

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

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [The appellant]

Agency classification: Lead Engineering Technician
GS-802-12

Organization: [The appellant's organization]

OPM decision: Engineering Technician, GS-802-11

OPM decision number: C-0802-11-06

Carlos A. Torrico
Classification Appeals Officer

May 23, 2001
Date

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

Since this decision lowers the grade of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

The personnel office must also determine if the appellant is entitled to grade or pay retention, or both, under 5 U.S.C. 5362 and 5363 and 5 CFR 536. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented.

Decision sent to:

Appellant:

[The appellant's address]

Agency:

[The appellant's servicing personnel office]
U.S. Department of the Navy

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Introduction

On December 6, 2000, 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 a Lead Engineering Technician, GS-802-12. However, he believes the grade level of his position should be GS-13. He works in the [appellant's organization]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

This appeal decision is based on a careful review of all information submitted by the appellant and his agency. In addition, to help decide the appeal an Oversight Division representative conducted separate interviews by telephone with the appellant and his supervisor.

The appellant indicates that his official position description (PD) is not accurate. However, the Director of Combat Systems has certified to the accuracy of the appellant's official PD. The record indicates that the appellant grieved the inaccuracy of the PD utilizing the agency's grievance procedure; however, the matter was not resolved. In such cases it is OPM policy to decide the appeal based on the actual duties that management has assigned and that the appellant performs. Based on our review we have determined that the appellant's PD of record is inaccurate in describing the "lead" duties of the position, and should be amended to reflect the findings discussed in this evaluation.

The appellant believes he should receive GS-13 pay retroactive to July 2, 2000. However, the U.S. Comptroller General states that an "...employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted...Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications" (CG decision B-232695, December 15, 1989).

The appellant brought up issues regarding potential exposure to hazardous material of missile blast residue. However, the appropriate forum to address such concerns is not through the classification appeals process, but rather by filing a claim for backpay under Title 5 with the OPM central office. By separate letter, the appellant was advised of that process.

The appellant provided a draft PD of the work he performs with a self-graded evaluation to a GS-802-13. Therefore, he believes his duties should be classified at that level. 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 classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's current position to others as a basis for deciding his appeal.

Position information

Given the concerns and issues addressed by the appellant in his appeal, it is useful to provide some historical background regarding the appellant's position. The appellant's PD was rewritten to add lead responsibilities as part of a reorganization at the [appellant's organization]. The position description was rewritten using a Department of Defense automated program for writing and editing PD's called the Core Document Program. The activity rewrote the PD and classified it at the GS-11 level by application of the classification criteria in the standard for the Engineering Technician Series, GS-802. The lead duties were added so the position could be graded at the GS-12 level. The appellant was previously assigned to a GS-802-12 level position before being assigned to his current job. The rewrite of the PD reflects a combination of non-lead GS-11 level engineering technician work, and lead responsibilities over a team of engineering technicians performing technician work classified at a higher grade level than the appellant's non-lead duties.

The record indicates that the appellant is responsible for leading a group of two Engineering Technicians, GS-802-12, and one MLC 1-7 (GS-11 equivalent) local national employee for a total of 40% of his work time. According to the record, the remaining 60% of his work time is spent performing engineering technician duties consisting of testing and analyzing complex launching systems, and providing technical support to industrial shops in the repair and overhaul of complex missile launching systems. These duties involve functional checks, alignment, calibration and testing of repaired, modified, new, or modernized missile launching systems that require an extensive practical knowledge of engineering methods, principles, and techniques, but do not require professional engineering knowledge and skills.

The results of our interviews, the appellant's PD and other material of record, furnish more information about his duties and responsibilities and how they are performed.

Series, title, and standard determination

The agency classified the appellant's position in the Engineering Technician Series, GS-802, titling it Lead Engineering Technician. The appellant does not disagree with the agency's title and series determination. We concur with the agency's series selection.

As specified in the classification standard for the Engineering Technician Series, GS-802, dated June 1969 (reissued in HRCD-7, July 1999), that series includes technical positions that require primarily application of a practical knowledge of the methods and techniques of engineering or architecture and the construction, application, properties, operation, and limitations of engineering systems, processes, structures, machinery, devices, and materials. The positions do not require professional knowledge and abilities for full performance and therefore do not require training equivalent in type and scope to that represented by the completion of a professional curriculum leading to a bachelor's degree in engineering or architecture.

The appellant's work requires broad, complex, technical knowledge of engineering functions as it relates to the shipboard equipment worked on by staff of [the appellant's organization].

Similar to positions classified in the GS-802 series, his duties involve working in an operational environment in which the individual has primary responsibility for familiarizing operators with procedures involved, and indoctrinating organizational level maintenance personnel, in engineering troubleshooting techniques and maintenance policies. The appellant's position is concerned with providing technical support to industrial shops and codes in the repair and overhaul of complex missile launching systems, and is appropriately classified in the GS-802 series.

The agency has titled the appellant's position as Lead Engineering Technician and applied Part II of the General Schedule Leader Grade Evaluation Guide, dated June 1998 (reissued in HRCD-7, July 1999) to grade the leader duties because he leads work accomplished by GS-9 or higher one grade interval positions. We disagree that the appellant's position functions as a team leader. Part II of the General Schedule Leader Grade Evaluation Guide (GSLGEG) states on page 7 that the guide is used to classify positions whose primary purpose is, as a regular and recurring part of their assignment and at least 25% of their duty time, to lead a team of other GS employees in accomplishing two-grade interval work (or one grade interval at GS-9 or above) that meets at least the minimum requirements of Part II. Part II (page 9) states that team leaders utilize a variety of coordinating, coaching, facilitating, consensus building and planning techniques. To be classified by application of Part II, positions must spend at least 25% of their time exercising the minimum authorities and responsibilities required for coverage. At a minimum, team leaders must perform all of the first 7 coaching, facilitating and mentoring duties and a total of 14 of the 20 duties listed in Part II (pages 10-11). However, for the reasons discussed below, we have concluded that the appellant spends no more than 20% of his time leading team members, and does not exercise the minimum number of authorities and responsibilities required for coverage of Part II of the GSLGEG. Therefore, he is not a team leader and his position cannot be titled as "Lead" or graded using the GSLGEG.

The appellant leads three employees, two are classified as Engineering Technician, GS-802-12, and the other is an Engineering Technician, MLC 1-7 (GS-11 equivalent) local national employee. The appellant performs some lead authorities and responsibilities; however he and his supervisor disagree on the percentage of work time spent on team leader functions. The supervisor indicates that the appellant spends no more than 20% on lead duties whereas the appellant believes he spends 40% of his time performing lead duties.

Our fact-finding disclosed that the level of independence of his subordinate team members, especially the GS-12's, precludes the appellant from meeting the minimum 25% criterion. The position description for the two GS-12 engineering technicians indicates that "...highly controversial projects are normally assigned to the incumbent. The incumbent is considered to be the technical authority in the field and is expected to exercise sound judgement..." The position description for the MLC 1-7 engineering technician notes that the incumbent "...frequently works alone on assigned tasks with authority to use independent judgement on problems encountered..." Therefore, given the level of independence of the positions led (and the fact that they require little or no leadership) we have determined that the appellant spends no more than 20% of his time leading work, probably only for the GS-11 equivalent position.

As stated previously, to be classified by application of Part II of the GSLGEG, team leaders at a minimum are required to perform all of the first 7 authorities and responsibilities and a total of 14 of the 20 listed. We find that the appellant exercises 4 of the first 7 authorities and responsibilities. Specifically duties 1, 5, 6 and 7 are met. For example, the appellant is aware of the organization's mission and does his best to communicate it to team members. He trains or arranges for training of team members, monitors and reports on the status and progress of work, and serves as facilitator in coordinating team initiatives. Duties 2, 3 and 4 are not met. Our reasons for this determination are discussed below.

Authority and responsibility 2 indicates that a leader articulates and communicates to the team the assignment, project, problem to be solved, actionable events, milestones, and/or program issues under review, and deadlines and time frames for completion. Our interviews disclosed that although assignments and projects are discussed among the team, deadlines and time frames for completion of projects are not defined by the appellant, but rather pre-determined based on the length of time a ship is scheduled to be docked for maintenance.

Authority and responsibility 3 indicates that the lead coaches the team in the selection and application of appropriate problem solving methods and techniques, provides advice on work methods, practices and procedures, and assists the team and/or individual members in identifying the parameters of viable solutions. Our interviews disclosed that based on the extraordinary degree of independence and authority given to his team members, the appellant only coaches his team occasionally in the above areas. Generally, the members are expected to independently apply sound judgement in determining the methods and techniques for solving problems.

Authority and responsibility 4 indicates that the leader leads the team in: identifying, distributing and balancing workload and tasks among employees in accordance with established work flow, skill level and/or occupational specialization; making adjustments to accomplish the workload in accordance with established priorities to ensure timely accomplishment of assigned team tasks; and ensuring that each employee has an integral role in developing the final team product. Our interviews disclosed that the appellant does not take part in distributing and balancing workload. Workload is contingent on what resources are available (e.g. materials, power, etc...) onboard the ships. The workload tends to naturally balance itself out by flowing to the team member whose area of expertise encompasses the specific assignment. The appellant does not adjust workload to meet priorities or timely accomplishment of assigned tasks. That responsibility is left to the team member.

Because the first 7 lead duties are not all met, the remaining duties were not evaluated. Considering the level of work performed by his team members and their relative freedom from team leadership, it is determined that the appellant provides only minimal leadership over them, which takes no more than 20% of his time. Therefore, the GSLGEG cannot be applied. Designation of the "Lead" prefix to the title of the appellant's position is not appropriate.

Because the appellant's work covers two of the engineering subject-matter specializations (i.e., electrical and mechanical) with neither one paramount, in accordance with the titling instructions on page 10 of the GS-802 standard, his position is properly titled Engineering Technician. Below

we have evaluated his engineering technician duties, which take up to 80% of his time, by application of the grading criteria in the standard for the Engineering Technician Series, GS-802.

Grade determination

The standard for the Engineering Technician Series, GS-802, uses two classification factors to evaluate positions: Nature of assignment and Level of responsibility. Our evaluation with respect to these factors follows.

Nature of assignment

This factor includes the scope and difficulty of the project and the skills and knowledge required to complete the assignment.

The nature and complexity of the appellant's work fully meets but does not exceed the GS-11 level (pages 32-34) of the GS-802 standard, which is the highest level for this factor described in the standard. That level is summarized below and compared to the appellant's position.

- At the GS-11 level engineering technicians perform work of broad scope and complexity. They interpret, select, adapt, and apply many guidelines, precedents, and engineering principles and practices. Likewise, the appellant must interpret, select, adapt, and apply engineering handbooks, technical journals and manuals, facility and equipment standards, and similar procedures. Additionally, guidelines are also provided by Commander-In-Chief, U.S. [area] Fleet, Commander, Naval Sea Systems Command (COMNAVSEASYS COM), In-Service Engineering Agent (ISEA), and other related sources. An average of 80% of the time precedents are available. When they are deemed inadequate, the appellant uses his own initiative and good technical judgement based on his experience.
- At the GS-11 level, engineering technicians must apply some knowledge of related scientific and engineering fields. Likewise, the appellant has broad knowledge of various engineering fields. In particular, he applies technical knowledge of both the electrical and mechanical engineering fields in conducting work on missile launching systems.
- As required at the GS-11 level, the appellant plans and accomplishes complete projects or studies of conventional nature. He must independently plan and accomplish work requests for his assigned functional code. Like the GS-11 level, these projects typically require him to independently adapt data and interpret and use precedents.
- As at the GS-11 level, the appellant's work typically includes a variety of complex problems in which considerable judgement is needed to make sound engineering compromises and decisions. The appellant demonstrated such judgement when a missile hatch failed to open properly and he was able to assess the problem and act accordingly. Working on complex launcher systems the appellant encounters a variety of situations similar to that just described where sound engineering compromises and decisions are made. Along with technical issues, safety issues also have to be taken into consideration.

- As at the GS-11 level, the appellant must use ingenuity and creative thinking in devising new ways of accomplishing objectives, and in adapting existing equipment or current techniques to new uses. The appellant demonstrates these characteristics to a high degree. An example of such a situation occurred when the appellant determined that a particular screw manufactured in Sweden was needed for a specific job. Research revealed that it could no longer be obtained. The appellant determined the best solution was to apply reverse engineering in which he located the drawings of the screw, sent an old screw into a lab for identification of materials used, and had a new screw designed to the specifics of the findings. Situations similar to the one just described are examples of the types of problems the appellant encounters and rectifies based on his ingenuity and creative thinking.

Level of responsibility

This factor considers the nature and purpose of person-to-person work relationships and supervision received in terms of intensity of review of work as well as guidance received during the course of the work cycle. The appellant's position fully meets the GS-11 level (page 34) which is the highest level for this factor described in the standard.

- At the GS-11 level, technicians have considerable freedom in planning work and carrying out assignments. The supervisor makes assignments in terms of major objectives, providing background information and advice on specific, unusual problems which are anticipated or on matters requiring coordination with other groups. In the appellant's case, copies of job assessments are sent out to the appellant and the appellant's supervisor. Like the GS-11 level, prior to conducting the job, the appellant's supervisor reviews them and makes assignments in terms of broadly defined program objectives and command requirements. The appellant completes his job with minimal, if any, input from his supervisor, and functions independently in accomplishing his work. Problems regarding policy are referred to the appellant's supervisor, but technical assistance is infrequently sought or required.
- At the GS-11 level, unusual or controversial problems, or policy questions arising in the course of a project, may be discussed with the supervisor, but technical supervisory assistance is infrequently sought or required. Likewise, the appellant has wide latitude for identifying specific technical problems and initiating procedures for completing projects. Controversial problems or policy questions are discussed with the appellant's supervisor.
- As at the GS-11 level, the appellant keeps his supervisor informally apprised regarding progress, but there is little, if any review during the progress of typical assignments. Likewise the appellant keeps his supervisor informally apprised regarding work in progress. Completed work is considered to be technically correct and is accepted without significant change.
- Like the GS-11 level, the appellant's extensive contacts are with a variety of personnel regarding complex engineering and administrative problems, and are carried out without close supervision. His work contacts include those from other codes, shipboard personnel, [name] Personnel, and the [name of country] Maritime Self-Defense Force high ranking officials. On occasion the appellant is asked to deliver presentations.

By application of the grading criteria in the standard for the Engineering Technician Series, GS-802, we find that both the nature of the appellant's assignments and his level of responsibility meet the GS-11 level. Therefore, this position is graded at GS-11.

Decision

The appellant's position is properly classified as Engineering Technician, GS-802-11.