



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Human Capital Leadership
and Merit System
Accountability Division

Classification Appeal Decision
Under section 5112 of title 5, United States Code

Appellant: [appellant's name]

Agency classification: Supervisory General Engineer
GS-801-13

Organization: [identifying organization]
Veterans Affairs Medical Center
Department of Veterans Affairs
[location]

OPM decision: GS-801-13
Title at agency discretion

OPM decision number: C-0801-13-05

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Robert D. Hendler
Classification and Pay Claims
Program Manager
Center for Merit System Accountability

December 29, 2006

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:

[appellant's name]

[address]

[location]

[representative's name]

[address]

[location]

Director, Human Resources

Management Service (679/05)

[location] VA Medical Center

[address]

[location]

Deputy Assistant Secretary for

Human Resources Management (05)

Department of Veterans Affairs

810 Vermont Avenue, NW, Room 206

Washington, DC 20420

Team Leader for Classification

Office of Human Resources Management

and Labor Relations

Compensation and Classification Service (055)

Department of Veterans Affairs

810 Vermont Ave, NW, Room 240

Washington, DC 20420

Introduction

The Atlanta Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name] on July 27, 2006. The appellant's position is currently classified as Supervisory, General Engineer, GS-801-13, but he believes, due to the complexity of his position, it should be upgraded to GS-14. The position is assigned to the [identifying organization], Veterans Affairs Medical Center, Department of Veterans Affairs (VA), [location]. On August 25, 2006, we received the agency's complete administrative report. We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

The appellant makes various statements about the classification review process conducted by his agency, and compares his duties to the duties of similar but higher graded positions in his agency, thus indicating that his position should be considered for a higher grade. 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 position classification 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, which may or may not be classified correctly, as a basis for deciding his appeal. We have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside all previous agency decisions, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

The appellant provided many examples of email traffic to demonstrate the amount of work he performs in relationship to his assigned projects. However, we can not consider volume of work in determining the grade of a position (*The Classifiers Handbook*, chapter 5).

Position information

The appellant is the chief engineer for the [location] VA Medical Center (referred to hereafter as Medical Center). He manages the [identifying organization] which consists of the Engineering and Construction Department that includes plant operations, transportation, grounds, and maintenance; Nutrition Services Department; and the Environmental Management Department that includes housekeeping and laundry services. The laundry operations support medical centers in [location]. Additionally, the appellant has limited management authority over the Canteen.

The appellant manages a staff of approximately 166 employees, approximately 150 of whom are Federal Wage System (FWS) employees. The appellant directly supervises and manages the departments headed by a Supervisory General Engineer, GS-801-13; Supervisory Dietitian, GS-630-13; and a Hospital Housekeeping Officer, GS-673-13. He is the first line supervisor for the Safety Office that consists of a Safety and Occupational Health Manager, GS-018-12; Industrial Hygienist, GS-690-12; and Safety Specialist, GS-018-11. The appellant provides general oversight and administrative supervision to the Canteen Officer, VC-1101-14.

As the Chief Engineer, the appellant has technical, administrative, and managerial responsibility for the hospital engineering program carried out by the Engineering and Construction Department. This includes planning, organizing, staffing, directing, controlling, and evaluating the overall program. Although the medical center is small in terms of medical services offered, e.g., primary and mental health care, patient volume and complexity, there are several factors that complicate the engineering program, including the age and type of construction and the size of the complex. Specifically, there are over 25 separate buildings, many of which are nominated for the National Register of Historic Places, totaling 1.1 million square feet of space on 123 acres of land. This presents a number of complications and complexities associated with the maintenance, replacement, operation, and modernization of buildings.

The appellant regularly participates on a number of Medical Center and [identifying network] (referred to hereafter as Network) boards, councils, and committees to include the Executive Leadership Board, Strategic Planning Board, Resource Allocation Committee, Network Capital Asset Management Committee, Capital Advisory Board, and Facility Manager's Council. In addition, he spends up to 25 percent of his time as the Contracting Officer's Technical Representative (COTR) for the Network's Energy Saving Performance Contract (ESPC). The contract, initiated in 1999, is a unique multi-facility plan/design/build contract that uses energy savings to pay financed construction costs over a ten year period. The contract contains 37 Network-wide energy saving measures/projects, identified through an initial energy survey, that are currently on-going at each of the Network's medical centers. The measures include such things as installation of water conservation devices; replacement of motor equipment and fan coils; and lighting, boiler plant, and air handling upgrades, e.g., convert the Constant Volume Air Handling Units to Variable Air Volume Air Handling Units. The project's total implementation, design, and construction cost is approximately \$22 million with an expected savings of approximately \$1.9 million annually.

As COTR, the appellant monitors contractor's performance to assure compliance with technical aspects of the contract; review and approve monthly payment requests; insure changes in work specified in the contract are authorized; recommend and justify contract changes to the Contracting Officer; and upon contract completion, advise on the technical acceptance of the required work or service and recommend renewal options, if any. In addition, the appellant is responsible for all technical and administrative aspects of the project through co-COTR's at the other Network medical centers, who oversee and track their individual ESPC projects. They report unique problems or issues to the appellant who works those issues for resolution, either through his own knowledge and skill or through the contractor's technical experts.

The appellant reports directly to the Medical Center Deputy Director who sets the broad overall goals for the [identifying organization]. The appellant determines the overall direction of the [identifying organization] and is responsible for achieving the goals and objectives of the organization. The appellant develops the necessary long range plans, policies, procedures, and organizational structure required to manage and fulfill the [identifying organization] mission.

The appellant is assigned to PD number [number]. Both the appellant and his supervisor certified the accuracy of the PD. The position description of record contains more information about how the position functions and we incorporate it by reference into this decision. In reaching our classification decision, we have carefully reviewed all information furnished by the

appellant and the agency, including the information obtained from telephone interviews with the appellant and his supervisor, and all other information of record.

Series and title determination

The agency placed the position in the GS-801 series and titled it Supervisory General Engineer. The appellant does not contest the agency's determination. We agree with the agency's series determination. There are no prescribed titles for positions allocated to the GS-801 series. The agency should designate a title in accordance with the titling instructions in the Introduction to the Position Classification Standards. Because the position meets the minimum requirements for coverage by the General Schedule Supervisory Guide (GSSG), the title must include the supervisory designation. Therefore, the position is properly coded as GS-801, with the title at the discretion of the agency.

Standard determination

The GS-801 series does not contain grade criteria. The agency used the Hospital Engineer Grade Evaluation Guide (GEG), GS-800, to evaluate the position's responsibility for the management and supervision of the Medical Center's engineering program. It also used the GSSG to evaluate the appellant's supervisory responsibilities. The appellant does not contest the standards used. We concur with the agency's evaluation standards determinations. Our evaluation of the appellant's position using both guides follows.

Grade determination

Evaluation using the GEG

The GEG is used in determining grades of professional engineering positions that are involved primarily in managing a hospital engineering program. Positions are evaluated in terms of two factors: Factor I, Level of Professional Engineering Responsibility, and Factor II, Complexity of Operating Situation. The criteria under these factors are described in terms of typical characteristics and the levels are expressed in terms of relative degrees. A degree specifies the particular combination of basic professional, hospital, or program characteristics which typify the different levels of chief engineer positions. Each degree is based on the presence of the full range of characteristics described. When a position fails to *fully meet* the characteristics established for a given degree, it must be credited with a degree *below* unless there is a showing of other combinations of compensating features.

Some of the factors utilize monetary value as an indicator of the complexity of the work performed. Since economic fluctuations over time must be considered in measuring the true value intended at a specific factor level, the *Consumer Price Index* was referenced to adjust the monetary values in the standard to present day dollar values.

Factor I, Level of Professional Engineering Responsibility

Factor I measures the impact of the professional engineering responsibilities upon the chief engineer's position. This factor is divided into two parts: Element 1, Knowledge and Skills, and Element 2, Complexity of the Work Environment.

Element 1: Knowledge and Skills

The agency evaluated Element 1 at Degree A and the appellant agrees.

This element measures the nature and extent of information or facts which the engineer must understand to do professionally competent work, e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts, and the nature and extent of skills necessary to apply this knowledge. The professional knowledge and skills of a chief engineer relates mostly to facilities, systems, and equipment in several fields of engineering. For the chief engineer, the level of professional responsibility usually increases with the type and number of construction projects that must be accomplished. To assess the degree of professional knowledge required, several considerations are necessary. The total dollar cost of projects exceeding \$22,000 for maintenance, repair, renovation, modernization, and new construction assigned to the chief engineer during the past 3 years is reviewed. This review provides a time weighted perspective to assess the overall impact of the program.

The following indicators assess the degree of professional knowledge required of the chief engineer: the number of projects, staff utilized to perform the professional engineering workload, and professional difficulties associated with projects.

Number of projects. Based on a project listing covering the last three years, the appellant had 37 projects assigned to him. This falls within the range of 20 to 40 projects depicted at Degree B. In order to reach Degree A, the number of projects handled usually exceeds 50, with a total cost in excess of \$15.5 million. The three year total cost of the appellant's projects is approximately \$12 million which exceeds the Degree B criteria of \$11 million, but does not meet the Degree A.

Engineering support staff. At Degree B, the chief engineer usually has one or more engineers and technical and clerical personnel to support the program. The appellant's supporting staff of two full-time engineers, one technician, and clerical staff matches the Degree B criteria. The "several professional and technical employees" envisioned at (the higher) Degree A, means a number which is greater than that depicted at Degree B. The appellant's staff matches, but does not exceed the criteria for Degree B.

Professional difficulties associated with the chief engineer's projects. At Degree C, projects typically include designing limited phases or segments of utility systems of limited size and complexity and can be accomplished by the application of established technical methods. The appellant's projects include a number of these types of projects, including interior upgrades, renovations, shingles replacement, street paving, street and entrance lights installation, and interior signage updating and are comparable to Degree C criteria.

At Degree B, projects represent substantial professional difficulties, such as the modernization or establishment of medical treatment areas involving specialized equipment, utilities and structural capabilities; the renovation of an entire structure or major portion of a structure where the work must be carefully phased to minimize disruption of ongoing activities; or projects which have a substantial impact on the day-to-day activities of the hospital. To accomplish the project workload, the chief engineer usually has the professional knowledge and abilities needed to modify standard practices and adapt equipment or techniques to solve a variety of engineering

problems. The chief engineer at this level typically adapts precedents or makes significant departures from previous approaches to similar projects in order to provide for the specialized requirements of the user.

The difficulty of the appellant's projects meet Degree B. Comparable to this criteria, the appellant's projects include the relocation of the Medical Center's morgue in order to accommodate a new mail distribution center; the design and construction of computer rooms in Building 3 with advanced air conditioning systems to protect computer equipment and data; and the replacement of major electrical systems in older facilities. These projects required careful coordination to avoid disruption of hospital services. The design and construction of a new high production dietetic facility (kitchen) that departs from previous design approaches and facility designs, e.g., uses "cook/chill/retherm" technology, also is characteristic of a Level B project. Unlike Degree A projects that require substantial planning and coordination to minimize disruption of essential services, the facility is new construction with little if no impact on the existing kitchen facility.

While the appellant's engineering workload includes projects that exceed Degree B criteria, e.g., the installation of medical gases and negative pressure rooms in Building 137 that require substantial planning and coordination, the appellant's overall projects are not typical of those described in the GEG at Degree A. At Degree A, projects, such as those described at Degree B, occur with such frequency as to constitute a substantial portion of the total dollar cost, and are commonly in progress simultaneously or are so closely interrelated that substantial planning and coordination is necessary to minimize disruption of essential services and activities in the hospital. In contrast, the appellant's projects consist of a variety of multi-purpose short-term and long-term renovation, construction and modernization projects, which are often planned and scheduled in a series of phases over a period of several years. The majority of his projects deal with problems that can be resolved by adapting or modifying engineering practices, precedents or procedures, and do not involve the substantial coordination and scheduling problems, nor do they present the novel and obscure problems described at Degree A.

In considering all the project indicators the degree of professional engineering knowledge required for the appellant's position is Degree B. In his rationale, the appellant contends that his COTR duties and responsibilities present special demands, e.g., volume, complexity, physical disbursement, and lack of contract management guidelines, on his position and should warrant proper consideration. The appellant performs COTR duties for the ESPC Contract that includes 32 energy cost measures. While the COTR duties may place a greater administrative burden on the appellant, the actual technical duties and responsibilities involved are no greater than his normal duties as a chief engineer. For example, chief engineers formulate, implement, coordinate, and control comprehensive facility improvement programs; they provide engineering review and technical guidance; and develop and apply an internal program of management review, appraisal and improvement. The appellant also contends that consideration should be given based on there being little or no established guidelines on how to manage a contract of this type. The GEG states guidelines are *often* inadequate in dealing with the more complex or unusual problems, and engineers must use resourcefulness, initiative, and judgment based on experience to deviate from or extend traditional engineering methods and practices in developing solutions to problems. The age of the contract, first awarded in 1999, also indicates procedures are now established and sufficient to manage the contract. The impact on these duties are

appropriately considered within the context of the appellant's on-going professional and managerial duties and do not add *significantly* to the scope or complexity of his program.

Element 1 is credited with Degree B.

Element 2: Complexity of the Work Environment

This element measures the complexity of the chief engineer's position in managing a hospital engineering program which includes professional engineering review and direction of the assigned program. Complexity covers the nature and variety of tasks, steps, processes, methods, or activities in the work performed; and the degree to which the chief engineer must vary the work, discern interrelationships and deviations, or develop new techniques, criteria, or information.

The agency evaluated Element 2 at Degree A. The appellant agrees with this determination and we concur.

Element 2 is credited with Degree A.

In accordance with the Level of Professional Engineers Responsibilities Table in the GEG, the combination of Degree B for Element 1 and Degree A for Element 2 equates to the assignment of Level III for Factor I.

Factor II, Complexity of Operating Situation

The agency evaluated this factor at Degree B. The appellant believes his position should be credited at Degree A.

This factor measures the impact of the hospital's operational and environmental characteristics on the managerial complexity of the chief engineer's position. Increases in managerial complexity are manifested in such areas as increased complexity of organizational relationships; a greater need for executive knowledge, skills and abilities as the chief engineer supports and assists top hospital management in planning, coordinating, controlling and directing programs and operations; and increased occasions for making difficult decisions and resolving substantive problems.

At Degree C, the operating situation includes hospitals which usually provide primary health care services or specialize in neuropsychiatric treatment. In this situation, the limited number of services provided restricts the kinds and volume of administrative and management problems with which the chief engineer must deal. Degree C hospitals typically have fewer than five medical school affiliated residency programs and between four to seven special medical programs. The acquisition value of medical equipment is usually less than \$2.2 million, representing an inventory of moderate variety and sophistication.

At Degree B, hospitals provide health care services of moderate variety and intensity, but they typically are not equipped to treat patients who require the most specialized and sophisticated medical and surgical procedures. The hospitals typically have medical school affiliations that substantially impact the operation of the hospital. They have between 10-15 medical school

affiliated residency programs and between 9 and 11 special medical programs. These special medical programs are of sufficient complexity to have substantial impact on the chief engineer's programs. The acquisition value of medical equipment is between \$4.4 million and \$11 million, representing an inventory of substantial variety and sophistication.

The position exceeds Degree C, but does not fully meet B. Like Degree C, the Medical Center offers primary and mental health care services. Although there are approximately twenty school affiliations mostly associated with allied health services, the Medical Center has two primary *medical affiliated residency* programs with the [identifying university] School of Medicine at both [identifying areas] campuses. This is substantially less than the 10 to 15 medical school affiliations cited at Degree B. Like Degree C hospitals that have between 4 and 7 special medical programs, the facility has five special medical programs, including mental health, drug and alcohol treatment, domiciliary, pulmonary function laboratory, and geriatric care, that add additional complexity to the appellant's position. The acquisition value of medical equipment is approximately \$6 million which is greater than the Degree C threshold of \$2.2 million and the Medical Center's inventory of biomedical equipment is far less than that found at a larger tertiary facility. Furthermore, the position description of the appellant's immediate supervisor refers to the hospital as a predominately neuropsychiatric Medical Center with a nursing home facility and credits the Medical Center with a Level III complexity level as defined in the GS-670 Standard. This directly corresponds to the complexity of Degree C hospitals found in the GEG.

In contrast, the diversity and volume of operations of the Medical Center does not present significant impact or magnify the scope, complexity, or variety of the work performed to the extent intended at Degree B., e.g., teaching and research programs are minimal at the hospital and have relatively little impact on the complexity of the appellant's position. The record shows there are not continuous changes in program requirements which place a higher demand on the appellant's managerial skills. Decisions affecting the engineering program priorities are made on a cooperative basis by chief engineers throughout the Network and changes in resources are recommended by committees, in which the appellant participates, and approved by the Network director or delegated authority. Although the acquisition value of medical equipment falls within the range of Degree A criteria, the record does not show the appellant's involvement with hospital management in the acquisition, maintenance, and modification of the facilities medical equipment is anything other than routine, as would be comparable to Degree C. The fact that the Medical Center leases biomedical equipment valued at \$1.7 million diminishes the overall complexities associated with the appellant's duties since the leasing company provides repair and maintenance. The appellant's position falls short of meeting all of the significant aspects of Degree B, and Degree C must be credited.

Factor II is evaluated at Degree C.

Summary

According to the grade conversion table in the GEG, a position with a Degree C operating situation and a Level III professional engineer responsibility meeting Level III converts to GS-13.

Evaluation using the GSSG

The GSSG is a cross-series guide used to determine the grade level of supervisory positions in the General Schedule. The GSSG has six evaluation factors, each with several factor level definitions and corresponding point values. Positions are evaluated by crediting the points designated for the highest level met under each factor, and converting the total to a grade by using the point-to-grade conversion chart in the guide. Our evaluation with respect to the six GSSG factors follows.

Factor 1, Program Scope and Effect

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To assign a factor level, the criteria dealing with both scope and effect, as defined below, must be met.

The levels of this factor describe two situations: agency line programs, e.g., providing services to the public; and support programs, e.g., providing administrative or other complex support services within an agency. The appellant's position falls under the second situation since his organization provides professional, administrative, trades and support work for a medical center. The agency assigned Level 1-2. The appellant believes his work warrants Level 1-3 because it provides professional services.

Subfactor 1a: Scope

Scope addresses the general complexity and breadth of the program or work directed including the geographic and organizational coverage within the agency structure. It has two elements: (a) the program (or program segment) directed and (b) the work directed, the products produced, or the services delivered. In evaluating the population affected under this factor, we may only consider the total population in the geographic area potentially covered by the program. Scope also considers how the activities directed relate to the agency's mission and to outside entities, and the complexity and intensity of the services provided.

At Level 1-2a, the program segment or work directed is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within an agency program segment. Illustrative of this level work is one that directs budget, management, staffing, supply, maintenance, protective, library, payroll, or similar services which support a small military base, a typical national park, a hospital, or an agency field office of moderate size and limited complexity. The services provided directly or significantly impact other functions and activities throughout the organizations supported and/or a small population of visitors or users.

At Level 1-3, the position 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 multi-mission military installation also falls at this level.

As at Level 1-2, the appellant directs an organization that provides professional, administrative, trades and support work to a medical facility that is small to moderately size and has limited complexity. Although the appellant's organization provides laundry and food services to other facilities, the majority of services provided directly and significantly impacts the other functions and activities at the Medical Center(s). While the appellant's organization provides professional engineering services, the work of the [identifying organization] is characterized best as a support organization providing food, laundry, housekeeping, maintenance and repair services. The appellant's professional work is relatively small in comparison to the organization's mostly manual trades and labor work. The services provided by the appellant and his staff do not directly affect the operations of an organization with the size and complexity or have the geographic coverage required at the Level 1-3. Therefore, the Subfactor is credited at Level 1-2.

Subfactor 1b: Effect

Effect addresses the impact of the work, the products, and/or the programs described under scope on the mission and programs of the customer, the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

At Level 1-2, the services or products support and significantly affect installation level, area office level, or field office operations and objectives, or comparable program segments; or provide services to a moderate, local, or limited population of clients or users comparable to a major portion of a small city or rural county. In contrast, 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, multi-mission 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

As discussed previously and comparable to Level 1-2, the services provided by the appellant support and affect the operations of a moderate, local or limited population of clients, e.g., in this case the local and supported Medical Centers. The services provided by the appellant are one of the program segments at the Medical Center. The appellant is not responsible for the overall programs of the medical facility or clinical services. Thus, the appellant's program cannot be credited as furnishing a significant portion of the *agency's* line program to the serviced population as required at Level 1-3. Therefore, this subfactor must be credited at Level 1-2.

Level 1-2 is assigned for 350 points.

Factor 2, Organizational Setting

This factor considers the organizational situation of the supervisory position in relation to higher level management. The agency credited Level 2-2. In the appellant's rationale, he asserts that his position should be credited with Level 2-3, since, in his view, the "deputy" position to which he reports represents the same reporting level as the head of the Medical Center.

At Level 2-2, the position is accountable to a position that is one reporting level below the first SES, flag or general officer or the equivalent or higher level position in the direct supervisory chain. In contrast, the Level 2-3 position is accountable to a position that is SES level, flag or general officer military rank, or equivalent of higher level; or to a position which directs a substantial GS/GM-15 or equivalent level workload; or to a position which directs work through GS/GM-15 or equivalent level subordinate supervisors, officers, contractors, or others.

The appellant reports to the Deputy Director (Associated Medical Center Director), who is equivalent to a GS-15. This position in turn reports to the Medical Center Director, a SES position. The GSSG states that a position reporting to a deputy or full assistant chief position is credited as reporting to the chief. However, an assistant chief position which does not share fully in the authorities and responsibilities of the chief constitutes a separate, intervening, reporting level under this guide. A supervisory position reporting to such a position would be treated as if reporting to a position one level below the chief. This is the case with the “deputy” position at the Medical Center. The Medical Center Director retains the full authority for managing the total organization. In the absence of the Director, it is the Chief of Staff who has sole authority for *medical related decisions*, instead of the Deputy Director. Therefore, the Deputy does not share fully in the duties of the Director, and the appellant’s position does not meet Level 2-3.

Level 2-2 is assigned for 250 points.

Factor 3, Supervisory and Managerial Authority Exercised

This factor covers the delegated supervisory and managerial authorities that 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 credited the appellant’s position with Factor Level 3-3a. The appellant believes that Level 3-4 should be credited.

Level 3-3 describes two situations, either of which meets the level. In the first situation, Level 3-3a, the position exercises delegated managerial authority to set a series of annual, multiyear, or similar types of long-range work plans and schedules for in-service or contracted work. The position assures implementation by lower and subordinate organizational units of the goals and objectives for the program segments or functions they oversee. They determine goals and objectives that need additional emphasis; determine the best approach or solution for resolving budget shortages; and plan for long range staffing needs, including such matters as whether to contract out work. Positions in this situation are closely involved with high level program officials or comparable agency level staff personnel in the development of overall goals and objectives for assigned staff functions, programs, or program segments. For example, they direct development of data; provision of expertise and insights; securing of legal opinions; preparation of position papers or legislative proposals; and execution of comparable activities which support development of goals and objectives related to high levels of program management and development or formulation.

The second situation covers second-level supervisory positions that perform the full range of supervisory functions described at Level 3-2, and at least eight of the conditions described at Level 3-3b, including such matters as using subordinates to direct or lead work, exercising

significant advisory or coordinating responsibilities, assuring equity of performance standards and ratings among subordinate units, directing a program segment with significant resources, making decisions on matters elevated by subordinate supervisors, exercising personnel authority over subordinate supervisors and employees, approving serious disciplinary actions, making non-routine decisions, and approving the expenditure of funds.

The appellant's position does not meet Factor Level 3-3a. Level 3-3a reflects the exercise of direct managerial authority and relates essentially to program management rather than direct supervisory functions. This level involves managerial positions closely involved with high-level program officials in the development of overall goals and objectives for the staff function, program, or program segment they oversee. They determine the best approach to resolve budget shortages, plan for long range staffing needs, and direct the development of data to track program goals, secure legal opinions, prepare position papers or legislative proposals, and execute comparable activities. The appellant does not have significant responsibility in these areas as he is limited to making decisions and recommendations affecting the workload and budget for his assigned area of responsibility. Unlike this level, the appellant manages a program segment in a Medical Center where the development of goals and objectives and the development of policies are performed at the network level, or more appropriately at department or agency level. Although the appellant participates on several Network committees, e.g., Capital Asset Management Board, Facilities Managers Council, which considers and recommends program options and solutions, the final decision authority remains at the Network/committee level.

The appellant's delegated supervisory authorities and responsibilities meet the authorities described at Level 3-2c, and all but one of the responsibilities listed under Level 3-3b. For instance, he meets authorities 1, 3, 5, 6, and 8 in that he directs work through subordinate supervisors, ensures reasonable equity of performance standards developed by subordinates, makes decisions on work problems presented by subordinate supervisors and evaluates their performance, serves as reviewing official on evaluations of non-supervisory employees, and recommends selections for subordinate supervisory positions. The position exercises responsibilities 2, 4, 7, 9, 11, 12, 13, 14, and 15. Like those responsibilities, the appellant exercises significant responsibility in advising managers of higher rank, directs a multi-million dollar program, approves selections for subordinate non-supervisory positions, hears and resolves group grievances or serious employee complaints, makes decisions on non-routine and costly training needs, determines whether contractor work meets standards of adequacy, approves within-grade increases and extensive overtime and employee travel, recommends awards for non-supervisory personnel and changes in position classification, and finds and implements ways to eliminate significant work bottlenecks. The appellant *does not* exercise responsibility 10 which requires reviewing and approving serious disciplinary actions (e.g., suspensions) involving nonsupervisory subordinates. The Medical Center Director retains the approval authority to suspend and remove employees through disciplinary action.

Level 3-4 is not met. Both paragraphs a and b of Level 3-3 must be met before Level 3-4 may be considered. Since the appellant's position does not meet Level 3-3a, Level 3-4 cannot be considered.

Level 3-3b is credited with 775 points.

Factor 4, Personal Contacts

This two part factor assesses the nature and purpose of personal contacts related to supervisory and managerial responsibilities. The nature of contacts, credited under subfactor 4A, and the purpose of those contacts, credited under subfactor 4B, must be based on the same contacts. The agency credited Level 2 for subfactor 4A and Level 3 for subfactor 4B. The appellant believes his positions warrants one level higher on both subfactors.

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 credited Level 4A-2.

At Level 4A-2, frequent contacts are with members of the business community or the general public; higher ranking managers, supervisors, and staff of other units throughout the activity or at levels below bureau or major military command level; representatives of local public interest groups; case workers in Congressional district offices; technical or operating personnel in State and local governments; reporters from local or other limited media outlets; or comparable contacts. These contacts may be informal, occur in conferences and meetings, or take place through telephone, television, radio or similar contact. They sometimes require non-routine or special preparation.

At Level 4A-3, frequent contacts are with high-ranking military or civilian managers at bureau and major organizational levels with the agency, with agency headquarters administrative personnel, or with comparable personnel in other agencies. They are also with key staff of public interest groups having significant political influence or media coverage or with journalists representing influential city or county news media. Contacts also include Congressional committee and subcommittee staff assistants; contracting officials and high level technical staff of large industrial firms; or local officers or regional or national trade associations, public action groups or professional organizations, or with State and local government managers. These contacts take place in meetings and conferences and often require extensive preparation.

Level 4A-2 is met. The appellant's regular and recurring contacts are with peers, associates, clients, and higher ranking managers and supervisors including medical center directors. Contacts also are with public interest and other groups, e.g., Hospice of [identifying locations], and with technical and operating personnel in State and local governments, e.g., to coordinate emergency preparedness, and with other local Federal agency personnel, e.g., EPA and/or OSHA inspectors. The appellant meets with local officials and personnel from private sector architectural and engineering organization, service providers, etc. These contacts are consistent with Level 4A-2.

Level 4A-3 is not met. The appellant does not have the *frequent* contacts intended at this level including high-ranking civilian managers at bureau and major organization levels with the agency, e.g., Veterans Health Administration, VA headquarters administrative personnel, or

comparable personnel in other agencies or with key staff from private sector groups. Unlike this level, the appellant's contacts are more informal, occur in conferences and meetings, on committees and councils, or take place through telephone or electronic contact. Contacts sometimes require non-routine or special preparation, but not to the extent intended at this level. His contacts do not have the political influence or attract the level of national interest intended at Level 4A-3.

This subfactor is evaluated at Level 4A-2 and 50 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 credited Level 4B-3.

At Level 4B-3, the purpose of contacts is to justify, defend, or negotiate in representing the project, program segments, or organizational units directed, in obtaining or committing resources, and 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 segments managed.

Level 4B-3 is met. Like this level, the purpose of his contacts is to justify, defend, or negotiate on behalf of the facility management service line, in obtaining or committing resources, and negotiating on behalf of the organization with the necessary level of authority to commit resources and gain compliance with established policies of the organization. For example, the appellant will occasionally be a member of a panel at a public briefing to discuss proposed lease agreements or other Medical Center business. Consistent with this level, the appellant plays an active role on councils, committees, and meetings involving problems and issues of considerable importance to the service line, Medical Center, and/or the Network.

At Level 4B-4, the purpose is to influence, motivate, or persuade persons or groups to accept opinions or take actions related to advancing the fundamental goals and objectives of the program or segments 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. At this level, the persons contacted are sufficiently fearful, skeptical, or uncooperative that highly developed communication, negotiation, conflict resolution, leadership, and similar skills must be used to obtain the desired results.

The position does not meet Level 4B-4 where the purpose is to influence, motivate, or persuade persons or groups to accept opinions or take actions related to advancing the fundamental goals and objectives of the program or segments directed, or involving the commitment or distribution of *major* resources, when intense opposition or resistance is encountered. Unlike this level, the persons contacted are not usually fearful, skeptical, or uncooperative. Instead, the appellant's contacts take place in a structured environment established for the purpose of achieving goals common to the participants or established by higher-level management.

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

Factor 5, Difficulty of Typical Work Directed

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, directly or through subordinate supervisors, team leaders, or others. The level is determined by identifying the highest grade which best characterizes the nature of the basic (mission oriented) nonsupervisory work performed or overseen by the organization directed; and which constitutes 25 percent or more of the workload of the organization.

The GSSG excludes from consideration 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 criteria in this guide (i.e., supervisory duties) or the Work Leader Grade-Evaluation Guide; work that is graded on an extraordinary degree of independence from supervision, or personal research accomplishments, or adjust the grades of such work – for purposes of applying this guide – to those appropriate for performance under “normal” supervision; and work for which the supervisor or a subordinate does not have the responsibility defined under Factor 3.

For the appellant’s organization, we eliminated from Base Level Consideration:

- Supervisory work performed by the Maintenance Supervisors, WS-4701-14 and WS-4701-11; Housekeeping Supervisor, WS-3566-5; Housekeeping Aid Supervisors, WS-3566-2; Food Service Supervisor, WS-7408-04; and Food Service Supervisors, WS-7408-02, jobs.
- Support work of the Secretary, GS-318-6; two Secretaries, (including two part-time positions), GS-318-5; and two clerks, GS-303-5.
- Jobs in the Canteen Services for which the appellant is assigned oversight responsibility only. The VA headquarters level provides technical operational supervision and significant programmatic control. The appellant provides only administrative supervision over the manager.
- The Safety and Occupational Health Manager, GS-018-12. Although under the supervision of the appellant, the position description clearly states the employee works with technical and programmatic independence with the appellant providing administrative supervision. The GSSG excludes from base level consideration work that is graded based on an extraordinary degree of independence from supervision. The standard allows for adjustment of the grade for such work to those appropriate under “normal” supervision. As such, the position would warrant a GS-11 and is credited as such.

The GSSG requires the conversion of FWS grades to their GS equivalent by comparing the duties performed to related GS classification standards. The appellant’s organization has a large number of manual labor and trades jobs assigned to the FWS at various grade levels. The Boiler

Plant Operators, WG-5402-11, carry out the highest level of nonsupervisory FWS work. However, the grade of the Boiler Plant Operator is based on an extraordinary degree of independence from supervision and is adjusted to grade 10 to reflect work performed under normal supervision. Other high-graded jobs are Electronics Mechanics, WG-2604-10; A/C Equipment Mechanic, WG-5306-10; Painter, WG-4102-9; Pipefitters, WG-4204-10; and Electrician, WG-2805-10. There are also Cooks, WG-7404-8; a Gardener, WG-5003-8; General Equipment Repairer, WG-4737-8; and Motor Vehicle Operators, WG-5703-08.

While there is no direct correlation between GS and FWS grades, the level of work performed by the FWS grade 10 and 11 jobs do not exceed the level of work performed at the GS-7 grade level. For example, the complexity of work assignments, and the skills and knowledge of Electricians, WG-2805-10, do not exceed the level of complexity of Engineering Technician, GS-802-7, positions. This takes into consideration that journey level electricians install, modify, repair, maintain, troubleshoot, test and load a variety of complete electrical systems and equipment. They are skilled in planning, layout, positioning of complete systems and portions of systems in industrial complexes and buildings or structures of similar complexity. They have the ability to interpret and apply the National Electrical Code, local codes, blueprints, wiring diagrams, and engineering drawings and to use trade formulas to calculate common properties. The electricians know the characteristics of and use the full range of electrical materials, equipment, and components. They are skilled in the use of various electrical tools and test equipment. The electricians' work assignments frequently require familiarity with electronics to the extent of troubleshooting electrical circuits containing electronic components. Electricians also are responsible for planning and laying out the routing, placement, and arrangement of industrial or similar complex systems, circuits, controls, and equipment.

At the GS-7 level, Engineering Technicians perform work which involves planning non-routine assignments of substantial variety and complexity; selecting guidelines to resolve operational problems not fully covered by precedents; developing revisions to standard work methods; modifying parts, instruments, and equipment; and taking actions to or making recommendations based on preliminary interpretation of data or results of analysis. For example, some Engineering Technicians, GS-802-7, review designated portions of plans submitted by contractors for interior electrical wiring of residential or office buildings for light and power; check the accuracy of calculations of loads, illuminations, conductor size, etc., and the adequacy of switches, controls, and other equipment selected by the contractor. They base their review on a practical knowledge of methods and techniques of electrical engineering design. They review drawings, the basis for design, and design analysis for conformance with established engineering standards and criteria set forth in manuals, codes, and other guides, and the specific project requirements.

At the grade 10 level, electricians work within the bounds of available guides and trade techniques. They are responsible for assuring the selection and application of the appropriate electrical practices and techniques based on code and project requirements. They plan and lay out the routings, placement, and arrangement of systems, circuits, controls and equipment of grade 10 complexity. At this level, electricians complete installations, modifications, and repairs, and load and test systems, circuits, equipment, and controls with little or no check during the progress or upon completion of work. The supervisor checks overall work to see that it meets accepted trade practices and is completed timely. Recurring work assignments performed by Engineering Technicians, GS-802-7, are occasionally observed and are subject to only

occasional spot checks for technical adequacy. While the Electrician, WG-2805-10, and Engineering Technician, GS-802-7, carry out their assignments within comparable degrees of established procedures, the overriding consideration is the level of complexity of the work performed. The comparison of the kind of assignments performed in the two occupations demonstrates the grade 10 electrical work is not inherently more complex than GS-7 Engineering Technician work.

Carrying this analysis further, the appellant supervises approximately 8.7 staff years of grade 8 level work, including Gardeners, Cooks, and Motor Vehicle Operators. We compared typical grade 8 level gardener work to criteria in the Grade Level Guide for Aid and Technical Work in the Biological Sciences Series, GS-400 (GS-400 Guide). Grade 8 gardeners (not unlike cooks and motor vehicle operators at that grade level) have knowledge and skills to perform a wide range of occupational functions independently. Within the range of good practices or standards of gardening and individual project, master, or long-range plans, they make independent judgments requiring consideration of individual needs or characteristics of the work situation. They recognize and control routine and more infrequent plant problems and deficiencies and record corrective procedures used, including any new processes applied and results achieved. At this level, they recommend changes for improvement in overall landscape plans.

This grade 8 gardener work would not exceed the GS-6 grade level when compared to the GS-400 Guide.. Typical work classified at the GS-6 level or lower using the GS-400 Guide includes knowledge of the technical methods and procedures for a work area and use of them to carry out a variety of technical duties common to the specialty area. Similar to grade 8 work, the GS-6 duties require a knowledge of the basic principles of a biological science to assess readings and measurements taken, tests executed, observations made, work completed, samples collected, etc., to understand and relate the significance of the results to the higher objectives to which the activity is related. GS-6 technicians resolve the full range of irregular or problem situations when performing a wide variety of either highly interrelated tasks or nonstandard assignments. Typical grade 8 gardener work would not meet the GS-7 level at which the technician work would require knowledge of technical methods and procedures and knowledge of management practices and agency policy and programs to lay out, schedule, organize, and execute the details of a wide variety of types of limited operational projects incorporating diverse technical knowledges, e.g., to use dissimilar specialized methods, procedures and/or techniques, or one-at-a-time and often long-range multi-phased projects. Typical grade 8 gardener work requires knowledge and skills to work within projects and plans developed by others and, unlike GS-7 technicians, does not require knowledge of management practices, agency policies, and programs to perform comparable project work.

Applying the same rationale to the other FWS positions, we conclude that the representative FWS work performed within the [identifying organization] does not provide a basis for crediting any work with a higher level than GS-7. The grade 8 work is credited at the GS-6 level. The other FWS work at and below grade 7 in the organization would not exceed the GS-5 grade level.

The following listing shows positions performing the nonsupervisory work, including the nonsupervisory mission-oriented work performed by some of the supervisors and leaders,

included for the base level consideration. This listing also shows subordinate FWS positions with their adjusted GS-equivalent grades.

GS-13

- .30 Supervisor, General Engineer, GS-801 (30% nonsupervisory duties)
- .30 Supervisor, GS-630 (30% nonsupervisory duties)
- .30 Supervisor, GS-673 (30% nonsupervisory duties)
- .90

GS-12

- 1.0 Industrial Hygienist, GS-690

GS-11

- 1.0 Safety Occupational Health Manager, GS-018-11 (adjusted grade)
- 2.0 General Engineer, GS-810
- 1.0 Safety Specialist, GS-018
- 1.0 Civil Engineer Technician, GS-802
- 1.0 Dietitian, GS-630
- 0.5 Laundry Plant Mgr, GS-1658 (50 % nonsupervisory duties)
- 6.5

GS-10

- 2.0 Biomedical Engineering Technician, GS-802

GS-9

- 1.0 Equipment Specialist, GS-1670
- 1.0 Administrative Officer, GS-341
- 2.0

GS-7

- 5.0 Boiler Plant Operator, WG-5402-10 (adjusted grade)
- 0.7 A/C Leader, WL-5306-10 (70% non-lead duties)
- 0.15 Maintenance Supervisor, WS-4701-10 (15% nonsupervisory duties)
- 0.15 Electrician Supervisor, WS-2805-10 (15% nonsupervisory duties)
- 3.0 A/C Equipment Mechanic, WG-5306-10
- 1.0 Electronics Mechanic, WG-2604-10
- 1.0 Electrician, WG-2805-10
- 1.0 Painter, WG-4102-10
- 3.0 Pipe Fitters, WG-4204-10
- 2.0 Carpenter, WG-4607-9
- 2.0 Electrical Workers, WG-2805-9
- 19.0

GS-6

- 0.7 Gardner Leader WL-5003-8
- 3.0 Cooks, WG-7404-8
- 1.0 Gardener, WG-5003-8
- 1.0 Gen Equip Repair, WG-4737-8
- 3.0 Motor Vehicle Operator, WG-5703-08
- 8.7

GS-5 and below

- 2.0 Motor Vehicle Operator, WG-5703-7
- 3.0 Zone Maintenance Workers, WG-4749-7
- 1.0 Gardener/Motor Op, WG-5003-6
- 1.0 Tractor Operator, WG-5705-6
- 2.0 Laundry Machine Operator, WG-7305-5
- 1.0 Motor Vehicle Operator, WG-5703-5
- 1.0 Cook, WG-7404-4
- 3.0 Diet Aids, WG-7404-4
- 3.0 Motor Vehicle Operators, WG-5703-4
- 2.0 Laundry Mach Operator, WG-7305-3
- 5.0 Food Service Workers, WG-7408-3
- 20.0 Food Service Workers, WG-7408-2
- .50 Housekeeping Leaders, WL-3566-2 (50% non-lead duties)
- 43.0 Housekeeping Aids, WG-3566-2
- 15.0 Laundry Workers, WG-7304-2
- 102.5

Total staff years is 140.6

| | |
|-----------------|-------|
| GS-13: | .6 % |
| GS-12: | .7% |
| GS-11: | 4.6% |
| GS-10: | 1.4% |
| GS-9: | 1.4% |
| GS-7: | 13.5% |
| GS-6: | 6.2% |
| GS-5 and below: | 72.9% |

The base level of work supervised by the appellant is GS-6. Work at or above this level constitutes 25 percent or more of the workload of the unit.

The GSSG recognizes that for second (and higher) level supervisors, sometimes heavy supervisory or managerial workload related to work above the base level may be present. In these cases, the GSSG permits using the "highest level of nonsupervisory work directed which requires at least 50 percent of the duty time of the supervisory position under evaluation" for this factor. The appellant contends his duties as Medical Center Safety Officer, including directing the work of the safety staff, occupy 50 percent of his duty time. However, this alternative method is not appropriate for the appellant's position. As discussed previously, the grade of the

GS-12 Safety and Occupational Health Manager position is dependent, in large part, on relative freedom from supervision which undermines the likelihood the appellant would devote 50 percent of his time directing this workload. In addition, the appellant does not supervise a heavy nonsupervisory GS-11, 12, and 13 workload since that work constitutes only 8.4 percent of the total unit workload, or approximately 7.5 staff years.

Level 5-3 is credited, for 340 points.

Factor 6, Other Conditions

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 substantially 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 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 may not be considered in determining whether a higher factor level is creditable.

The agency credited the position with Level 6-4. The appellant believes his position should be credited with Level 6-5.

At Level 6-2, the work supervised or overseen involves technician and/or support work comparable in difficulty to GS-7 or GS-8; or work at the GS-4, 5, or 6 level where the supervisor has full and final technical authority over the work. This second situation requires the supervisor to coordinate and integrate work efforts, either within the unit or with other units, in order to produce a completed work product or service. Full and final technical authority means that the supervisor is responsible for all technical determinations arising from the work, without technical advice or assistance on even the more difficult and unusual problems, and without further review except from an administrative or program evaluation standpoint.

Level 6-2 is met. The appellant directs subordinate supervisors who supervise jobs comparable in grade to GS-5. He is required to coordinate and integrate all facets of maintenance and operations services and makes final decisions on technical problems, issues, procedures, and practices to be used in the accomplishment of assignments.

At Level 6-3, the supervisor coordinates, integrates, or consolidates administrative, technical, or complex technician or other support work comparable to GS-9 or 10, or work at the GS-7 or 8 levels where the supervisor has full and final technical authority. The second situation covers positions which direct subordinate supervisors over positions in grades GS-7 or 8, requiring consolidation or coordination to ensure consistency of product, service, interpretation, or advice; or conformance with the output of other units, with formal standards, or agency policy.

Level 6-3 is not met. As documented in the workload analysis, the appellant does not direct a substantial workload comparable to GS-9 or GS-10, nor does he direct supervisors who direct a substantial workload comparable to GS-7 or GS-8.

This factor is tentatively credited at Level 6-2, for 575 points.

Special Situations

Supervisory and oversight work may be complicated by special situations and/or conditions. For credit, the condition must be present and dealt with on a regular basis. The appellant's position is credited for the following situations: (1) Variety of Work, (2) Shift Operations, (3) Fluctuating Work Force or Constantly Changing Deadlines, (6) Impact of Specialized Programs, (7) Changing Technology, and (8) Special Hazard and Safety Conditions.

We did not credit the following:

- Physical Dispersion. Although the appellant supervises a workload carried out in many locations physically removed from the main unit, this does not impact the difficulty of his day-to-day supervisory responsibilities. The appellant is a second-level supervisor with a substantial part of his responsibilities carried out by subordinate supervisors.
- Special Staffing Situations. No special employment programs or other staffing situations exist.

The position meets 6 of the 8 special conditions. Therefore, an additional level is added to the tentative level for this factor.

Level 6-3 is credited, for 975 points.

Summary applying the GSSG

| <i>Factor</i> | <i>Level</i> | <i>Points</i> |
|---|--------------|---------------|
| 1. Program Scope and Effect | 1-2 | 350 |
| 2. Organizational Setting | 2-2 | 250 |
| 3. Supervisory and Managerial Authority Exercised | 3-3b | 775 |
| 4. Personal Contacts | | |
| Nature of Contacts | 4-A2 | 50 |
| Purpose of Contacts | 4-B3 | 100 |
| 5. Difficulty of Work Directed | 5-3 | 340 |
| 6. Other Conditions | 6-3 | <u>975</u> |
| <i>Total points</i> | | 2840 |

In accordance with the grade conversion table in the GSSG, a total of 2840 points falls within the point range of a GS-12.

Summary

The appellant's supervisory work is graded at a GS-12 level, but his Hospital Engineer duties are graded at a GS-13 level and are grade-controlling.

Decision

The position is properly classified as GS-801-13, with the title optional to the agency.