquarters.

Effect. This subfactor is best evaluated at Level 1-2. Although the District's geographical scope of responsibility for military real estate projects has been expanding, the basic nature and complexity of the work has not significantly increased. The work performed in the appellant's organization still supports, and most significantly and directly affects, the primary real estate services of acquisition, management, and disposal of real property. Although there is a wide range of organizations eligible for real estate services in the Fort Worth District's primary and special jurisdictions, including some large, complex and multimission installations, the services provided by the appellant's organization are not complex and most directly affect the work of the Real Estate Division and that of other divisions within the District's organization structure. We do not find that the work directed typically and substantially impacts the provision of essential support operations to numerous, varied and complex technical, professional and administrative functions, as envisioned at Level 1-3.

Factor 2, Organizational Setting

This factor is best evaluated at Level 2-2. Neither the agency nor the appellant disagrees.

The appellant's position reports directly to the Chief, Real Estate Division who, in turn, reports to the Fort Worth District Commander. The Commander directs the District's program through several GS-15 subordinate supervisors. Assuming that the GS-15 positions are correctly evaluated, the District Commander's position is considered equivalent to a Senior Executive Service (SES) position by virtue of the fact that he directs the District through several subordinate GS-15 supervisors.

Therefore, the appellant is accountable to a position (i.e., Chief, Real Estate Division) that is one reporting level below the first SES level.

Factor 3, Supervisory and Managerial Authority Exercised

This factor is best evaluated at Level 3-2. Neither the agency nor the appellant disagrees.

The duties of the appellant's position fully meet and exceed the minimum supervisory authorities and responsibilities listed in Factor Level 3-1. In addition, we find that the appellant exercises all 10 of the authorities listed in Factor 3-2 c. However, the appellant's duties and responsibilities do not fully meet Level 3-3, because the authorities described in 3-3a are not exercised and fewer than the minimum required eight of the 15 listed in 3-3b are met. Specifically, we find that responsibilities numbered 1, 3 thru 6, 8, 10, 11 and 13 are not exercised. We did not credit responsibilities 1, 3, 5, 6, and 8 because they are intended to apply to supervisors of large organizations who direct at least two or three subordinates who are officially recognized as supervisors, team leaders, or comparable personnel. The appellant believes that he has two team leader positions in his unit, i.e., a GS-12 Realty Specialist (PD #03231) and a GS-11 Program Analyst (PD#02385). We found that neither position is classified or graded based on team leader responsibilities. The GS-12 PD includes one major duty, comprising 25 percent of the job, that describes leader functions. However, we found no evidence in the official records initially submitted with the appeal (i.e., either the August 1997 organization chart provided by management or in PD #02385) that the GS-11 Program Analyst is officially recognized as leading the work of others. Further, the PD for the two GS-9 Program Analysts in the unit states only that a higher grade analyst provides direction and guidance "as needed." Nevertheless, the appellant believes that the GS-11 Program Analyst "leads" the work of two GS-9 Analysts and has now submitted to the Oversight Division a copy of the GS-11's latest performance appraisal which states, in part, that employee "serves as Lead Program Analyst."

While there is no existing guide for classifying team leader positions in two-grade interval occupations, we note that both the draft team leader guide for such occupations (issued by OPM for agency comment in June 1997) and the existing guide for classifying team leaders in one-grade interval occupations share the common principle, or criterion, that an employee must be spending at least 25 percent or more of his/her duty time, on a regular and recurring basis, leading a minimum of three or more employees performing comparable grade interval type of work to be covered by the respective guides. In this regard, the GS-11 Program Analyst would not meet the team leader coverage criteria because leadership is provided to fewer than three employees. Also, we find that the GS-12 Realty Specialist (PD #03231) "leads" three General Schedule employees and two contract employees, but none of the five individuals is performing two-grade interval type of work. Therefore, we find that the appellant should not be credited with exercising responsibilities 1, 3, 5, 6, or 8 at Level 3-3b.

Although our findings on this factor are derived somewhat differently from that of the agency, the final evaluation is the same, at Level 3-2.

Factor 4, Personal Contacts

a. Subfactor 4a., Nature of Contacts

This factor is best evaluated at Level 4A-2. Neither the agency nor the appellant disagrees.

The majority (approximately 60 percent) of the appellant's regular and recurring contacts are typically with: (1) other employees and branch chiefs within the Real Estate Division and (2) operating officials and project managers within the Fort Worth District. There are some contacts with operating officials and program managers at Southwestern Division or Corps of Engineers Headquarters (usually regarding funding issues), with realty officers/real property staffs at military installations serviced, and with a variety of auditors from local internal review staffs and higher headquarters. There are occasional contacts with representatives of State and local government officials. Although the Real Estate Division's workload involves some projects in support of other, non-DoD agencies, such as the Environmental Protection Agency, the Drug Enforcement Agency, and the Department of Energy, there is no evidence that the appellant has regular recurring contacts with high ranking officials of those agencies or under the conditions described for level 4A-3.

b. Subfactor 4b., Purpose of Contacts

This factor is best evaluated at Level 4B-2. Neither the agency nor the appellant disagrees.

The appellant's duties are a good match to level 4B-2. The majority of his contacts are primarily to provide information and/or clarification about real estate programs and functions, coordinate work/project activities, and resolve problems. An estimated 20 percent of the appellant's contacts involve justifying budgets and requests for additional funding, however, we found that such contacts do not typically or regularly require the appellant's active participation in conferences, meetings, hearings or formal presentations, as envisioned at Level 4B-3.

Factor 5, Difficulty of Typical Work Directed

This factor is best evaluated at Level 5-6, or GS-11 level of base work.

This factor measures the difficulty and complexity of the basic work most typical of the organization 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.

For first level supervisors, such as the appellant, the level credited for this factor must: (a) constitute 25 percent or more of the total nonsupervisory workload/duty hours (not numbers of positions or employees) of the organization and (b) represent the highest grade which best characterizes the nature of the basic (mission-oriented) nonsupervisory work performed or overseen by the organization

directed. For this purpose, “workload” includes that performed by General Schedule (GS) subordinates, Federal Wage System (FWS) employees, assigned military, volunteers, student trainees or non-Federal workers, such as contractor employees, state and local workers, or similar personnel. In determining the highest level of work which constitutes at least 25 percent of the workload/duty time, trainee, developmental or other work engineered to grades below normal full performance levels is credited at full performance levels (FPL). Excluded from workload consideration are:

- the work of lower level positions that primarily support or facilitate the basic work of the unit;
- any subordinate work that is graded based on the GSSG or Work Leader Grade Evaluation Guides;
- work that is graded based on an extraordinary degree of independence from supervision or personal research accomplishments;

The appellant’s position is best characterized as a first-level supervisor. There are two GS-12 Realty Specialists supervised by the appellant. Although the job descriptions for the two are numbered differently, they are almost identical and contain virtually the same major duty #3, comprising 25 percent of their time, that describes the leading of other employees. In fact, the agency’s GS-11 base-level determination on this factor, which the appellant believes is the source of the undergrading of his position, was significantly influenced by the crediting of duty #3 in both GS-12 positions as equivalent to only GS-11. Both job descriptions were certified by the appellant as accurate, however, our audit has clearly established that only one of the GS-12’s was intended to serve as a work leader and is actually functioning in that capacity. Neither position is classified at GS-12 based on team leader duties.

There are nine nonsupervisory GS positions and two contract employees in the organization directed by the appellant. Two of the GS positions (i.e., Secretary (Office Automation), GS-318-5, and File Clerk, GS-305-4) are properly excluded from the workload analysis for this factor because they primarily provide support to the basic mission-oriented work performed by others in the Branch. During the telephone audit, the appellant suggested that a third position, that of Realty Assistant, GS-1101-6, should also be excluded from the workload count, because he believes the incumbent is functioning primarily in an administrative support mode and is not performing substantive technical or analytical work. We confirmed, however, that the GS-6 position is developmental to a full performance level of GS-7 and must be analyzed for inclusion/credit at that higher level. The GS-7 FPL position description (i.e., PD #05164) states that the assignments “require a considerable knowledge of real estate practices and procedures” in the acquisition, management, and disposal activities of the District. Further, it states that the incumbent “conducts research, analyzes and interprets” real estate documents, regulations, and District policies for “making recommendations and decisions regarding routine and unusual real estate activities.” Finally, as the appellant acknowledged during the telephone audit, the incumbent of the GS-7 Realty Assistant position serves as the Real Property Officer and is responsible for maintaining complete and accurate inventory of all land, buildings and equipment (valued at over one billion dollars) at the District’s 25 lake projects in the

State of Texas. As such, we find that the GS-7 Realty Assistant position is intended to perform substantive work and should be included in determining the base level credit.

Thus, the seven GS positions to properly include in determining base level credit are:

- Realty Specialist, GS-1170-12 - two positions
- Program Analyst, GS-343-11
- Program Analyst, GS-343-9 - two positions
- Cartographic Technician, GS-1371-9
- Realty Assistant, GS-1101-7

In addition, an eighth position, that of one contract employee, should be included in the workload analysis for this factor. This individual has been working full time in the organization for more than a year and, according to the appellant, is performing cartographic technician work equivalent to that of the GS-9 Technician. Because of increased workload, the contract employee's services will continue to be needed for the foreseeable future. The appellant states that he communicates work assignments thru the GS-12 "lead" Realty Specialist to the contract employee, reviews the contract employee's completed work products and approves the contract employee's time off. (The other contract employee is functioning as a Legal Instruments Examiner, works only two days a week and will soon be departing because the special project requirement and funding from the Air Force that was the basis for her work will cease in April 1997.)

In carefully reviewing and comparing the position descriptions for the seven GS positions, and assuming the one contract employee is fully functioning at the GS-9 level (as stated by the appellant), we find that the base level of work directed is GS-11. As the calculations below show, the amount of GS-12 level work, by itself, does not meet the minimum 25 percent threshold. However, the combined amount of GS-11 and above work does satisfy the requirement. Although we were able to credit one of the Realty Specialist positions as performing GS-12 level work for 100 percent of his duty hours, the addition of the full-time contract position (performing less than GS-12 equivalent duties) to the overall workload/duty hours equation still prevents a finding of GS-12 base level.

**WORKLOAD ANALYSIS
(By Workhours)**

Positions	Total Work Hours	Hours at GS-12 level	Hours at GS-11 level
GS-1170-12 (lead)	40	30 (75%)	10 (25%)
GS-1170-12	40	40 (100%)	0
GS-343-11	40	0	40 (100%)
2 GS-343-9	80	0	0
GS-1371-9	40	0	0
GS-1101-7	40	0	0
Contractor: GS-1371-9 equivalent*	40	0	0
Totals	320	70 (21.8%)	50 (15.6%)

*Assumed

Factor 6, Other Conditions

This factor is best evaluated at Level 6-4a. Neither the agency nor the appellant disagrees.

The appellant’s duties require substantial coordination and integration of technical and administrative work equivalent to a GS-11 level of difficulty, including involvement in recommending resources to support a variety of real estate projects. His organization develops and manages over 100 separate budgets for the District’s portion of three or four ongoing real estate programs as well as a multitude of individual real estate projects.

Summary

In sum, we have evaluated the appellant’s position as shown in the table below.

Factor	Level	Points
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-2	250
3. Supervisory/Managerial Authority Exercised	3-2	450
4A. Nature of Contacts	4A-2	50
4B. Purpose of Contacts	4B-2	75
5. Difficulty of Typical Work Supervised	5-6	800
6. Other Conditions	6-4	1120
Total Points		3095

The appellant's position warrants 3,095 total points. Therefore, in accordance with the grade conversion table on page 31 of the GSSG, the position is properly graded at GS-12 .

Decision

The appellant's position is properly classified as Supervisory Realty Specialist, GS-1170-12.