

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



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

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

**Appellant:** [the appellants]

**Agency classification:** Agricultural Commodity Grader (Grain)  
GS-1980-9

**Organization:** [activity]  
U. S. Dept. Of Agriculture

**OPM decision:** Agricultural Commodity Grader (Grain)  
GS-1980-9

**OPM decision number:** C-1980-09-01

Signed by Denis J. Whitebook  
Denis J. Whitebook  
Classification Appeals Officer

August 29, 1997  
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:**

[CC's}

## **Introduction**

On April 10, 1997, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellants] through their representative Kathryn Pankiewicz. The appellants believe that their Agricultural Commodity Graders (Grain) GS-1980-9 positions are classifiable at the GS-10 level. Their positions are located in [activity] U. S. Department of Agriculture. This appeal is accepted and decided under the provisions of section 5112 of title 5, U.S. Code (U.S.C.).

## **General issues**

The appellants compare their positions to similar, higher graded positions in other components of their agency. 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 appellants' positions to others as a basis for deciding their appeal.

The appellants make various statements about their agency and its evaluation of their positions. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of their positions. We have considered the appellants' statements only insofar as they are relevant to making that comparison.

The appellants compare their past, more compartmentalized duties with their current duties. However, as discussed above, we can consider only current duties and responsibilities in classifying positions. OPM guidelines and previous decisions show that in evaluating positions such as the appellants', current duties are those that have occurred in about the past year. Therefore, we could not consider duties performed over a year ago in deciding this appeal.

The appellants and their representative provided work examples performed by individuals other than the appellants. We cannot consider the work performed by others in classifying the appellants' positions. Only the appellants' current duties and responsibilities can be considered in classifying their positions.

The appellants asked us to conduct a desk audit of their positions. We conduct audits only when the material of record does not provide enough reliable information to allow us to make a sound classification decision. In this case, we find that the record does furnish enough such information. In reaching our decision, we have reviewed all information furnished by the appellants and their agency including their official position description (PD) #22, which the appellants and their supervisor have certified as accurate and complete.

## **Position information**

The appellants determine the grade of grain and related commodities and make independent decisions on difficult and borderline grade determinations. They perform the original inspection and weighing of grain; the permissive inspection, weighing, and checkloading of rice, pulses, processed grain

products, and other assigned commodities; and/or the technical supervision (oversight, reporting, and review) of grain and commodity inspection and weighing activities performed by licensed or contracted non-Federal inspectors.

The appellants perform original inspections and determine the grade of products standardized under the U.S. Grain Standards Act of 1976 and the Agricultural Marketing Act of 1946, as amended, (hereinafter, the Acts) or make independent decisions on difficult and borderline grade determinations. The appellants perform monitoring inspections and appeals of initial grade determinations.

To grade grain, the appellants perform mechanical measurements and visual inspections to establish the type and quality of grain and related commodities. The physical analysis includes determining grading factors such as kind, class, subclass, damage, heat damage, foreign material, smut, insect infestation, odor, moisture, protein content, condition, milling degree, color, and other grading factors. The appellants apply the official standard to determine and certify the grade of the product. They explain and interpret grading procedures, methods, and factors to producers and members of the trade to assure compliance with the provisions of the Acts and official standards and regulations of [U. S. Department of Agriculture].

The appellants operate and monitor an automated grain flow and weighing system that monitors and weighs grain from multiple operations (rail, barge, shipping) conducted simultaneously. The appellants are responsible for complete and up-to-date knowledge of the entire industrial system and its operational mechanisms. They must recognize problems and malfunctions as they occur.

Two appellants spend 90 percent of their time on grading duties, 5 percent on stowage exams and fumigation, and 5 percent on official weighing, protein, and sampling duties. One appellant spends 5 percent of his time serving as acting shift leader; 85 percent on grading duties; 5 percent on stowage exams and fumigation; and 5 percent on official weighing, protein, and sampling duties; and 100 percent of his time on equipment checktesting when he does that work.

The appellants' official PD and other information of record furnished by the appellants and their agency provide additional details about the duties and responsibilities of their positions and the manner in which they are carried out.

### **Classification Principles and Policies**

The following principles and policies are applied in identifying the duties and responsibilities to be considered in the classification of a position (Introduction to the Position Classification Standards, section III.J.)

In most instances, the highest level work assigned to and performed by the employee for the majority of the time is grade-determining. When the highest level work of work is a smaller portion of the job, it may be grade-controlling only if:

- The work is officially assigned to the position on a regular and continuing basis;
- It is a significant and substantial part of the overall position (i.e., occupying at least 25 percent of the employee's time); and
- The higher level knowledge and skills needed to perform the work would be required in recruiting for the position if it became vacant.

Work which is temporary or short-term, carried out only in the absence of another employee, performed under closer than normal supervision, or assigned solely for the purpose of training an employee for higher level work cannot be considered paramount for grade level purposes.

### **Series and title determination**

The appellants' paramount duties and responsibilities are covered by the Agricultural Commodity Grading Series GS-1980 defined on page 3 of the standard for the GS-1980 series. The positions are titled Agricultural Commodity Graders (Grain) according to titling instructions on pages 4-5 of the GS-1980 standard. Neither the appellants nor the agency disagrees.

### **Standard determination**

The paramount duties and responsibilities are properly classified by the GS-1980 standard which is written in the Factor Evaluation System (FES) format. The appellants believe that their positions exceed the highest level described for some factors in the GS-1980 standard. In those instances, we will cross-reference to the standard for the Quality Assurance Series GS-1910 and the FES Primary Standard as discussed on page 21 of the Introduction to the Position Classification Standards. The GS-1910 standard covers work that is similar to the appellants' in terms of performing examining and evaluating functions and processes, the level of difficulty and responsibility is similar since both are two-grade interval occupations, and the same FES classification format is used. The FES Primary Standard serves as the framework for all occupation specific standards written in the FES format.

The appellants believe that the automation of the official inspection and weighing process has increased the complexity of their positions. The GS-1980 standard addresses the knowledge, skills, and abilities needed to perform weighing duties and responsibilities, but it does not address automation skills. Since the weighing work occupies only 5 percent of each appellant's time, it cannot have any impact on the grade of a position; therefore, we have not evaluated the appellants' automation skills.

### **Grade determination**

The Agricultural Commodity Grading Series GS-1980 standard (TS-36, September 1979) uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those

criteria in some aspects and still not be credited at a higher level. Our evaluation of the duties by reference to the nine FES factors in the GS-1980 standard follows.

*Factor 1, Knowledge required by the position -- Level 1-6 -- 950 points*

This factor measures the nature and extent of information or facts which agricultural commodity graders must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills needed to apply these knowledges. Agricultural commodity graders apply the following broad and interrelated knowledges and skills:

(a) Knowledge of the products in the commodity group in terms of the properties and characteristics essential to determining their grade, acceptability, or condition, and the necessary corresponding knowledge of the pertinent official grade standards and related regulations. This knowledge is generally supported by knowledge of the production (e.g., growing), transportation, storage, and marketing cycle of products to enable the grader to identify the nature and cause of various defects.

AND

(b) Skill in grading products or determining their acceptability. This involves recognition and description of color, taste, smell, shape, size, or other characteristics, and comparison of these characteristics with written or physical standards. This skill may involve visual inspection and handling of the product, or it may involve laboratory testing and measuring with instruments.

AND (FOR CERTAIN SPECIALIZATIONS)

(c) Knowledge and skill in inspecting facilities to evaluate processing, storage, or transportation methods affecting sanitation or wholesomeness.

In brief, Levels 1-4, 1-5, and 1-6 of Factor 1 describe a typical pattern of assignments and a common progression of acquisition and development of knowledges and skills during a grader's career. Level 1-4 describes the trainee level; Level 1-5 describes a developmental level or a level restricted to unusually limited or routine assignments; Level 1-6 describes the full performance level applying the full range of grading and/or inspection knowledge and skill typical of the commodity group specialization; and Level 1-7 describes a more unusual, *expert* level.

The knowledge required of the appellants' positions exceeds Level 1-4 described on pages 16-17 and Level 1-5 described on pages 17-19 of the GS-1980 standard as their positions are not assigned trainee, developmental, or routine assignments.

*Level 1-6*

• Positions at Level 1-6 require *extensive overall knowledge* which would enable the grader to perform assignments involving a *wide range of duties* and requiring the ability to resolve a *wide variety of problems*. Knowledge and skill is developed to the extent that the grader independently grades and/or inspects primary products in the commodity group and performs difficult assignments such as:

- grading and/or inspecting rare or unusual products or product types;
- regularly making borderline grading decisions on a variety of products or product types; or
- applying the full range of grading skills and knowledges at an extremely fast pace requiring instant determinations (e.g., grading cotton samples at a rapid pace).

This level typically covers graders who are responsible for performing the *full range* of grading and/or inspection tasks involved in directly supplying grading services to producers or members of the trade with respect to the primary agricultural products in the commodity specialization. Knowledge and skill typically include:

(a) Knowledge of product, official grade standards, and supplemental regulations.

The knowledge essential to grade or inspect products (or product formulations) within the relevant commodity group. This includes the knowledge required to inspect these products for compliance with all types of contract specifications, to recognize *all* but the extremely rare product defects or diseases, and to establish their causes. At this level, the grader is able to make, explain, or defend *nearly all* grade or inspection determinations, only rarely requiring technical assistance in borderline cases. Also, the grader may perform appeal grading, if required. The grader typically applies:

- A thorough knowledge of product characteristics related to grade or acceptability (e.g., *recognizes whether product condition is caused by newly developed product strains or caused by climate conditions, production methods, handling, or disease*);
- A thorough knowledge of grade standards and a variety of contract specifications (e.g., *applies standards rapidly and consistently and can, after brief study, apply standards to any products within the relevant commodity group*); and
- A thorough knowledge of grading and inspection principles, methods, and regulations (e.g., *makes authoritative determinations in borderline cases*).

AND

(b) Grading skill.

Applies highly developed skill in observing and describing product characteristics, such as taste, smell, color, size, shape, or texture, to consistently grade products by making fine distinctions on quality factors to resolve borderline cases. Compares product quality characteristics to standards (usually combining several factors) to arrive at an authoritative grade determination. Applies skill in performing a full range of laboratory tests (applicable to certain commodity specializations).

## AND (FOR CERTAIN SPECIALIZATIONS)

(c) Knowledge of the product's processing, conditions of storage and transportation, and related sanitation requirements.

The knowledge required in this area is moderate to extensive in range and depth. Such knowledge is typical of the following types of assignments:

- Assignments which require the knowledge necessary to inspect and evaluate more complicated processing equipment and procedures, and conditions of storage or transportation, such as is typical of most processed fruit and vegetable or dairy products' production. Normally, duties involve advising industry employees on product quality control methods.
- Assignments which are limited to the inspection or grading of distinct products which, however, require knowledge necessary to inspect or evaluate processing procedures and sanitation conditions that are technically very complex as is typical of egg products' production or high volume shell egg plants.

## Illustrations:

- Knowledges and skills to independently grade and certify wheat and corn at an export elevator.
- Knowledge and skill to independently grade and certify various kinds of rice at an interior grading office.
- Knowledge and skill to technically supervise (oversee and review) non-Federal licensed grain graders.

*Level 1-7*

• Level 1-7 requires advanced technical knowledge of the quality characteristics or features of products in a commodity group; grading principles, techniques, regulations, and standards; and production, transportation, storage and processing operations; and extensive skill in uniformly and accurately applying grading standards and/or inspection regulations to make difficult, controversial, *and* borderline determinations *and* to recognize and identify extremely



rare commodity defects and diseases. At this level graders regularly serve as technical experts performing final grading on reviews, making appeal determinations, resolving controversies, or providing broad technical guidance on difficult and controversial grading inspection problems. Agricultural commodity graders at this level typically have had considerable experience and advanced training in grading and/or inspecting major types of products and rare or unusual products in the relevant commodity group.

Illustration:

- Knowledge and skill to serve as a grader-in-charge at a tobacco redrying plant. Applies knowledge of every grade/quality range of tobacco (252 official grades, non-official plant grades, and “picking” grades too low in quality for official grades), and knowledge of floor grading, tobacco packing, blending operations, packing of blended tobacco (hogshead) to make final grading determinations (and also to report non-uniform grading and false packing of tobacco received from auction).

The agency evaluated this factor at Level 1-6. The appellants believe that their positions should be upgraded because their inspection go beyond routine inspections. The appellants indicate that their nonroutine assignments involve the knowledge and skills to independently resolve unanticipated problems, make decisions to facilitate movement of commodities under pressure, make subtle grading decisions based on a consideration of a number of subjective factors, review grade challenges, etc. Graders at Level 1-6, however, do not perform routine inspections. Routine assignments are described at Level 1-5. Level 1-6 describes the full performance level where graders independently perform difficult assignments such as: grading and/or inspecting rare or unusual products or product types, regularly making borderline grading decisions on a variety of products or product types, or applying the full range of grading skills and knowledges at an extremely fast pace requiring instant determinations (e.g., grading grain samples for export at a rapid pace). The grader may perform appeal grading at Level 1-6.

We find many comparisons between the appellants’ positions and Level 1-6. The appellants’ positions require the *extensive overall knowledge* described at Level 1-6 which enables them to perform assignments involving a *wide range* of duties and requiring the ability to resolve a *wide variety* of problems as follows:

New and hybrid wheat varieties are under constant development to respond to changing market needs, demands to increase production and facilitate processing, and accommodate end-use milling requirements. The appellants must determine the kind of grain from about 180 varieties. They can narrow the search for kind by finding out, if not the actual location of the grower, the loading location or the rail line used to deliver the product and checking the originating State’s crop report which identifies the various kinds of grain harvested. In addition to determining kind, class, and subclass, the appellants also determine grading factors such as damage, heat damage, foreign material, smut, insect infestation, odor, moisture, protein content, condition, milling degree, color, doughability, mycotoxin levels, falling

numbers (alpha amylase levels), and other grading factors. The appellants also consider planting and growing conditions (e.g., region, length of season, soil conditions), weather conditions during specific stages of growth, harvest conditions, etc. They perform laboratory tests such as aflatoxin and vomitoxin testing. Their grading decisions determine the price of the grain. Not only do the appellants make the grade determinations, but they must be able to explain or defend their determinations to their customers. In addition, the appellants indicate that they perform appeal gradings.

With respect to determining compliance with contract specifications, the appellants explain that elevators mix the grain by contract, attempting to comply at the minimum cost. It takes the grain elevator about one hour to weigh up a bin of grain (generally a 2 million pound subplot). The appellants independently grade the grain. If the grain should fail the grade, it means time lost and extensive additional labor costs for elevating and transferring the failed grain out of the ship and re-elevating the new grain. The appellants handle these determinations independently.

At an extremely fast pace, the appellants grade grain samples and decide whether to issue weight certification based on their analysis of the effect a problem or malfunction in the automated weight and monitoring system might have on the validity of the weighing results.

To carry out these duties and responsibilities, the appellants, like the graders at Level 1-6, must have a thorough knowledge of product characteristics related to grade or acceptability; of grade standards and a variety of contract specifications; and of grading and inspection principles, methods, and regulations, e.g., to make authoritative determinations in borderline cases. The appellants also apply highly developed grading skill in observing and describing product characteristics to consistently grade products by making *fine* distinctions on quality factors to resolve borderline cases as described at Level 1-6. The appellants, like the graders at Level 1-6, apply the full range of grader skills and knowledges to grade grain samples and certify weight under high speed conditions.

Based on OPM precedent and comparison of factor level descriptions 1-6 versus 1-7 and benchmarks GS-1980-9-01 (GS-1980 standard, pages 48-52) and GS-1980-11-01 (pages 75-78), we have concluded that to meet Level 1-7, a grader in a field office must be responsible for making final authoritative determinations on appeals of decisions made by full performance graders (i.e., Level 1-6) involving difficult, controversial, and borderline determinations. A grader meeting Level 1-7 must also have the skill to explain and demonstrate classing techniques and principles to guide and advise full performance level graders on difficult determinations. The information of record reflects that the appellants' positions are not required to act at this *expert* level. While the appellants indicate that they rotate through a position responsible for providing a higher tier of inspection analysis when grading decisions are challenged, there is no indication that each appellant spends at least 25 percent of his time making final gradings on review or making appeal determinations. The agency indicates that final decisions are carried out by the agency's Board of Appeals and Review and not in the field.

There is also no indication that the appellants resolve controversies as described at Level 1-6. Information on guides (Club Wheat section of the agency Wheat Classification Guide and a

mycotoxin reference) developed by the appellants' coworkers was provided. These technical guides cannot be considered since they were not prepared by the appellants and they appear to be one-time projects rather than regular continuing work that occupies 25 percent of the time. There is no indication that the appellants provide broad technical guidance on difficult and controversial grading inspection problems as described at Level 1-7.

The appellants' positions require the extensive overall knowledge and skill to perform the difficult assignments described at Level 1-6; however, their positions do not require the *expert* knowledge and skill levels described at Level 1-7. This factor is evaluated at Level 1-6 and 950 points are credited.

*Factor 2, Supervisory controls -- Level 2-3 -- 275 points*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work. The agency evaluated this factor at Level 2-3 and the appellants disagree.

Level 2-3, described on pages 24-25 of the GS-1980 standard, covers a variety of supervisory situations including situations where employees work with a great deal of independence.

- Direct or indirect controls exercised by the supervisor

According to their official PD, on a daily or weekly basis the appellants are assigned to a location and told the general grading, inspection, or weighing work to be performed. Their PD also states that only highly controversial or precedent setting determinations are referred to the supervisor. The indirect supervisory controls over the appellants' position are most like Level 2-3 where the grader receives the daily assignment from the supervisor, officer-in-charge, or senior grader who defines the assignment objectives and determines work priorities.

The appellants state that they run each work site's inspection operation without the presence of a supervisor and that the inspectors operate as a team to coordinate the work. This situation is comparable to Level 2-3 where, when the assignment is continual, the work objectives have been previously well-defined, and the grader refers only unusual deviations from the general assignment to the supervisor for assistance. Level 2-3 also covers situations comparable to the appellants' where two or more graders assigned to the same industry facility may share responsibility for coordinating the work.

The supervisory controls over the appellants' positions do not reach Level 2-4 where the assignment is defined in terms of the overall program objectives as they apply to a particular plant or facility (GS-1980 standard, page 25). Typically, an employee at Level 2-4 would then consult with and advise the supervisor on such aspects as priorities, staffing, or funding requirements, and project milestones.

- Employee responsibility

The appellants indicate in their May 27, 1997 submission that through a team approach, they make independent adjustments in schedules, methods, techniques, and assignments, reacting as necessary to fulfill the needs of the customer and define areas of reasonable deviation from the regulations. The appellants perform the full range of operational inspection tasks. They also perform original inspections, review inspections, supervisory inspections which supply data for the national Quality Assurance Program, and appeal inspections to settle industry and interested party concerns. As inspection service is rendered, the appellants assist and advise each other on difficult and subjective judgments and reach decisions through consensus opinions. The appellants provided information showing that shift supervisors were not present on-site or one of the graders served as an acting supervisor in 181 out of 405 shifts during the period January 1, 1997 to May 15, 1997. The appellants are also responsible for dealing with industry personnel daily to review, defend, explain, or provide service as required. As part of a team, the appellants train and monitor the performance of new or less experienced employees.

This level of responsibility is most comparable to Level 2-3 where the grader independently completes the successive operational steps to accomplish the work, adjusting specific work procedures to varying situations. At Level 2-3, technical assistance is normally not required (and usually is not readily available). The grader at Level 2-3 resolves nearly all technical problems relating to grading or inspection determinations, application of standards, and similar regulations, only rarely referring problems concerning these aspects of the work to the supervisor. Level 2-3 also covers graders who act as shift leaders. At Level 2-3, the grader normally has responsibility for resolving most operating problems with industry employees and has at least partial responsibility for dealing with plant management on major problems. In Benchmark GS-1980-11-01, Level 2-3 was assigned to a grader responsible for the technical supervision of 5 to 10 graders; troubleshooting and providing technical advice; reviewing local classifications upon appeal; and developing lesson plans, assembling course materials, and teaching in a 6-month training school.

The appellants are not responsible, as are employees at Level 2-4, for applying general policies as they relate to the facility and for determining and adjusting the specific methods used to achieve the established objective. The appellants believe they do apply policy and have provided an April 29 memorandum from the Deputy Administrator of GIPSA to Field Office Managers which discusses using experience and a knowledge of the intent of the policies and procedures, as opposed to the rigid application of procedures, to address the legitimate needs of the customer. We find that this policy refers to the application of procedures, criteria, and standards by inspectors relating to their operational tasks rather than the application of more general policies relating to a facility as described at Level 2-4. The appellants are responsible for *applying* standards and similar regulations to specific operations or grading decisions and modifying or deviating from the standards and regulations, within legal parameters, to meet customers' needs. With respect to determining and adjusting the

specific methods used to achieve objectives, we find that the record supports finding that the appellants adjust specific work procedures to varying situations as described at Level 2-3. In addition, the supervisory GS-11 PD (#23) reflects that the shift supervisor *recommends* changes and revisions in weighing procedures, official standards, and specifications. The supervisory GS-13 PD (#666) reflects that the second level supervisor *develops and recommends* to the Field Office Supervisor new and revised policies and procedures for the conduct of inspection activities and *develops and recommends* improved inspection *methods* and techniques. These PD's reflect that responsibility for determining and adjusting methods as described at Level 2-4 has not been delegated to the appellants' positions.

The appellants' positions are like Level 2-4 in that they are responsible for independently making decisions on a full range of technical situations related to the work, such as making borderline grading determinations. However, to fully meet Level 2-4, the appellants must also have the *primary* responsibility for dealing with plant management on matters affecting the *grading program* at the plant or facility and for resolving any major problems involving sanitation, quality control, or general plant procedures or practices, referring only very controversial matters to the field supervisor (GS-1980 standard, page 26). The appellants are responsible for resolving most operating problems and they have *partial* responsibility for dealing with plant management on major problems as described at Level 2-3. However, the *primary* responsibility for dealing with plant management on the *grading program* and major problems involving sanitation, quality control, or general plant procedures or practices rests with the supervisory levels according to the PD's for the supervisory GS-11 and GS-13. The supervisory GS-11 deals directly with industry representatives to resolve problems that occur in inspection, weighing, safety, billing, personnel, staffing, workloads, and other areas where problems may develop. The PD for the Assistant Field Office Supervisor states that the ASFO collaborates with grain elevator officials on work relating to the original inspection and weighing of grain and permissive inspections. Aspects of the responsibility element at Level 2-4 are met; however, the Level 2-4 criteria are not fully met.

- Review of completed work

The appellants' PD states that inspection and weighing reports and official certificates are periodically reviewed for adherence to normal procedures and for conformity to expected results. Occasional spot checks of actual grading are used to review the appellants' technical proficiency. The supervisory GS-11 PD reflects that the shift supervisor is responsible for reviewing work to ensure satisfactory completion of assignments. This is comparable to Level 2-3 where specific work products may be reviewed through occasional checks of worksheets or certificates, or an informal comparison of grade determinations for results. Technical proficiency may be spot checked at Level 2-3, but generally the technical procedures used by the grader are not reviewed in detail. This level of review is closer than that described at Level 2-4 where the work is reviewed primarily by an overall evaluation of its effectiveness in achieving results compatible with the program objectives.

All three elements of this factor are evaluated at Level 2-3. An aspect of the responsibility element met Level 2-4, but the Level 2-4 criteria were not fully met. Therefore, the next lower level, Level 2-3, must be awarded and 275 points credited.

*Factor 3, Guidelines -- Level 3-3 -- 275 points*

This factor covers the nature of guidelines and the judgment needed to apply them. The guidelines used by graders consist primarily of the official grade standards and regulations (which are often supplemented by physical samples or models), administrative and technical manuals pertaining to procedures and methods, and supplemental written or oral instructions. As a guide for maintaining relationships with industry personnel and management, written and oral instructions are also provided. Although these may be less specific in many cases, they do form a set of established practices. The major distinctions among the levels of this factor are based on the degree of discretion allowed (or required of) the grader in applying the guidelines and, to a lesser extent, the number of guidelines which apply to the position's duties. The agency evaluated this factor at Level 3-3, the highest level described in the GS-1980 standard. The appellants disagree.

At Level 3-3, assignments require the grader to use discretion in selecting and applying guidelines in a wide range of situations in which the correct decision is not clearly apparent, or by which a guide must be applied to an unusual situation. Like Level 3-3, the appellants indicate that they use a great deal of discretion in interpreting guidelines because the guidelines do not specifically address research trends, industry requirements, new product designs, foreign necessities, milling processes, and end uses which are constantly changing and evolving. The appellants state that they must make decisions based on their interpretation of the intent of regulations when rules have not yet been written, especially in cases of new technology problems.

Level 3-3 is typified by duties having characteristics such as the following: applying the grade standards and other inspection regulations in borderline cases; primary responsibility for developing and maintaining overall on-site relations with plant management for achieving program objectives as well as working with operating employees to resolve specific problems; analyzing product sanitation or processing methods and recommending changes to plant management to improve product quality control; or frequently making grading decisions under extreme time pressures, for example, grading grain during rapid loading of ocean vessels. The appellants perform such duties; for instance, they apply grading standards and regulations to borderline cases and grade grain during rapid loading of ocean vessels.

Most positions at Level 3-3 also require the application of a relatively extensive number of guides, such as when duties include grading and inspecting most major products within the commodity group, inspecting and evaluating the sanitation, storage, transit, and processing related to products, and performing extensive support work, such as preparing reports, developing and maintaining records, preparing work schedules, time and attendance reports, and similar administrative duties. Comparable to Level 3-3, the appellants' guidelines include information on industry requirements,

milling processes, and end uses; grading standards and regulations, crop reports, and weather history; a guide on mycotoxins; operational handbooks; etc.

The appellants' guidelines do not reach Level 3-4 in the GS-1910 standard or the FES Primary Standard. At Level 3-4, the employees regularly use agency policy statements, program directives, and administrative policies and precedents. Level 3-4 guidelines are presented in general terms and frequently outline the major areas of program planning along with suggested approaches. In contrast, the appellants regularly apply numerous technical guidelines such as grading standards and regulations which are covered at Level 3-3.

At Level 3-4, employees must also use initiative and resourcefulness in deviating from traditional methods or researching trends and patterns to develop new methods, criteria, or proposed new policies. For example, program planning guidelines consist of general agency and command level directives concerning the overall scope and objectives of quality assurance activities involved in the development and acquisition of major aeronautical systems and equipment. The guides cover major functional areas, but are of limited use in developing detailed program plans. Because of the wide variation in program requirements, the specialist employs ingenuity and originality in developing new or improved techniques for obtaining effective results and overcoming unusual problems where guides and precedents are lacking. As evidence of Level 3-4 work, the appellants' representative provided copies of the Club Wheat section of the agency Wheat Classification Guide and a mycotoxin reference. The classification guide and the mycotoxin guide were prepared by the appellants' co-workers. These guides cannot be considered in deciding this appeal since they were not prepared by the appellants. However, if the appellants had prepared them, preparing the guides would not only have to meet the requirements at Level 3-4 (i.e., be equivalent to developing a new method, criteria, or policy); such work would have to be performed on a regular and continuing basis at least 25 percent of the time by each appellant before the work could be considered in the classification of their positions.

Both elements are evaluated at Level 3-3 and 275 points are credited.

*Factor 4, Complexity -- Level 4-3 -- 150 points*

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work. The agency evaluated this factor at Level 4-3 and the appellants disagree.

- At Level 4-3, the assignments involve a variety of duties which require applying different procedures and methods according to the phase of the assignment being performed. At Level 4-3, consideration must be given to differences of product types, to differences in the various processing methods employed, and to the maintenance of relationships with industry personnel. For example, at Level 4-3 in Benchmark GS-1980-09-01 (GS-1980 standard, page 51), assignments deal with a variety of grains and grain types (e.g., wheat, corn,

soybeans, etc.), and vary according to the nature of the assignment (e.g., sampling, original grading, technical oversight of non-Federal inspectors, weighing, etc.). The employee selects appropriate methods depending on the nature of each assignment, considering the type of grain or grain product in the case of grading, or considering the configuration of the elevator or facility in the case of weighing or processed products inspection. Various grade factors and/or contract specifications must be analyzed to make grade determinations, and a variety of processing or storage processes must be analyzed to inspect processed products or oversee weighing operations.

- At Level 4-4 on pages 30-31 and in Benchmark GS-1980-11-01 on page 77, the work involves varied duties requiring many different and unrelated processes and methods such as performing staff work to plan grading operations in a new area or performing futures and appeals grading of cotton covering an extensive range of cotton grades and staple lengths; development of lesson plans and course materials for cotton grading classes; formal classroom instructions of graders; oversight and technical guidance and review of groups of cotton graders; and oversight of cotton grading operations. Decisions regarding what needs to be done involve analysis of problems which are not generally defined in inspecting and grading a commodity (e.g., instruction, futures or appeals classing, or oversight of cotton classing operations). The work requires many decisions concerning such matters as the adaptation or modification of grading or inspection regulations or procedures, the modification of grading standards or procedures, or the proper methods for handling unusual samples, identification of the causes of defects in cotton, the best approach to solving questionable variations in the level of cotton classing decisions of graders within a classing office concerning the class and staple length, and methods of classroom instruction of cotton graders.

Like the employees at Level 4-3, the appellants' work consists of a variety of assignments, e.g., original grading, weighing, review grading, stowage exams, checktesting equipment, etc. The appellants select appropriate methods depending on the nature of each assignment as described at Level 4-3, e.g., considering the type of grain or end use grain product. Level 4-3 recognizes and covers the depth and complexity of the analysis process involved in considering the various grade factors and/or contract specifications to make grade determinations. In addition, the appellants' positions meet Level 4-3 where the grader must consider the maintenance of relationships with industry personnel.

The appellants believe that their work meets Level 4-4 because of political implications. In general, the appellants explain that there are various inspection groups making conflicting grading decisions, e.g., private, State, foreign governments, etc. The grain handlers wish to use the inspection results that are most advantageous to themselves. Farmers, elevator operators, and foreign investors complain to members of Congress or the President when there are disagreements. The appellants indicate that they must be aware of the analytical differences and the accompanying political implications that exist between themselves and State, private, foreign, and Federal inspection teams from other geographical regions. Inspection personnel, such as the appellants, exchange difficult samples with other Federal and State inspection personnel to compare results, track regional trends,



and make corrections when possible. However, the record reflects that these disagreements are being handled by the appellants within established channels such as reaching consensus among the graders on their team or through the review process. No information has been provided to show that the appellants themselves were required to make decisions on the proper method for handling unusual samples or to find the best approach to solving questionable variations in grain classing decisions of graders as described at Level 4-4.

The appellants share responsibility with other full performance level graders for monitoring and assisting new and developmental graders. A general assignment of this nature does not exhibit the level of complexity expected at Level 4-4 where a grader is given the specific assignment to provide oversight and technical guidance and review of groups of graders.

The appellants have indicated that they have given training and presentations; however, this is not comparable to the sustained effort and complexity of planning, developing, and delivering a 6 month training course. On the surface, some of the appellants' assignments appear to meet Level 4-4, but on closer review these assignments, taken individually or as a whole, do not match the level of complexity envisaged at Level 4-4. Under the FES system, a position may exceed the criteria at one level in some aspects and still not be credited at a higher level if the higher level is not fully met.

This factor is evaluated at Level 4-3 and 150 points are credited.

*Factor 5, Scope and effect -- Level 5-3 -- 150 points*

Scope and effect covers the relationship between the nature of the work, i.e., the purpose, breadth, and depth of the assignment, and the effect of the grading and/or inspection services provided both within and outside the organization.

- At Level 5-3, the work involves applying a variety of regulations and treating a variety of problems related to determining the acceptability and/or grade of products. The grader issues grade certificates, inspection reports, and similar work products which directly affect the financial interests of producers, shippers, receivers, processors, warehousemen, or similar companies or individuals having an economic claim on the product or its production. For example, in Benchmark GS-1980-09-01, the work involves applying the standards and regulations in determining the general condition and the U.S. grade of grain. The grader issues inspection reports and grade certificates. Since grain is traded on the basis of U.S. grades, the grader's work products affect the financial interests of buyers, sellers, shippers, warehouses, and others having an economic interest in the product.
- At Level 5-4, the assignment requires providing expertise in inspecting and grading a commodity by furnishing review or advisory services on unconventional problems or questionable characteristics. Authoritative final determinations on inspections and gradings are typical of this level. Grading and inspecting decisions place considerable monetary significance on the grader's judgment. The results of the work affect a wide range of grading

decisions on the commodity as well as on the programs of producers and operations of merchants. For example, in Benchmark GS-1980-11-01, the work involves reviewing the determinations of a group of cotton classers and providing them with advice on problem cases. It also includes appeals decisions, and may include classifying of futures cotton. Determinations made by the employee are considered authoritative. Additionally, the employee is responsible for the training of future classes and the overall coordination of a group of workers. The effectiveness of the employee's judgment and coordination have a broad impact on the quantity and quality of service provided to producers, handlers, and buyers.

The appellants' positions meet Level 5-3 fully as the appellants' work involves applying a variety of regulations and standards and treating a variety of problems related to determining the grade of grain. The appellants' work products (e.g., weighing and inspection reports and official grade and weight certificates) affect the financial interests of buyers, sellers, shippers, warehouses, and others having an economic interest in the product.

The appellants make borderline decisions and provide review services similar to Level 5-4. However, the results of the appellants' work do not affect a *wide range* of grading decision on the *commodity* as well as on the *programs* of producers and operations by merchants. The record indicates that the final authoritative decisions from the Board of Appeals and Review have the broader level of effect on the commodity and programs envisaged at Level 5-4. Level 5-4 is not fully met; therefore, the next lower level must be awarded.

This factor is evaluated at Level 5-3 and 150 points are credited.

*Factor 6, Personal contacts -- Level 6-2 -- 25 points*

This factor includes face-to-face contacts and telephone and radio contacts with persons not in the supervisory chain. Levels described under this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place. The agency evaluated this factor at Level 6-2, the highest level described in the GS-1980 standard, and the appellants disagree.

- At Level 6-1, contacts are limited to personnel within the immediate organizations, i.e., within the commodity division, which normally includes graders, clerical and office personnel, and supervisors.
- In addition to contacts at Level 6-1, Level 6-2 includes contacts with employees within the serviced industry. Typically these contacts involve relationships with machine or line operators, packers, sorters, lab technicians, foremen, shift supervisors, production or plant managers, or others who are employed by the firms with the industry. In settings outside of a processing operation, this level includes contacts with State employees, federally licensed

agents, farmers, growers, warehousemen, etc. In some instances the contacts will include the owners of small firms who act as the general plant manager on a routine basis.

- At Level 6-3, in the FES Primary Standard, personal contacts are with individuals or groups from outside the employing agency in a moderately unstructured setting. For example, the contacts are not established on a routine basis; the purpose and extent of each contact is different; and the role and authority of each party is identified and developed during the course of the contact. Typical of contacts at this level are those persons in their capacities as attorneys; contractors; or representatives of professional organizations, the news media, or public action groups.

The appellants believe they meet Level 6-3 because their contacts with trade officials are unstructured; i.e., because of the complexity of the issues, they are nonroutine. Trade officials rely on inspectors for technical information about policies, standards, regulations, equipment, grading services, etc. According to the appellants' representative the appellants' positions are and must be considered authoritative in order to maintain the integrity of the inspection service. Therefore, when industry representatives want to exert pressure, question a decision, press for non-traditional interpretations of regulations, gain information or an official explanation for controversial or unusual situations, they contact the appellants. Other examples of unstructured contacts are those made on grain vessels where the appellants cannot make assumptions about a contact's status as he or she may be a crew member, a political commissar, contracted personnel such as shipwrights, electronic repairmen, etc.

The appellants' contacts involve personnel within the immediate organization as described at Level 6-1. Comparable to Level 6-2, the appellants' PD shows that they have contacts with employees and supervisors of grain elevators, shippers, licensed inspection agencies, sampling contractors, and similar firms operating in the marketing chain. In addition, the appellants indicate that they have contacts in the trade or foreign trade as well as with farmers, growers, and related industry representatives. These contacts are comparable to Level 6-2 which covers farmers, growers, warehousemen, etc. In contrast to Level 6-3 where the role and authority of *each* party is identified and developed during the course of the contact, the appellants are recognized authorities and are sought out by industry officials and representatives for authoritative decisions and explanations. The overall intent of Level 6-3 is not fully met; therefore, the next lower level must be awarded.

This factor is evaluated at Level 6-2 and 25 points are credited.

*Factor 7, Purpose of contacts -- Level 7-3 -- 120 points*

This factor covers the purpose of personal contacts which ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The personal contacts which serve as the basis for the level selected for this factor must be the same as the contacts which are the basis for the level selected under Factor 6. The agency evaluated this factor at Level 7-3, the highest level described in the GS-1980 standard, and the appellants disagree.

- At Level 7-3, the purpose of the contacts is to develop and maintain the cooperation of employees and managers of the serviced industry in order to assure an acceptable level of compliance with policies, regulations, and objectives of the grading program. At times, the contact's interests conflict with program objectives and the grader is required to gain cooperation in resolving problems through skillful advisement, influence, persuasion, or explanation.

- The purpose of the contacts at Level 7-4 in the GS-1910 standard, is to negotiate or settle significant issues or problems which require escalation because established channels and procedures have failed to resolve the problem. The issue or problem may concern significant quality deficiencies impacting major equipment acquisition programs (i.e., the deficiencies affect the timely delivery of acceptable equipment), or persistent noncompliance on the part of a contractor where formal efforts to effect corrective action have been unsuccessful. The quality assurance specialist assumes the lead in investigating problems, such as leading a special study project or interagency working group, to achieve a common understanding of the causes, and in effecting a compromise or developing acceptable alternatives. (Level 7-4 is the highest level described in the FES format.)

The appellants' contacts meet the lower levels where contacts involve the straightforward exchange of technical and administrative information related to work (Level 7-1) and planning, coordinating, or advising on work efforts where the persons contacted are working towards mutual goals (Levels 7-2).

The appellants' contacts also meet Level 7-3. For instance, the appellants communicate their initial grading decisions and review decisions which they must justify and defend to industry officials who are intensely interested in the effect of these decisions on the monetary value of the grain. They must also explain, justify, and defend decisions to ship captains for extensive cleaning of cargo holds which costs thousands of dollars. Like Level 7-3, the purpose of the appellants' contacts is to gain the contact's cooperation in resolving problems through skillful advisement, influence, persuasion, or explanation when the contact's interests conflict with program objectives. While the purpose of the appellants' contacts is to justify or defend controversial issues, these issues are not as controversial or significant as contemplated at Level 7-4. At Level 7-4, the issues are so controversial or significant that they have been escalated beyond established channels such as the on-site reviews. The issues must be resolved through conferences, meetings, hearings, or presentations. The persons contacted have diverse viewpoints, goals, and objectives. The employee obtains a common understanding of the problem and develops a satisfactory solution by convincing the persons contacted, arriving at a compromise, or developing suitable alternatives. The purpose of the appellants' contacts does not fully meet Level 7-4; therefore, the next lower level is awarded.

This factor is evaluated at Level 7-3 and 120 points are credited.

*Factor 8, Physical demands -- Level 8-3 -- 50 points*

This factor covers the requirements and physical demands placed on the agricultural commodity grader by the work assignment. The agency evaluated this factor at Level 8-3 and the appellants agree.

Comparable to Level 8-3 on page 35 of the GS-1980 standard, the appellants obtain samples by climbing trucks, barges, hopper cars, man lifts, etc. using probes, pelicans, and similar sampling devices; move and lift grain bags or sacks weighing up to 55 pounds; and they climb into and out of ship holds for ship inspections.

This factor is evaluated at Level 8-3 and 50 points are credited.

*Factor 9, Work environment -- Level 9-3 -- 50 points*

This factor considers the risks and discomforts in the agricultural commodity grader's physical surroundings or the nature of the work assigned and the safety regulations required. The agency evaluated this factor at Level 9-3 and the appellants agree.

The appellants' positions meet the highest level described in the GS-1980 standard. Comparable to Level 9-3 on page 36 of the GS-1980 standard, their work environment involves regular and recurring work in grain elevators subject to potentially explosive concentrations of grain dust or work at great heights in grain elevators or aboard ships. The appellants' work requires knowledge and application of extensive safety precautions to avoid serious accidents.

This factor is evaluated at Level 9-3 and 50 points are credited.

*Summary*

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

<b>Factor</b>	<b>Level</b>	<b>Points</b>
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts	6-2	25
7. Purpose of contacts	7-3	120
8. Physical demands	8-3	50
9. Work environment	9-3	<u>50</u>
Total points:		2045

The appellants' positions warrant 2045 total points. Therefore, in accordance with the grade conversion table on page 15 of the GS-1980 standard their positions are properly graded at GS-9.

**Decision**

The appellants' positions are properly classified as Agricultural Commodity Graders (Grain) GS-1980-9.