

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

Philadelphia Oversight Division
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

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

Appellant: [appellant's name]

Agency classification: Packaging Specialist
GS-2032-11

Organization: Corporate Support-Business
Management Team
Technical Assessment Group
Defense Contract Management (DCM)
[name]
DCM District East (DCMDE)
DCM Agency (DCMA)
[location]

OPM decision: Packaging Specialist
GS-2032-11

OPM decision number: C-2032-11-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

5/10/01

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]

DCM [name]-[symbol]

[address]

[location]

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Introduction

On December 11, 2000, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. Her position is currently classified as a Packaging Specialist, GS-2032-11. She believes the position should be classified as Packaging Specialist, GS-2032-12. The appellant works in the Corporate Support-Business Management Team, Technical Assessment Group, Defense Contract Management (DCM) [name], DCM District East (DCMDE), DCM Agency (DCMA), [location]. We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

In her appeal letter, the appellant states that she believes the agency erred in downgrading her position. She says that relevant information about her position was not considered when DCMA conducted a classification consistency review of her position because of a Defense Civilian Personnel Management Service appeal decision on a DCMA Packaging Specialist, GS-2032-11, position. The appellant states that her supervisor's audit of her position in February 1998 and the DCMDE Staff Packaging Specialist's audit of her position in March 1998 supported classification of her position to the GS-12 grade level. She says that her position description (PD), revised on March 19, 1998, (PD [number], classified as Packaging Specialist, GS-2032-12) was not made part of the consistency study. The appellant points out what she believes are flaws in the Grade-Evaluation Guide for Supply Positions used to classify packaging positions.

These statements raise procedural issues that must be addressed. 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 have been classified correctly. Our decision sets aside all previous agency decisions regarding the classification of the position in question. The adequacy of grade level criteria in OPM PCS's and guides is not appealable (5 CFR 511.607).

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. Title 5, U.S.C. 5106 prescribes the duties, responsibilities and qualifications required as the basis for determining the classification of a position. The *Introduction to the Position Classification Standards* (Introduction) states that "As a rule, a position is classified on the basis of the duties actually performed." Additionally, 5 CFR 511.607(a)(1), in discussing PD accuracy issues, says that OPM will decide classification appeals on the basis of the actual duties and responsibilities assigned by management **and** performed by the employee. We classify a real operating position, and not simply the PD. The Introduction recognizes that a PD must be supplemented by other information about the organization's structure, mission, and procedures for a proper classification to be made. We will consider the appellant's statements about her PD only insofar as they are

relevant to establishing the actual duties and responsibilities that are assigned to and performed by her.

The appellant states that she also performs work for DCME, e.g., packaging program training, primarily in the absence of the DCME Packaging Specialist. She has participated on process action teams, e.g., the five foot drop test. Work performed in the absence of another employee cannot affect the grade of a position. Duties and responsibilities that are not regular and recurring, i.e., occupy 25 percent or more of an employee's time, also cannot control the grade of a position (Introduction, section III, J.).

Position Information

The appellant based her appeal on the description of work in PD [number]. She and her supervisor certified the PD's accuracy on January 2, 2001, and January 8, 2001, respectively. However, the record shows that the appellant was placed on PD [number] (Packaging Specialist, GS-2032-11) on November 19, 2000. We find the major duties and responsibilities listed in both PD's are virtually identical. To help decide this appeal, we conducted telephone audits with the appellant on March 22 and 26, and telephone interviews on March 28 and 29, 2001, with her immediate supervisor, [name]. We obtained additional program information on March 30, 2001, from [name], DCMDE [organization], and on April 3, 2001, from Mr. [name], DCMA Packaging Management Program [title]. In reaching our decision, we reviewed the audit findings and all information of record furnished by the appellant and her agency, including her official PD and work examples that she provided at our request. 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.

The appellant implements and monitors the DCMA packaging program for DCM [name]. This program covers the seven operating teams in [location]. The area served includes contractors in the state of [name], western [name], [portion] [name], and all of [name]. She provides packaging program support to two tertiary field activities that report to DCM [name], (DCM [name] and [name]), and DCM [name] and [name] that report directly to DCMDE. The purpose of the program is to assure that cost-effective optimum packaging is used to achieve proper protection during the entire logistics pipeline. The appellant provides program guidance to contractors, prospective contractors, and DCM staff who perform contractor surveillance.

The appellant says that she spends approximately 15 percent of her time on surveys and reviews of prospective and existing contractors. For example, Pre-Award Survey packaging reviews focus on whether the contractor's packaging system has the equipment, trained and certified staff (for hazardous materials), material and other requirements that will meet the purchasing agency's contract requirements. She may suggest alternative packaging to buying activities based on her review of contract specifications. The appellant devotes about 30 percent of her time on cost and price analysis. This includes determining whether contract packaging costs are both appropriate and practical, e.g., whether packing to transport by ship rather than air is efficient and effective. She spends about 30 percent of her time to providing guidance and resolving discrepancies. The appellant advises contractors and other DCM staff on interpreting packaging regulations and

instructions. She provides similar advice to contractors to improve their understanding of packaging and related areas, seeking ways to reduce packaging costs while meeting performance requirements. She visits companies to determine the cause of damage in shipments and actions necessary to correct them. This may include changing packaging instructions, employee packing work instructions, and/or packaging materials or design. She visits transportation depots to examine packages that have their packaging labels missing (astray freight) to determine their origin and notify the shipping activity where they should be sent. The appellant provides similar support in filing claims for lost and damaged freight.

The appellant spends about 25 percent of her time on other program assignments. This includes determining the need for and providing packaging program training to DCM personnel who perform contractor surveillance. She reviews changes in program policies and procedures and shares them with DCM staff. The appellant conducts pre-audits of DCM offices to help them prepare for formal program reviews.

The appellant reports to the Corporate Support Business Management Team Leader. As the only Packaging Specialist, he relies upon her technical expertise. The appellant is expected to obtain technical support and guidance and share perceived systemic program issues with the DCME Packaging Specialist (PD # [number]). When that position has been vacant, she has had to deal directly with the DCMA Packaging Management Program Process Owner. She is expected to contact buying agencies directly to discuss their policy requirements.

Series, title, and standard determination

The agency has placed the appellant's position in the Packaging Series, GS-2032, for which there is a published PCS, and titled it Packaging Specialist. The agency applied the Grade Evaluation Guide for Supply Positions (Guide) for grade level analysis. The appellant has not disagreed. Based on our audit and review of the record, we concur.

Grade Determination

The Guide is written in 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 by application of the Grade Conversion Table contained in the PCS. Under the FES, factor level descriptions mark the lower end, i.e., the floor, of the ranges for the indicated factor level. If a position fails in any significant aspect to meet a particular level in the standard, the next lower level and its lower point value must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

The appellant disagrees with the evaluation of Factors 3, 4, 5, and 7. Based on our analysis of the record, we concur with the agency's crediting of Levels 1-7, 2-4, 6-3, 8-2, and 9-2 and have so credited the position. Our evaluation of her position, therefore, focuses on the remaining factors.

Factor 3, Guidelines

This factor covers the nature of guidelines for the work and the judgment needed to apply them. Guides used in this occupation include agency policies, directives, manuals, and handbooks. Individual jobs vary in the specificity, applicability, and availability of the guidelines for performance of assignments. Consequently, the constraints and judgmental demands placed upon employees also vary. For example, the existence of specific instructions, procedures, and policies may limit the employee's opportunity to make or recommend decisions or actions. However, lacking procedures or under broadly stated objectives, employees may use considerable judgment in researching literature and developing new methods.

The appellant says that it is not possible for guidelines to be written in enough detail to cover the myriad of situations that she encounters. She states that the laws, regulations, or requirements are often broadly written and require the use of personal judgment, interpretation, and the preparation of local instructions. Multiple regulations frequently are applicable to the same product and require extensive research, cross-referencing, and personal judgement.

As at Level 3-3 (275 points), the appellant uses a wide variety of policies, directives, manuals, handbooks, instructions, and supplements issued by her agency and other agencies, e.g., National Aeronautics and Space Administration, General Services Administration, Defense Logistics Agency (DLA), and the three military services--Army, Navy, and Air Force. The Defense Packaging Policy Group coordinates and assures a consistent approach to packaging by Department of Defense (DoD) components. While the DCMA One Book, in turn, provides broad DCMA packaging program requirements, it references specific process controls that must be used to perform the work. For example, the One Book refers the user to DLAD 4145.41, Packaging of Hazardous Materials that refers to other technical references and directives. It states that all DoD-managed hazardous materials must comply with modal packaging and marking, e.g., International Civil Aviation Organization Technical Instructions. It refers to Air Force Joint Manual 24-204 which includes voluminous instructions on preparing hazardous materials for shipment by military aircraft to ensure that the materials are packaged, marked, labeled, and prepared properly. This instruction refers to the U.S. Department of Transportation (DOT), the primary hazardous materials control agency, that publishes extensive regulations in 49 CFR, issues interpretive guidance on those regulations on its website. The DOT Hazardous Materials Information Center answers questions on those regulations.

Typical of Level 3-3, the appellant must use judgment to interpret, adapt, and apply a wide variety of specific regulatory and process requirements where there is some conflict requiring her to analyze and develop procedures within the intent of the guidelines. She must resolve gaps in specificity or conflicts consistent with the stated program objectives. As at Level 3-3, she analyzes the applicability of guidelines to specific circumstances and proposes procedural changes designed to improve program efficiency and effectiveness. For example, she reviews changes to MIL STD 2073 and advises DCM surveillance staff of their impact, e.g., the addition of specialized shipping containers for ordnance. As at Level 3-3, she advises contractors on packaging options that meet prescribed standards but have different costs, e.g., cocooning rather than crating a helicopter, and modifying commercially available crating to ship a tractors-sized remote controlled minesweeper.

The appellant's position does not work within the very broad guidelines of Level 3-4 (450 points), which provide a general outline of the concepts, methods, and goals of supply programs. While the appellant works with broad program directives and policies, readily available supplemental materials define how most are to be implemented at the local level. Unlike Level 3-4, the appellant does not regularly deal with interagency supply program policy proposals requiring refinement and coordination, or other guides requiring equivalent interpretation. While the appellant must accommodate local variations, e.g., isolating key processes to review based on contract requirements, the guidelines that she uses can be adapted to specific requirements. In contrast, at Level 3-4 guidelines are often insufficient to accomplish specific objectives. The appellant's work approaches Level 3-4 since she exercises a great deal of personal judgment and discretion with broad latitude for interpreting and applying guidelines across the organization, e.g., DCM [name] and other serviced organizations. However, this does not lead to researching and implementing new and improved supply methods and procedures within the employing organization; and/or establishing criteria to identify and analyze trends in supply programs and requirements intended at Level 3-4. The appellant's guidance to DCM and contractor staff on packaging practices, regulations, policies, and instructions is not equivalent to developing guides to be followed by supply specialists at the same and lower levels in the organization found at Level 3-4. Therefore, this factor is credited at Level 3-3.

Factor 4, Complexity

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 appellant states that her work meets Level 4-5 (325 points), because she conducts projects, studies, or evaluations and recommends changes in basic policy, issuance and implementation instructions. She says that she identifies the need for automated systems improvement. She provides guidance to multiple organizations, and participates on teams that develop packaging procedures with DoD-wide applications. The appellant states that she trains Government and contractor personnel and speaks at workshops and conferences. She says that she develops packaging instructions for Plant Clearance cases and helps contractors develop packaging instructions.

As at Level 4-4 (225 points), the appellant's assignments consist of a variety of packaging and related duties involving many different and unrelated processes and methods in well-established areas of the packaging occupation. The work requires analyzing and testing a variety of established techniques and methods to evaluate alternatives and arrive at decisions, conclusions, or recommendations, e.g., reviewing and approving contractor-developed packaging, drawings and specifications; reviewing and approving contractor-owned plant equipment; approving blocking and bracing design; and approving alternate packaging procedures. Typical of Level 4-4, the contractors are funded by different organizations with differing packaging. The appellant has to vary established packaging policies, practices, procedures, and techniques to specific contractor situations. As at Level 4-4, she attends meetings, and speaking for the organization on

packaging program issues, identifies and resolves problems for packaging, marking, and related issues. In deciding what is to be done, she often assesses situations complicated by conflicting or insufficient data, e.g., determining whether a chemical used in a specific application must be handled as a hazardous material and how that affects packaging, marking, and shipping requirements. Typical of Level 4-4, the appellant analyzes information to determine the applicability of established methods, and the need to digress from normal methods and techniques, e.g., contacting buying commands to change contract packaging instructions that do not meet regulatory requirements and/or are not cost effective.

The appellant's contractor surveys and reviews are not equivalent to Level 4-5 projects, studies, or evaluations requiring the application of many different and unrelated processes, differing regulatory criteria and procedures, and significant departures from established practices. Recommending changes to contract packaging terms to eliminate conflicts with hazardous material regulations and instructions, meet established preservation requirements, or cut costs are not significant departures from established practices in the packaging field. The appellant's review of contractor programs is intended to assure that they comply with established program requirements, e.g., incorrect handling of desiccants, using incorrect wrapping, and failure to conduct heat seal seam and heat tests. Unlike Level 4-5, they do not reflect decisions on, or the development and implementation of, new methods and techniques that satisfy broad policy and technical requirements. While she makes DCM staff and contractors aware of additions to, or changes in, national or agency policies and programs, she does not provide the breadth and depth of interpretation or guidance found at Level 4-5. Her work is complicated by the number and nature of existing packaging programs, regulatory guidance, overlapping requirements, and need for improved efficiency and effectiveness. However, unlike Level 4-5, the work does not involve originating new packaging techniques, establishing packaging criteria, or developing and interpreting broad supply policies and regulations. These are functions vested in higher levels in her agency and other agencies. The appellant's participation on process action teams that may recommend changes in basic policy issuances and implementing instructions covering established policies are not regular and recurring within the meaning of the position classification system and, therefore, do not impact the evaluation of this factor. Therefore, this factor is credited at Level 4-4.

Factor 5, Scope and effect

This factor 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.

The appellant states that her work meets Level 5-4 (225 points), because she investigates and analyzes a variety of unusual problems, questions, or conditions associated with general questions about supply programs or operations, and the results of her work provide solutions to those issues. She believes that her work affects a wide range of activities within her organization and/or in non-Government organizations, i.e., DCM contractors in the assigned geographic area. She believes her developing of risk management plans; developing or approving alternatives and options to packaging, packing and materials handling problems; applying highly specialized

techniques to deal with hazardous materials issues; developing and conducting specialized technical training; and recognition as a subject-matter expert reflect Level 5-4 work.

As at Level 5-3 (150 points), the appellant resolves a variety of conventional packaging and related problems, questions, or situations, e.g., bringing contractor packaging procedures and processes into regulatory compliance. The appellant monitors an assigned block of activities, performs independent packaging reviews, and recommends actions involving well-established packaging criteria, methods, techniques, and procedures, e.g., bringing contractors into compliance with hazardous materials handling regulations and instructions. Her work products, advice, and assistance affect the efficiency of contractor operations and DCM oversight, and contribute to the effectiveness of newly introduced programs requiring supply support. As at Level 5-3, her work primarily affects individual contractors, but may have multi-facility impact typical of interlocking supply requirements when she shares problems and their solution with the DCM oversight staff.

The appellant does not investigate and analyze the unusual program problems, formulate projects or studies to substantially alter existing packaging program systems, nor deal with equivalent broad program issues found at Level 5-4. While she may uncover potential program trends as she reviews individual contractor application of packaging program regulations and procedures, other DCMA organizations are responsible for those broader program analysis and development functions. While her work has use beyond individual contractors and their processes, it does not directly affect packaging system design, installation, and maintenance in a wide range of activities within the organization and/or in non-Government organizations intended at Level 5-4. Therefore, this factor is credited at Level 5-3.

Factor 7, Purpose of contacts

The appellant states that she must use tact in persuasion, technical knowledge and professional judgment to resolve issues, develop packaging instructions, and gain mutual understanding and agreement on a course of action, program goal or provide support on objectives or issues. She resolves issues through discussion, factual exchanges of information, personal persuasion, negotiation and compromise. The appellant says that she deals with significant or controversial issues, differing viewpoints, actions, goals or objectives. Since her decisions involve stopping shipments, many of her contacts are obstinate, uncooperative and difficult. At times, discussions become heated and she must use tact and persuasion to keep the situation under control.

Level b contacts are to plan, coordinate work, or advise on efforts and resolve operating problems by influencing or motivating individuals or groups who are working toward mutual goals and who have basically cooperative attitudes. Similarly, the appellant's contacts are to inform or obtain information on contractor packaging programs; discuss problems; clarify the technical content of various packaging regulations, instructions, and requirements; clarify contractual requirements; organize and conduct meetings; and establish rapport for effective communication with key personnel involved in the contract administration process.

In contrast, the purpose of Level c contacts is to influence, motivate, interrogate, or control persons or groups. At this level, persons contacted may be fearful, skeptical, or uncooperative. Therefore, the employee must be skillful in approaching the individual or group to obtain the desired effect, such as gaining compliance with established policies and regulations by persuasion or negotiation. The record does not reflect that a significant portion of the appellant's contacts involve the contentiousness found at Level c. Although she must convince contractors to resolve packaging and related regulatory errors, the record does not show that she routinely deals with fearful, hostile or uncooperative individuals on the grade controlling functions of her position. Her contacts with contractors are preponderantly typical of Level b at which the individuals or groups contacted are working toward mutual goals and who have basically cooperative attitudes even though their priorities are not always in agreement with those of the appellant. Contractors are interested in resolving packaging issues so they can ship their goods and receive payment. Therefore, this factor is credited at Level b.

Summary

In summary, we have credited the position as follows using the Guide:

Factor	Level	Points
1. Knowledge required by the position	1-7	1,250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and effect	5-3	150
6. Personal contacts and	{3	
7. Purpose of contacts	{b	110
8. Physical demands	8-2	20
9. Work environment	9-2	<u>20</u>
Total points:		2,500

A total of 2,500 points falls within the GS-11 grade level point range of 2,355-2,750 points on the Grade Conversion Table in the Guide.

Decision

The position is properly classified as Packaging Specialist, GS-2032-11.