

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

Philadelphia Field Services Group  
600 Arch Street, Room 3400  
Philadelphia, PA 19106-1596

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

**Appellants:** [appellant's name]

**Agency classification:** Deputy/Technical Assessment Manager  
GS-1101-14

**Organization:** Office of the Commander  
Defense Contract Management Agency  
[name]  
Defense Contract Management District  
[name]  
Defense Contract Management Agency  
Department of Defense  
[location]

**OPM decision:** Title at agency discretion  
GS-1101-14

**OPM decision number:** C-1101-14-01

/s/ Robert D. Hendler

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Robert D. Hendler  
Classification Appeals Officer

August 18, 2003

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Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

**Decision sent to:**

PERSONAL

[appellant's name]

[appellant's address]

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## **Introduction**

On April 24, 2003, the Philadelphia Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [name]. His position is currently classified as Deputy/Technical Assessment Manager, GS-1101-14. He believes that it should be classified as GS-1101-15. We received the agency administrative report on June 5, 2003. The appellant works in the Office of the Commander, Defense Contract Management [activity name], Defense Contract Management District East (DCMDE), Defense Contract Management Agency (DCMA), Department of Defense, [location]. We accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

## **General issues**

In his appeal letter, the appellant states that his position description (PD) #[number] was redescribed as part of a reorganization of functions in the office in early 2003. He says that his duties and responsibilities are essentially the same as a PD published by his agency as a guide for deputy PD's classified at the GS-15 grade level. The appellant disagrees with his servicing human resources office's position that his position should only be classified by application of the General Schedule Supervisory Guide (GSSG) rather than the GS-1102 Contracting Series PCS. He disagrees with his agency's statement that even if the GS-1102 PCS was applied to his position it would not be credited at Level 5-6 and, therefore, would not be credited with the number of points required to support the GS-15 grade level. He also disagrees with the policy criteria used by his agency to determine whether Level 5-6 is applicable to his position.

OPM is required by law to classify positions on the basis of their duties, responsibilities, and qualification requirements by comparison to the criteria specified in the appropriate PCS or guide (5 U.S.C. 5106, 5107, and 5112). The law does not authorize use of other methods or factors of evaluation, such as comparison to other positions that may or may not be accurately described or classified correctly, including comparison to standardized PD's or other internal agency classification guidance.

A PD is the official record of the major duties and responsibilities assigned to a position by a responsible management official; i.e., a person with authority to assign work to a position. A position is the duties and responsibilities that make up the work performed by an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the duties assigned by management and performed by the employee. We classify a real operating position, and not simply the PD.

Like OPM, the appellant's agency must classify positions based on comparison to OPM PCS's and guidelines. Section 511.612 of title 5 of the CFR, requires that agencies review their own classification decisions for identical, similar, or related positions to ensure consistency with OPM certificates. Thus, the agency has the primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that his position is classified inconsistently with others, he may pursue this matter by writing to his agency headquarters human resources office. In so doing, he should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to him the differences between his position and the others, or grade those positions in accordance with this appeal decision.

## Position information

The appellant functions as deputy to the military commander and as Chief, Technical Assessment Group in the DCMA field activity at the [company name] plant in [location]. The activity administers contracts for complete, major weapons systems assigned to Acquisition Category (ACAT) IC or ID where unliquidated obligations exceed \$1.5 billion, and contracts that fall below the ACAT I level. The distinction between IC and ID is that the former is managed by the Service (Army, Navy, and Air Force) buying commands or contracting activities while the latter is managed by the Secretary of Defense. The [location] plant is an operating activity of [company name] Integrated Systems which is one of the seven major sectors that comprise the [company name] Corporation.

As a contract management office (CMO), DCMA [location] provides contract management services to offices whose primary function is buying; i.e., program management offices responsible for buying major weapons systems. CMO's may do some buying or issue modifications to add and price work to a contract, but these do not constitute new procurements. At the request of the buying command, the activity provides preaward services, e.g., pricing analysis and reviewing contractor capabilities. However, the buying commands are responsible for source selection and award.

The record shows that the appellant spends approximately 80 percent of his time performing deputy duties and the remainder of his time as Chief, Technical Assessment Group. As deputy, he fully shares the commander's responsibilities in accomplishing the activity's missions. In addition, as the senior civilian technical authority on contract and program management, he directly supervises all activity operational and staff elements. He attends sector management council meetings and is a voting member.

Most contracts are administered for Department of the [name] programs. Current ACAT I programs include the [weapons system] procurement that should result in the production of approximately 75 aircraft over 10 years, and the [weapon name] which will replace the [weapon name]. The [weapon name] project, expected to produce approximately 86 aircraft, involves teaming with [other company] where [other company] is the prime contractor and [company] is the subcontractor. The aircraft will use an [other company's aircraft name] airframe and [company] will supply mission equipment, e.g., avionics and radar. The activity is functioning in a subcontractor capacity, teaming with another [company] site, on the [weapon name] Demonstration (a drone aircraft used to perform ocean surveillance that is currently land based). Other major contracts include production of [weapon name] aircraft, the ICAT 3 upgrade to the [weapon name aircraft], and maintenance and repair of current [weapon name] aircraft.

To help decide this appeal, we conducted a telephone audit on July 15, 2003, with the appellant, a telephone interview with his immediate supervisor, [name], on July 17, and telephone interviews with acquisition staff personnel at the Naval [name] Command and the Naval Inventory Control Point. In reaching our decision, we reviewed the audit findings and all information of record furnished by the appellant and his agency, including his official PD. Our audit confirmed that the PD of record contains the major duties and responsibilities of the appellant's position and we incorporate it by reference into this decision.

### **Series, title, and standard determination**

The agency has placed the appellant's position in the General Business and Industry Series, GS-1101, and titled it Deputy/Technical Assessment Manager, with which the appellant agrees. Based on the diverse functions and variety of occupations that the appellant manages, we agree with allocation to the GS-1101 series. The appellant has not disagreed. Based on our audit and review of the record, we concur. There are no titles prescribed for the GS-1101 series. The agency may construct a title consistent with guidance in the *Introduction to the PCS's*.

In his deputy capacity, the appellant performs the full range of deputy duties defined in the GSSG. As previously discussed, the appellant says that his position should also be evaluated by application of the GS-1102 PCS as provided for in higher level agency guidance. In classifying supervisory work, the *Introduction to the PCS's* states that supervisory or program management position in any occupational series should be classified by applying criteria for measuring program management work as provided by application of the standard for the series in which the position is classified or in related standards or guides which measure program management duties, *and* applying the GSSG to positions whose supervisory duties and responsibilities meet minimum requirements for coverage by the GSSG.

Based on our review of the record, we concur with the higher level employing agency's guidance that the appellant's program management responsibilities are properly evaluated by the closely related GS-1102 PCS and that his supervisory duties are properly evaluated by application of the GSSG.

### **Grade Determination**

The record shows that the agency has evaluated the activity head position at the GS-15 grade level. As a full deputy to the activity head, the agency evaluated the appellant's position one grade lower, at the GS-14 grade level, as provided for in the GSSG. The appellant does not disagree with this determination and, based on our analysis of the record, we concur.

The GS-1102 PCS is written in the Factor Evaluation System (FES) format. Positions graded under the FES format are compared to nine factors. Levels are assigned for each factor and the points associated with the assigned levels are totaled and converted to a grade level. Under the FES, factor level descriptions mark the minimum characteristics needed to receive credit for the described level. If a position fails to meet the criteria in a factor level description in any significant aspect, the next lower level and its lower point value must be assigned unless an equally important aspect that meets a higher level balances the deficiency. The position may exceed those criteria in some aspects and still not be credited at a higher level.

The appellant agrees with the agency's crediting of Levels 1-9, 2-5, 3-4, 4-5, 6-4, 7-4, 8-2, and 9-1. The appellant disagrees with the agency's crediting of assessment of Level 5-5. Based on our review of the record, we find that the appellant's position is properly evaluated at Levels 2-5, 3-4, 4-5, 6-4, 7-4, 8-2, and 9-1 and have so credited the position. Therefore, our evaluation of the position focuses on Factors 1 and 5.

*Factor 1, Knowledge required by the position*

This factor measures the nature and extent of information or facts required to do acceptable work and the nature and extent of skill necessary to apply this knowledge. To be used as a basis for selecting a level under this factor, the knowledge must be required and applied.

In addition to the knowledge and skills described at Level 1-7, work at Level 1-8 requires: mastery of contracting methods and contract types to plan and carry out long-term preaward and/or postaward procurement actions; or, mastery of the procurement functional area sufficient to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods, to extend existing contracting techniques, and to develop procurement policies for use by other contracting personnel in solving procurement problems; or, mastery of procurement principles and technical or program requirements to plan and manage or make decisions or recommendations that significantly affect the content, interpretation, or development of complex, long-range, or interrelated agency policies or programs concerning the management of procurement matters; and, familiarity with business strategy and program or technical requirements sufficient to perform or direct in-depth evaluations of the financial and technical capabilities, or the performance of the contractor; or equivalent knowledge and skill.

Illustrative preaward work requires knowledge and skill sufficient to procure systems where little or no contractual precedent exists to serve as guidance in developing or modifying procurement strategies or pricing structure, e.g., extensive ADP acquisitions such as a nationwide teleprocessing system or a multiprocessor mainframe system with a database management system used in multidisciplinary scientific applications. Also representative of Level 1-8 is applying knowledge and skill sufficient to manage all contractual aspects of a major program involving coordination of a number of contracts. This requires long-range procurement planning; a thorough knowledge of the program objectives, scheduling, and interrelationships with other programs; and skill in interpreting policies to solve unprecedented problems. Other illustrative work entails applying knowledge and skill sufficient to procure extensive technical services, such as large Government-owned contractor-operated installations and facilities, which involve use and accountability for large amounts of Government-furnished property, numerous subcontractual arrangements, and accommodation of continuous contractual changes.

Illustrative postaward work is applying knowledge of contract administration sufficient to monitor systems contracts that extend over several years, and cover research, development, testing, and/or production of complex equipment systems. The contracts require monitoring the performance of the prime contractor and a large number of subcontractors, negotiating forward pricing rates and claims, complex changes, and terminations or contract close out. Level 1-8 includes work requiring knowledge of postaward procedures sufficient to administer complex service contracts which require day-to-day negotiations of significant contract changes, monitoring numerous special provisions, coordinating extensive subcontracting involvement, and observing rigid time frames. Also included at Level 1-8 is applying knowledge of contract termination functions that relate to extensive and highly complex contracts, such as: (1) serving as termination contracting officer in connection with a major project in which several years of work have already been expended; or (2) termination responsibility for settling proposals and/or claims of a variety of prime contractors, including analysis and approval of the proposals and/or claims of a large number of subcontractors, and the disposition of large amounts of inventory and Government property and equipment.

The knowledge required by the appellant's position is comparable to Level 1-8. Corresponding to that level, the position requires mastery of contracting methods and contract types to plan and administer long-term postaward procurement actions for major programs as defined in the GS-1102 PCS. As at that level, the monitoring of systems contracts extend over several years, and cover research, development, testing, and/or production of complex equipment systems. Typical of Level 1-8, contracts require monitoring the performance of the prime contractor and a large number of subcontractors, negotiating forward pricing rates and claims, complex changes, and terminations or contract close out.

The position does not fully meet Level 1-9. At that level, work may involve either operational assignments in planning and managing or reviewing and recommending to top management the approval of procurements for critical agency systems and programs within a major industry, or staff-level work in formulating new policies and concepts and advising management on issues and policy proposals affecting those procurements. In either case, however, the procurements are characterized by most or all of the following elements: (1) uncertainties involving the legislation, authorities, and scope of the program resulting from intense Congressional interest; (2) unprecedented factual or contractual issues (e.g. stemming from the newness or complexity of the system or program, the departure from previous approaches, intergovernmental requirements, or comparable conditions) which require the origination of contracting innovations, concepts, or principles; (3) contract negotiations which require balancing conflicting interests of extreme intensity, such as those resulting from the unlimited potential for future applications of the new product, or from public and political controversy culminating in the formation of special interest or lobbying groups, or from attention by the national news media thereby heightening the conflicts and increasing the negotiation problems; and (4) procurements involving systems or programs of such magnitude as to affect the economic health of a major industry whose economic position, in turn, affects the health and stability of the general economy, or significantly affects foreign economies.

Illustrative of operation assignments is responsibility for all preaward and postaward phases of the systems acquisition program having characteristics such as those described above, beginning with the initial strategy and planning phase and continuing through contract negotiation, award, administration, termination and closeout, including the merging of subsystems and components and the meeting of scheduled goals. For Level 1-9 staff work, the employee is a recognized expert and member of a contract review board responsible for reviewing and approving or redirecting the procurement strategy, plans, and techniques for the procurement of systems or programs having characteristics such as those described above, and other programs which require the approval of top management of the department or equivalent agency. The employee is a recognized expert responsible for generating new procurement concepts to resolve problems or issues having characteristics such as those described above; for formulating new procurement policies which have a broad or long-range impact on the procurement program of a major department or agency; and for advising top management during the executive and/or legislative decision making process on procurement issues and policy proposals which involve exceptional controversy, intensive legislative interest or initiatives, or affect a major segment of industry.

Unlike Level 1-9, the activity mission does not include responsibility for *all* preaward and postaward phases of systems acquisition programs with Level 1-9 characteristics. This authority is vested in and retained by the buying command program management office and its acquisition staff. Although the appellant and his subordinate staff assist in the preaward process for major

systems, e.g., developing and supplying contractor history, and assist in analyzing contractor proposals, the appellant and his organization are not responsible for developing the acquisition strategy for the major systems that they support. It is the buying agency that is responsible for dealing with any major congressional and equivalent issues and uncertainties for the major systems found at Level 1-9. Because the mission and functions required for crediting Level 1-9 are not present, this factor must be credited at Level 1-8 (1,550 points).

#### *Factor 5 - Scope and effect*

Scope and effect covers the relationship between the nature of the work and the effect of work products or services both within and outside the organization. The nature of the work describes such end objectives as the number of contracts awarded and administered decisions and recommendations made, and policy and regulatory documents written.

Effect measures such things as whether the work output facilitates the work of others, provides timely services, affects agency programs or missions, or affects other agencies, private industry, or the general public. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture, allowing consistent evaluations. Only the effect of properly performed work is to be considered.

At Level 5-5, the purpose of the work is to resolve critical problems, or develop new approaches for use by other contract specialists, or for use in planning, negotiating, awarding, administering, and/or settling the termination of major procurements. Recommendations or commitments are accepted as authoritative, and frequently carry contracting officer authority for transactions involving sizeable expenditures of staff, funds, and material. The work typically requires: (1) planning and negotiating procurements for long-term systems, programs, or projects (i.e., five years); (2) administering long-term contracts, with delegated final authority to obligate funds in connection with most transactions and, as required, serving as team leader over a group of specialists whose services and advice are used in order to arrive at a decision; (3) negotiating termination settlements and approving contractor's proposed settlements with subcontractors for contracts in which several years of work have been expended, or which involve extensive proposals and/or claims of prime and subcontractors and large amounts of inventory and Government property; (4) developing innovative contractual arrangements to resolve critical procurement problems and satisfy unusual procurement situations; (5) establishing and advocating positions for the region, command, administration, agency or department on major procurement issues; (6) developing procurement regulations, extending techniques, interpreting policy for use by other contracting specialists; or (7) performing comparable work.

The work product at Level 5-5 affects the work of other experts within or outside the agency, e.g., the development of guides or procedures for use by subordinate contracting activities; the operation and evaluation of subordinate contracting programs; the accomplishment of major procurements which contribute to the achievement of mission objectives; the decisions of senior procurement, technical, or program officials in terms of the authoritative procurement advice provided; the economic well-being of a large corporation or subsidiary; or the well-being of substantial numbers of people, such as those employed in a major industry, or those served by a broad social, economic, health, or environmental program.



The appellant's work meets Level 5-5. As at that level, he oversees the administration of long-term contracts for which the CMO is delegated final authority to obligate funds in connection with most transactions. He and his staff close out contracts with the complex prime and subcontractor conditions and large amounts of inventory and Government property typical of Level 5-5. In his deputy role, he establishes and advocates positions for the agency on the major procurement issues assigned to the CMO that affect the economic well-being of a large component of a major defense contractor.

At Level 5-6, the purpose of the work is to plan, develop, and execute critical agency procurement programs which are essential to the mission of the agency or department. Procurements or policies have the potential for affecting the economic health of a major industry or class of industries whose economic position affects the health and stability of the general economy, or for affecting major research or social programs which affect the quality of life on a long-term basis. The capabilities of the new system or program, or the magnitude and potential impact of the program or policy and its importance to the Nation in terms of defense, health, resources, or economy are such that the program receives scrutiny by top management in the agency, and often generates nationwide public interest.

The appellant supports procurement programs that are essential to the buying command's agency. As discussed previously, however, responsibility for planning, developing, and executing these programs is retained at the buying command. While the appellant's organization handles major programs (ACAT I) that impact the economic health of a major defense contractor, the record does not show that it has that impact on the defense industry or the general economy. While the programs supported receive scrutiny by top DCMA management, the record does not show that the [activity]'s program role routinely receives nationwide public interest. Because this factor does not fully meet Level 5-6, it must be credited at Level 5-5 (325 points).

## Summary

In summary, we have credited the position as follows:

<i>Factors</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-8	1,550
2. Supervisory controls	2-5	650
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and effect	5-5	325
6. Personal contacts	6-4	110
7. Purpose of contacts	7-4	220
8. Physical demands	8-2	20
9. Work environment	9-1	<u>5</u>
	Total Points	3,655

A total of 3,655 points falls within the GS-14 grade level point range of 3,605-4,050 points in the PCS's Grade Conversion Table.

**Decision**

The position is properly classified as (title at agency discretion), GS-1101-14.