

**U.S. Office of Personnel Management  
Classification Appeal Decision  
Under section 5112 of title 5, United States Code**

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

**Agency classification:** Construction Control Representative  
GS-809-10

**Organization:** [city] Resident Office  
[state] Area Office  
[city] District  
Construction Division  
United States Army Corps of Engineers  
[city, state]

**OPM decision:** Construction Control Representative  
GS-809-9

**OPM decision number:** C-0809-09-05

//Judith A. Davis for

\_\_\_\_\_  
Robert D. Hendler  
Classification and Pay Claims  
Program Manager  
Merit System Audit and Compliance

5/23/2012

\_\_\_\_\_  
Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate which 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 (Introduction)*, appendix 4, Section G (address provided in appendix 4, section H).

Since this decision lowers the grade of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The applicable provisions of parts 351, 432, 536, and 752 of title 5, Code of Federal Regulations, must be followed in implementing the decision. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented. The servicing human resources office must submit a compliance report containing the revised position description (PD) and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

**Decision sent to:**

[appellant's name and address]

[name and address of appellant's servicing personnel office]

U.S. Army Corps of Engineers  
Director of Human Resources  
Attn.: CEHR-E  
441 G Street, NW  
Washington, DC 20314-1000

Department of the Army  
Office of the Assistant G-1 for Civilian Personnel  
Director, Civilian Personnel Evaluation Agency  
Attn.: DAPE-CP-EA  
2461 Eisenhower Avenue  
Alexandria, VA 22332-0320

Department of the Army  
Office of the Assistant G-1 for Civilian Personnel  
Chief, Program Development Division  
Hoffman Building, Room 1108  
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Department of the Army  
Office of the Deputy Chief of Staff, G-1  
Assistant G-1 for Civilian Personnel  
Attn.: DAPE-CP  
The Pentagon, Room 2C453  
Washington, DC 20310-0300

Department of the Army  
Office of the Assistant Secretary (Manpower and Reserve Affairs)  
Deputy Assistant Secretary of the Army (Human Resources)  
Attn.: SAMR-HR  
The Pentagon, Room 2E468  
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Chief, Classification Appeals  
Adjudication Section  
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## Introduction

On January 13, 2012, OPM's Dallas Oversight office accepted a classification appeal from [appellant's name]. The appellant's position is currently classified as Construction Control Representative, GS-809-10, but he believes it should be classified as either Construction Control Representative, GS-809-12, or Project Engineer, GS-810-12. The position is located in the [city] Resident Office (RO), [state] Area Office, [city] District, Construction Division, United States Corps of Engineers (COE), in [city, state]. We received the agency's administrative report (AAR) on February 15, 2012, and the appellant's comments on the AAR on February 22, 2012. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

## Background and general issues

The appellant performed Construction Inspection Technician (a YE-809-03 position equivalent to the GS-809-12) work in [location] before accepting the GS-809-10 position with his current organization. He believes his position is appropriately classified as GS-12, in part, because he is performing duties and responsibilities similar to those previously assigned to him while occupying the GS-12 equivalent position. In addition, he said he performs duties similar to the project engineer (PE) and higher-graded office engineers.

By law, we must classify positions solely by comparing their duties and responsibilities to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to other positions, including his previous position, which may or may not have been classified correctly, as a basis for deciding his appeal. While qualifications are considered in classifying positions, these are qualifications required to perform the duties and responsibilities of the assigned position and not those the appellant personally possesses. Therefore, we may not consider the appellant's personal qualifications, except insofar as they are required to perform his current duties and responsibilities.

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

The appellant also said he performs the higher-graded work of a PE when the individual is absent. However, duties performed in another employee's absence cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5).

The appellant occupies a career ladder position and asserts the PDs and performance standards are similar at the GS-9, 10, and 11 grade levels. As discussed previously, in adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of the appellant's position. Therefore, we have considered the appellant's statements only insofar as they are relevant to making a comparison between his current duties and responsibilities to OPM PCSs and guidelines.

The appellant provides his rationale for supporting his position at the GS-12 grade level in part using obsolete grade-level criteria in the GS-810 PCS, which was replaced in 2008 by the current Job Family Position Classification Standard (JFS) for Professional Work in the Engineering and Architecture Group, 800. Again, by law, OPM must classify positions solely by comparing their duties and responsibilities to current OPM standards and guidelines. Thus, we could not use the outdated PCS in deciding this appeal and will not respond further to that portion of the appellant's rationale.

### **Position information**

The RO is responsible for ensuring constructional quality and performing contract administration over designated construction contracts in [location]. The Resident Engineer (RE) (Civil Engineer, GS-810-13 position), who is the appellant's immediate supervisor, manages the RO and its [number] project offices. Each project office is staffed with a PE to serve as the lead on construction projects. PEs are classified at the GS-12 level but in either the GS-809 or GS-810 series. As the RO's Contracting Officer's Representative (COR), the PE has signatory authority for contract items.

The RO administers numerous military, civil works, interagency, and operations and maintenance programs for the construction activities occurring primarily at the [installation] Army and [installation] Air Force bases. Construction operations include a wide variety of standard and highly specialized facilities, e.g., family barracks, aircraft maintenance, water treatment plants, administrative and operations buildings, and dormitories involving potential problems associated with temperature extremes and other factors common to the [description] environment. The facilities may include earthwork, reinforcing and structural steel, concrete, carpentry, insulation, piping, wiring, heating, air conditioning, refrigeration, plumbing, and security systems. In general, RO construction projects vary in cost from 100,000 to 25 million dollars, and durations from a few months to several years.

The appellant's primary responsibility is to serve as the eyes and ears of the PE and RE through daily visits to construction sites. His quality assurance work entails observing, inspecting, and correcting deficiencies at construction sites and operations in accordance with the contract, agency requirements, and the Engineering Manual (EM) 385-1-1, the COE's safety and health requirements manual. The size, type, cost, and duration of the appellant's projects vary but have specifically included a fire and crash rescue station, parts store, aero ground equipment maintenance facility, and airplane hangar; with costs ranging up to multi-million dollars; and completed within one to two years on average.

The appellant assists the PE and RE with the daily duties of managing construction projects through safety enforcement, quality assurance reporting, and 3-phase inspection compliance. He is involved throughout the 3-phase quality control process implemented by the COE. At phase 1's preparation stage, the appellant meets with the PE and contractor representatives (e.g., the foreman and superintendent) to discuss project requirements including materials used, personnel required to complete the project, and work schedules. The PE is usually responsible for preparing, coordinating, and leading the pre-construction meeting. At phase 2's initial stage, the appellant inspects the jobsite for constructability and operability, reporting job-ready inspection findings to the PE upon verifying that personnel, material, and equipment requirements are met. At phase 3's follow-up stage, he performs regular inspections to ensure the workmanship, equipment, and materials follow contractual requirements. This work entails preparing daily reports reflecting progress, quantities of materials used, weather conditions, reasons for delays, instructions to contractors, and any significant events. The contractor prepares daily reports for the review of the appellant, who then combines the daily reports (after resolving any discrepancies with the contractor) for the PE's review and signature.

In addition, the appellant's work requires reviewing and interpreting plans and specifications, verifying pay estimates, drafting replies to contractor inquiries and other correspondence, monitoring work schedules, and taking timely and appropriate action on contractor submittals. Contracts require forwarding submittals and submittal registers to the COE for review, comment, and/or action on issues including substituting materials, discrepancies over the plans and specifications, and safety-related matters. When appropriate, the appellant refers the submittal to the appropriate technical subject-matter expert prior to responding to the contractor.

The appellant uses the Resident Management System (RMS), a COE-developed construction information management system designed to plan, schedule, and control all aspects of construction. He inserts data from the three-phase inspection process, contractor submittals, and other correspondence and activities into RMS throughout the life of the contract.

The appellant's PD and other material of record furnish much more information about his duties and responsibilities, and how they are performed. The appellant and Construction Division Chief, his third-level supervisor, certified to the accuracy of the duties described in the official PD, number [number]. The PD is adequate for classification purposes and we incorporate it by reference into this decision.

To help decide this appeal, we conducted telephone audits with the appellant on March 30 and May 14, 2012, in addition to several telephone conversations. We also conducted a telephone interview with the immediate supervisor on April 4, 2012, and the PE assigned to a number of the appellant's projects on April 5, 2012. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and his agency.

**Series, title, and standard determination**

The appellant disagrees with his agency's assignment of his position to the GS-809 Construction Control Technical Series, which covers technical positions supervising, leading, or performing work involving onsite inspection of construction or monitoring and control of construction operations. Positions in this occupation require applying practical knowledge of engineering methods and techniques; knowledge of construction practices, methods, techniques, costs, materials, and equipment; and ability to read and interpret engineering and architectural plans and specifications.

Although his work closely matches the description of the GS-809 series, the appellant states his position is classifiable to the GS-810 Civil Engineering Series, which covers positions managing, supervising, leading, and/or performing professional engineering and scientific work involving construction, renovation, inspection, decommissioning, and/or demolition of structures, infrastructures, and their environmental systems above or under the earth's surface; investigation and evaluation of the earth's physical, natural, and man-made features; and transportation, utilities, building, and construction industries.

The appellant does not explain how or why his work requires the knowledge and skills consistent with positions classified to the professional civil engineering series. His rationale for assigning his position to the GS-810 series is unclear although he states he performs duties similar to the GS-810 RE and PE positions classified variously in the GS-809 and GS-810 series (i.e., his work relating to submittals and submittal registers, requests for information, pay estimates, and contract closeout). As confirmed by the PD and performance standards, the primary purpose of the appellant's position is to monitor construction projects by inspecting materials and workmanship to ensure compliance with the contract, plans and specifications, and safety and other work standards. Other duties are incidental to the primary inspection and monitoring duties. He plans and carries out jobsite quality reviews for a variety of contract types and sizes; participates in pre-construction activities such as reviewing shop drawings and materials lists; resolves technical problems at the jobsite with contractors; initiates basic change documents and other contract changes, when needed; and conducts final inspections. Like GS-809 positions, this work requires a practical knowledge of construction practices, methods, techniques, costs, materials, and equipment; as well as the ability to read and interpret engineering plans and specifications. The appellant's duties are technical in nature and support the overall work and functionality of the RE and PE. Thus, his duties do not require the application of professional engineering knowledge necessary for placing a position in the GS-810 series.

Consequently, the appellant's position is properly classified to the GS-809 series. We applied the grading criteria in the directly applicable JFS for Technical Work in the Engineering and Architecture Group, 800, to evaluate the appellant's work. The authorized title for GS-809 positions, like the appellant's, involving the monitoring and control of construction operations is Construction Control Representative.

## **Grade determination**

The GS-800 JFS is written in the Factor Evaluation System format, under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade conversion table provided in the JFS. Under this system, each factor-level description demonstrates 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.

The PD shows the agency credited the appellant's position at Level 1-6, 2-4, 3-3, 4-4, 5-3, 2b, 8-2, and 9-2. In response to his filing a classification appeal with OPM, the servicing human resources office evaluated the appealed position and decided it was appropriately classified as GS-9, changing the factor levels assigned to Level 2-3 and 6-3. The agency did not act on the findings, stating in the AAR, "The evaluation of the current PD equated to a GS-9 but management's intent was that the appellant was to be on a GS-10 position until he met the requirements to be promoted to the GS-11 level."

The appellant provided his rationale for supporting his position at the GS-12 grade level using the obsolete GS-810 PCS, in addition to a not clearly specified PCS. Based on a comparison between the cited factor-level descriptions and relevant PCSs, it appears the appellant's rationale largely quotes the factor-level descriptions in the GS-800 JFS for technical work, crediting his position at Level 1-7, 2-4, 3-4, 4-4, 5-4, 3c, 8-3, and 9-2. Our evaluation of his position follows.

### *Factor 1, Knowledge Required by the Position*

This factor measures the nature and extent of information or facts that the employee must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, regulations, and principles) and the nature and extent of the skills needed to apply that knowledge.

At Level 1-6, the work requires practical knowledge of a wide range of technical engineering methods, principles, requirements, work techniques, and practices of an area of specialization, and skill in applying standardized, analytical, and evaluative methods and techniques sufficient to advise on and/or resolve difficult but well-precedented, factual, procedural, and/or recurring issues; make informed decisions on problems and issues; analyze segments of broader issues or problems (e.g., the impact of a change in one area on the entire system); perform installation, maintenance, operation, and testing duties; employ unique and specially designed precision instruments; maintain one-of-a-kind equipment, custom equipment, developmental equipment, or equipment which is continually being modified and adapted and does not usually have adequate documentation; and complete moderately difficult and complex survey work.

At Level 1-7, the work requires comprehensive, intensive, and practical knowledge of, and extensive experience and skill in applying a wide range of concepts, practices, regulations, policies, and precedents; analytical and diagnostic techniques; qualitative and quantitative techniques; techniques for developing new or modified work methods, approaches, or procedures; and related emerging practices and methods. At Level 1-7, the knowledge is sufficient to provide comprehensive management advisory and technical services on substantive



functions and practices; develop innovative methods, approaches, or procedures; identify, evaluate, and recommend appropriate solutions to resolve complex interrelated problems and issues; and formulate and present findings, briefings, project papers, status reports, and correspondence to foster understanding and acceptance of findings and recommendations.

The appellant's position meets Level 1-6. As at Level 1-6, his work requires applying practical knowledge of technical engineering methods, principles, requirements, work techniques, and practices in the construction operations area. He uses this knowledge to monitor and control construction contracts from start to finish, which entails visiting jobsites to evaluate contractor compliance with applicable specifications; providing technical direction when failures and deficiencies are identified; attending regular progress meetings; monitoring and resolving project schedules; completing daily reports; reviewing pay estimates, submittals, etc.; requesting issuance of contractor badges for unescorted duty at military bases; and participating in final onsite inspections prior to preparing close out documents. The appellant also resolves difficult but factual, well-precedented, procedural, and/or reoccurring issues. For example, when a contractor wants to install or use materials different from that specified in the contract, he recommends another option acceptable to both the contractor and the user (i.e., the project recipient) while staying within contract requirements. This and other work requires making informed decisions on problems and issues as envisioned at Level 1-6.

The appellant's position also matches an illustration in the JFS of a construction control inspector position, at Level 1-6, requiring knowledge of, and skill in applying, a wide range of specialized methods, techniques, procedures, policies, costs, materials, and equipment relating to construction sufficient to plan and accomplish complete projects or studies; resolve a variety of complex problems; ensure adherence to safety standards and environmental regulations; observe and investigate all construction phases to ensure compliance with contract schedules, specifications, and shop drawings; identify actual or potential problems and determine necessity for changes or remedial action; investigate need for contract change orders or deviations requiring engineering determination and other matters; make recommendations for changes in construction to meet field conditions; review and certify contractor's partial payment estimates for items of work claimed, verifying lump-sum and unit price items for units of accomplishment; and record changes and modifications to contract drawings and specifications.

The appellant's position does not meet Level 1-7. Unlike this level, his work does not require developing new or modified work methods, approaches, or procedures. He does not provide comprehensive management advisory and technical services on substantive functions and practices. Instead, he performs construction management and quality review work for assigned RO projects with varying degrees of difficulty and complexity. A partial list and brief description of his projects follows.

Fire/crash project is a [number] square feet fire and flight-line crash rescue station providing fire protection and firefighting services for base facilities. Features include split face concrete masonry unit; slab on grade; standing seam metal roof; heating, ventilation, air conditioning, and exhaust systems; parking and landscaping; and electrical, communications, central fire alarm, natural gas, water, sewer, and lighting utilities.

Dormitory project is a [number] square feet residence designed to replace an existing facility. Features include roads; parking and landscaping; pedestrian walkways; and water, electrical, gas, sewer, and communications utilities.

Parts storage project is a [number] square feet structure designed to store aircraft parts. Features include grading support utilities; landscaping; and water, electrical, gas, sanitary, sewer, and communications utilities.

For these and other projects, the appellant's work involves daily inspections of the contractor's work to ensure the timeliness and quality of work is consistent with the contract terms, EM, agency requirements, and other work standards. With an electrician background, he also approves or disapproves submittal requests to the extent possible with his experience or forwards to area office engineers requests addressing life safety or technical issues. If the contract requires materials meeting certain physical and performance characteristics, the appellant approves or disapproves material based on stated characteristics. Other work entails reviewing contractor schedules in detail for logic, cost, layout, and reasonableness; calculating the percentages of work completed to verify pay requests; and drafting letters and reports. However, the appellant's work does not require developing innovative methods, approaches, or procedures; identifying, evaluating, and recommending appropriate solutions to resolve complex interrelated problems and issues; and formulating and presenting findings, briefings, project papers, status reports, and correspondence to foster understanding and acceptance of findings and recommendations to the extent described at Level 1-7.

Level 1-6 is credited for 950 points.

### *Factor 2, Supervisory Controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the degree to which the work is reviewed by the supervisor.

At Level 2-3, the supervisor or designated employee outlines or discusses possible problem areas and defines objectives, plans, priorities, and deadlines; and provides assistance on controversial or unusual situations with no clear precedents. The employee independently plans and carries out assignments in conformance with accepted policies and practices; resolves commonly encountered work problems and deviations by exercising judgment in selecting appropriate instructions, policies, guidelines, or accepted practices; and brings controversial information and findings to the supervisor's attention for direction. The supervisor or designated employee reviews completed work for conformity with policy, the appropriateness of the employee's approach, technical soundness, and adherence to deadlines.

At Level 2-4, the highest level identified in the JFS, the supervisor outlines overall objectives and available resources; discusses the projects and timeframes with the employee; and determines the parameters of the employee's responsibilities. The employee determines the most appropriate avenues to pursue; decides the practices and methods to apply in all phases of assignments including the approach to take and the depth and intensity needed; interprets

regulations or policy frequently on own initiative; applies new methods to solve complex, intricate, sensitive, and/or unprecedented problems and resolves most conflicts as they arise; coordinates projects or cases across units, organizations, or agencies; and keeps the supervisor informed of progress and of potentially controversial matters. The supervisor reviews completed work for soundness of overall approach, effectiveness in producing results, feasibility of recommendations, and adherence to requirements.

The official PD, which was certified by the appellant and management as accurate, describes the position's supervisory controls as follows:

Works under general supervision of the Resident Engineer, typically through a project engineer. Performs work independently, applying a thorough knowledge of established procedures and accepted construction practices. Receives guidance on policy matters from supervisor, and confers with technical specialists to resolve new or unusually complex technical problems. Completed work is reviewed for adherence to schedules and, soundness of technical decisions, and compliance with safety provisions. Overall performance is evaluated in terms of performance standards established by the supervisor.

A review of the record and our interviews confirm the accuracy of the PD's description. The appellant's supervisory controls matches the Level 2-3 description of how his work is assigned (i.e., the RE or PE defines objectives, plans, and deadlines, while providing assistance on controversial or unusual situations), his responsibilities (i.e., he is responsible for independently planning and carrying out assignments by conforming to accepted policies and practices while exercising judgment to resolve work problems), and how his work is reviewed (i.e., for conformity with policy and appropriateness of approach, technical soundness, and meeting of deadlines). The appellant's position fully meets Level 2-3.

The appellant's position somewhat exceeds Level 2-3 but does not fully meet Level 2-4; e.g., his project coordination work involving various offices and organizations is comparable to Level 2-4. He consults with structural, fire protection, and other engineering specialties on the more difficult and specialized issues; addresses disparate requests between contractors and facility users; and resolves deficiencies and issues identified with contractor, subcontractor, and vendor work operations and/or materials. The appellant also has full independence to conduct quality review and inspection work throughout the life of a contract, keeping the PE informed through daily reports and other RMS inputs.

However, Level 2-4 describes assignments provided in terms of an outline of broad objectives and available resources. In contrast, the appellant's work is defined through the RE assigning projects by providing objectives and available resources; the contract itself by identifying project details, directions, and timeframes; and established agency-specific policies and practices by directing the sequence of steps to be taken and occasionally how the work is to be performed (e.g., through RMS reporting requirements). The appellant stated he is typically assigned two to four projects at any given time. Each project generally proceeds as follows: the appellant reviews drawings and specifications to resolve potential problems as early as possible; reviews and approves the contractor's quality control report (e.g., to ensure it adequately describes the

contractor's organization; responsibilities of the superintendent, foreman, and other key staff; definable features of the project work; and scheduled inspections) and safety plan (e.g., to ensure it is consistent with the EM and addresses safety standards); attends preparatory meetings; makes arrangements for the set up of water, gas, electricity, and other utilities in the contractor's work trailer; inspects jobsites daily; completes daily reports; reviews submittals, contract modifications, and pay requests; and participates in weekly progress meetings with the contractor and occasionally the PE to discuss safety issues, inspections, submittals, deficiencies, potential violations, and other open issues. The appellant's project work, as planned and controlled by the RE, the contract, and agency policies and procedures, involves continuing program objectives and does not vary in scope, scale, or complexity to the extent requiring he deviate from the established work sequence and decide the most appropriate avenues to pursue, determine the methods to apply in all phases of the assignments, and extensively interpret regulations or policies as expected at Level 2-4.

The appellant resolves most work problems and difficulties he encounters, e.g., when accepting or rejecting contractor work in terms of quality and quantity of materials, approving or disapproving materials based on stated characteristics, and responding to submittal requests. Regardless, it is not just the degree of his independence but also the degree to which the nature of his work allows him to make decisions or commitments and to exercise judgment that is considered. Absent from the appellant's position is the relative independence described at Level 2-4 in applying new methods to resolve complex, intricate, sensitive, and/or unprecedented problems. His work does not regularly require resolving problems of this magnitude without conferring with the PE or RE, nor would such problems be expected to often occur within the scope of the appellant's projects. The RE is responsible for the overall management of the RO, whereas the PE is in charge of the management of individual construction projects. The PE provides general oversight to the appellant; e.g., he keeps the PE informed when communicating with base civilian engineers and other facility user representatives or when encountering jobsite problems (e.g., the contractor detects asbestos, installs pipes incorrectly, or finds lead). His work also requires PE concurrence if changes are made to the contract. For instance, the facility user may request an additional feature not part of the existing contract. The appellant drafts the basic change document for review and signature by the requester and PE; forwards the request for proposal to the contractor for a bid; reviews the bid in comparison to current market value; and completes the modification to the contract after the PE negotiates, if necessary, the prices with the contractor. As COR, the PE cannot obligate contract funds but is delegated authority to sign and approve certain items such as pay estimates and shop drawings. Any issues of potential or major impact remain the responsibility of either the RE or PE. Because this factor does not fully meet Level 2-4, Level 2-3 must be credited.

Level 2-3 is credited for 275 points.

### *Factor 3, Guidelines*

This factor considers the nature of guidelines and the judgment needed to apply them.

At Level 3-3, the employee uses a variety of guidelines, manuals, and standard reference materials; however, they are not completely applicable to the work or have gaps in specificity.

The employee uses judgment and initiative in interpreting and adapting guidelines, such as agency policies, regulations, precedents, and work directions for application to specific cases or problems. The employee analyzes results and recommends changes.

At Level 3-4, the employee uses guidelines, manuals, and standard reference materials that are stated in general terms. Guidance for performing the work is scarce or of limited use. The employee uses judgment, initiative, and resourcefulness in deviating from established methods to modify, adapt, and/or refine broader guidelines to resolve complex and/or intricate issues and problems; treat specific issues or problems; research trends and patterns; develop new methods and criteria; and/or propose new policies and practices.

The appellant's guidelines meet Level 3-3. His assignments entail monitoring and controlling entire contracts from start to finish. Comparable to Level 3-3, his guidelines do not always apply directly to an assignment and require adapting to cover new situations. While the types of decisions he handles are not clear cut, whether to approve or disapprove submittal requests and most other decisions can be resolved by interpreting and adapting contract requirements. Other available guidelines include the EM, RMS handbook, pricing guides, manufacturer's catalogs, and agency-specific policies and procedures. Difficult technical questions may be referred to the PE, RE, and other staff engineers for guidance.

The appellant's guidelines do not meet Level 3-4. He conducts daily onsite inspections at constructions sites by following the EM, which details the mandatory safety and health requirements for all parties involved in a contractual agreement with the COE. For example, the EM requires scaffolds to be plumb, level, fully planked, and include guard rails; moving equipment and machinery parts are guarded; and personal protective equipment are used. The appellant applies EM standards when inspecting jobsites; contract specifications when approving or disapproving submittals and other contractor requests; RMS and other agency-specific handbooks when completing daily reports; etc. Thus, his available guidelines are not characterized as either scarce or of limited use as expected at Level 3-4. His projects also do not require his deviating from established methods to modify, adapt, and/or refine broader guidelines to resolve complex and/or intricate issues and problems; treat specific issues or problems; research trends and patterns; develop new methods and criteria; and/or propose new policies and practices as described at Level 3-4.

Level 3-3 is credited for 275 points.

#### *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.

At Level 4-4, the highest level identified in the JFS, work consists of many different and unrelated processes and methods requiring ingenuity and skill to resolve a broad range of problems. Employees at this level analyze, select, and adapt appropriate methods from a wide range of alternatives to assess unusual circumstances; evaluate operations, equipment, and

activities; and apply qualitative and quantitative analytical techniques. Employees exercise seasoned judgment and skill to interpret considerable, incomplete, or conflicting data.

The appellant's position meets but does not exceed Level 4-4. He serves as the agency liaison with different builders, resolving a wide range of problems based on his knowledge of contract requirements, agency requirements, and technical evaluation of data. As at Level 4-4, he identifies and resolves a variety of issues stemming from severe weather events, ordering incorrect materials, installation of incorrect materials, etc. The appellant observes and monitors construction at all stages to anticipate and identify major problems and take corrective action, inspect and approve construction materials and workmanship, and recommend approval or disapproval for contractor payments. His work requires seasoned judgment and skill to interpret considerable, incomplete, or conflicting data as described at Level 4-4.

The JFS provides an illustration, at Level 4-4, of a construction control inspector resolving a broad range of problems relating to inspecting construction of federally insured residential buildings. The Level 4-4 illustration describes the employee selecting and adapting appropriate methods from a wide range of alternatives to work with different builders in identifying and correcting deficiencies; interpreting and explaining agency requirements; suggesting and advising on the acceptability of alternative construction methods; and resolving problems such as unauthorized deviations from approved plans and specifications. The employee exercises seasoned judgment and skill to interpret considerable, incomplete, or conflicting data resulting from marked variations in plans and specifications, builder capabilities, and site and construction conditions. The appellant's position matches the Level 4-4 illustration.

Level 4-4 is credited for 225 points.

#### *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 assignments, and the effect of work products or services both within and outside the organization.

At Level 5-3, work requires applying a considerable number of different basic but established methods, procedures, and techniques. Work affects the design or operation of systems, programs, processes, or equipment; and the timeliness and economy of operations, services, or equipment.

At Level 5-4, work involves establishing criteria, formulating projects, assessing program effectiveness, or analyzing a variety of unusual conditions, problems, or questions. Work affects a wide range of agency activities, industrial concerns, or the operation of other agencies.

The appellant's position meets Level 5-3. His work involves applying a variety of established methods, procedures, and techniques in support of the RO's construction operations. As at Level 5-3, the appellant's position is essential to ensuring the timeliness and quality of contractor work and services. For example, the appellant's timely response to contractor submittals is required to ensure projects remain on schedule. His position is also comparable to an illustration in the JFS

at Level 5-3, where work involves inspecting and interpreting specifications for a wide variety of standardized residential construction procedures, items, or operations such as excavating, placing and compacting concrete, installing standard electrical wiring, and installing mechanical equipment. The illustration describes work, like the appellant's, as affecting the quality and timeliness of services provided by the contractor.

The appellant's position does not meet Level 5-4. An illustration in the JFS clarifies the intent of Level 5-4. The illustration describes work involving and testing the materials, installation, and operation of complex and sophisticated electrical or mechanical systems in a large multi-story laboratory. In contrast, the facilities involved in the appellant's projects are not highly specialized structures requiring he specially adapt construction methods and quality control techniques, formulate projects, or analyze a variety of unusual conditions, problems, or questions as expected at Level 5-4. In addition, his projects are limited to RO's construction activities and directly affect the operations of the RO, contractors, subcontractors, and facility users. The appellant's work does not affect a wide range of agency activities, industrial concerns, or the operation of other agencies as described at Level 5-4.

Level 5-3 is credited for 150 points.

#### *Factor 6 and 7, Personal Contacts and Purpose of Contacts*

Personal contacts include face-to-face and telephone 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. These factors are interdependent. The same contacts selected for crediting Factor 6 must be used to evaluate Factor 7. The appropriate level for personal contacts and the corresponding level for purpose of contacts are determined by applying the point assignment chart for Factors 6 and 7.

#### *Personal Contacts*

The appellant's PD shows the agency credited his position at Level 2. However, his position exceeds Level 2, where personal contacts are with employees and managers in the same agency, both inside and outside of the immediate office or related units, as well as members of the general public, in a moderately structured setting.

The appellant's position meets but does not exceed Level 3, the highest level identified in the JFS. Personal contacts at this level are with individuals or groups from outside the agency including consultants, contractors, vendors, or representatives of professional associations in moderately unstructured settings. At Level 3, the purpose and extent of each contact is different, and the employee must recognize or learn the role and authority of each party during the course of the meetings. As at Level 3, most of the appellant's contacts are with the different individuals or groups encountered throughout the duration of a project including contractors (e.g., the foreman, superintendent, workers, administrative staff, etc.), subcontractors, vendors, facility users (e.g., civil engineers, locksmith, and fire chief), and other base personnel. Also at Level 3,

his contacts occur in moderately unstructured settings where each party must learn the other's role and authority.

#### *Purpose of Contacts*

The purpose of the appellant's contacts meets Level b, where the purpose of contacts is to plan, coordinate, or advise on work efforts or to resolve operating problems by influencing or motivating individuals or groups who are working towards mutual goals and who have basically cooperative attitudes.

The purpose of the appellant's contacts does not meet Level c, where the purpose of contacts is to influence, persuade, or control people or groups. Contacts at Level c require skill in dealing with fearful, skeptical, or uncooperative people to obtain the desired results. Often the employee must persuade, influence, or gain compliance from others in performing tasks. The appellant visits jobsites to evaluate contractor compliance with applicable specifications and monitor work progress. He provides direction to contractor representatives regarding site conditions, failures, and omissions. When discussing differences of opinion or delays in work progress, the appellant occasionally deals with angry or combative contractors. He also deals with uncooperative contractors and facility users when either party makes requests contrary to contract terms. However, the contractors and others are typically cooperative to avoid delays and work stoppages as the goal of all parties is to fulfill the mutually beneficial contract terms. Therefore, the appellant's contacts do not require skill in dealing with fearful, skeptical, or uncooperative people on a regular and recurring basis to obtain desired results as described at Level c.

Level 3b is credited for 110 points.

#### *Factor 8, Physical Demands*

This factor covers the requirements and physical demands placed on the employee by the work assigned. This includes physical characteristics and abilities, as well as the extent of physical exertion involved in the work.

The appellant's position fully meets Level 8-2, where work involves some physical exertion such as long periods of standing; walking over rough, uneven, rocky, or slippery surfaces; recurring bending, crouching, stooping, stretching, climbing, or similar activities; recurring lifting of light to moderately heavy items weighing less than 50 pounds such as testing or measuring equipment; and/or regular visits to construction, industrial, marine, or other outdoor sites.

The appellant's position does not meet Level 8-3. Unlike this level, his work does not require considerable and strenuous physical exertion comparable to frequent climbing of tall ladders, staging, or scaffolding in dry-dock and vessel areas; working in areas where footing can be treacherous (e.g., on rocky banks of bodies of fast-water, slippery docks, or steep hillsides); lifting heavy objects weighing 50 pounds or more; and frequent crouching or crawling in restricted areas.

Level 8-2 is credited for 20 points.



*Factor 9, Work Environment*

This factor considers the discomforts and risks of danger in the employee's physical surroundings. Any safety regulations related to the work are also considered.

The appellant's position meets Level 9-2, where work involves regular and recurring exposure to moderate risks and discomforts such as dust, strong odors, or fumes from fuels, chemicals, or engine exhaust; high levels of noise and vibration, dust, grease, electrical hazards, uncovered moving parts of machinery, or moving machinery; or outdoor conditions involving moderate exposure to rain, cold/hot weather, icy streams, and rivers. As at Level 9-2, the appellant's work is performed mainly in an office or a construction setting where he frequently encounters exposure to dust, strong odors and fumes, high noise levels, moving machinery, and outdoor elements. His work environment requires staying constantly alert and taking special safety precautions including wearing a hard hat, safety vest, and other protective clothing items at construction sites.

The appellant's position does not meet Level 9-3, where work involves high risks of exposure to potentially dangerous situations or unusual environmental stress requiring a range of safety and other precautions where conditions cannot be controlled (e.g., working at great heights under extreme outdoor weather conditions). His construction site work does not regularly expose him to potentially dangerous situations with uncontrollable conditions comparable to working at great heights under extreme outdoor weather conditions as described at Level 9-3.

Level 9-2 is credited for 20 points.

*Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-6	950
2. Supervisory Controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and Effect	5-3	150
6. & 7. Personal Contacts and Purpose of Contacts	3-b	110
8. Physical Demands	8-2	20
9. Work Environment	9-2	<u>20</u>
<i>Total</i>		2,025

A total of 2,025 points falls within the GS-9 range (1,855 to 2,100) on the grade conversion table in the JFS.

**Decision**

The position is properly classified as Construction Control Representative, GS-809-9.