

120 Howard Street, Room 760  
San Francisco, CA 94105



**Classification Appeal Decision  
Under Section 5112 of Title 5, U.S. Code**

<b>Appellant:</b>	[appellant's name]
<b>Position:</b>	Public Utilities Specialist GS-1130-11
<b>Organization:</b>	Department of Veterans Affairs Utilities Management Program [activity location and address]
<b>Decision:</b>	GS-1130-11; title at agency discretion
<b>OPM decision number:</b>	C-1130-11-01

Signed by Denis J. Whitebook  
DENIS J. WHITEBOOK  
CLASSIFICATION APPEALS OFFICER

October 16, 1996  
DATE

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision 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:**

[appellant's name and address]

Chief  
Human Resources Management Service  
[agencyaddress/location]

Deputy Assistant Secretary for Personnel  
and Labor Relations  
Department of [agency]  
[address/location]

## **Introduction**

On February 13, 1996, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [appellant's name]. His position is currently classified as Public Utilities Specialist GS-1130-11. However, he believes it should be classified at the GS-13 level. He works in the Utilities Management Program, Department of [agency], [location/address]. We have accepted and decided his appeal under 5 U.S. Code 5112.

## **General issues**

The appellant compared his position to GS-13 positions. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

The appellant makes various statements about his agency and its evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the position. By law, we must make that decision solely by comparing its current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

In reaching our decision, we have considered all of the information furnished by the appellant and his agency, including his official position description (PD) 92770, and obtained through telephone interviews with the appellant and his supervisor.

## **Position information**

The mission of the Utilities Management Program (UMP) is to provide [agency] facilities and other Federal agencies nationwide with natural gas in the most cost effective manner possible and develop innovative solutions in an ever changing utilities industry. The UMP operates under a Board of Directors made up of representatives from facilities using the service. The staff consists of the supervisor, the appellant, a Public Utilities Specialist GS-1130-11, and 2 trainees. The UMP started in 1984 with one [agency] facility. By 1990 it had expanded to 11 facilities, then to 21 during 1992 and 1993. In 1995 it grew to 35 facilities and it now serves 65 [agency] facilities.

The natural gas supply is on a performance type contract and is issued from each of the four geographic regions. The contracting officers are located at the [agency] [type of facility] Centers in Seattle, Washington; Kansas City, Missouri; Wilkes-Barre, Pennsylvania; and Temple, Texas. The contract supplier is required to deliver 100 percent of the facility's natural gas needs except for pipeline interruption or curtailment. If a facility is interested in using the UMP, it submits copies of its natural gas utility bills for the past 12 months for analysis. The analysis is provided via a spreadsheet indicating the potential cost avoidance. If the cost avoidance is adequate, a Memorandum of Understanding (MOU) can be signed by the agency. When the MOU and 3 years of monthly natural gas usage data are returned to the UMP, the appellant will analyze the usage data,

rate schedules, etc., to help obtain a transportation agreement with the facility's local gas company and natural gas suppliers serving the contract in the geographic region. Interagency agreements are signed with other Federal agencies.

The appellant acts as a Contracting Officer Technical Representative and provides daily review of contract performance. The appellant monitors, nominates, and balances natural gas needs for 65 [agency/type of facility] each day. He is in constant communication with pipeline companies, contract gas suppliers and the local gas utility companies, thus ensuring maximization of cost avoidance. The appellant must analyze each facility to accommodate its operating features including equipment and building construction, natural gas usage, local gas company's rate schedules, applicable regulations, market conditions, etc. He verifies billing and usage data from the facility's local natural gas utility company and energy source supplier to eliminate billing errors and to ensure compliance with rate schedules and contractual obligations. For example, the appellant was able to negotiate a bypass line rate for the Tucson [agency] facility which reduced costs by one-third because [agency] could have built a bypass line to the interstate pipeline. This required market analysis; research of rate schedules, including unpublished schedules; discussion with Office of General Counsel (OGC); proposal for a bypass pipeline filed; and study started. Since the local gas company did not want to lose the volume, it gave the reduced rate. The appellant also developed cost comparison data concerning the purchase of a pipeline supplying methane gas from a closing dump site for a facility in Virginia.

The appellant negotiated with the Department of Energy (DOE) so that the UMP could store natural gas purchased at low prices in DOE's depleted oil fields. DOE's supplies of natural gas can only be used by Department of Defense. Through an interagency agreement, DOE has agreed to trade-in-kind its natural gas supplies to [agency] facilities for the [agency] natural gas stored in DOE's depleted oil fields.

The appellant participated in the development of the technical specifications for the performance type contract. This was a two-year project and involved reviewing the contract with the agency's OGC. The appellant has developed a similar contract that provides the latitude to serve other Federal agencies which is currently being reviewed by the OGC.

The interviews, official PD, and other information of record furnished by the appellant and his agency provide additional details about the appellant's duties and responsibilities and how they are performed.

### **Series and standards**

We find that the appellant's position is best covered by the Public Utilities Specialist Series, GS-1130. Neither the agency nor the appellant disagrees.

There is no standard for the GS-1130 series. Guidance for selecting related evaluation criteria for evaluating the position is on pages 20-21 of the introduction to the classification standards. The criteria selected as a basis for comparison should be for a kind of work as similar as possible to the

position to be evaluated with respect to the kind of work processes, functions, or subject matter of work performed; the qualifications required to do the work; the level of difficulty and responsibility; and the combination of classification factors which have the greatest influence on the grade level. The agency used the standards for the Contracting Series, GS-1102 and the Computer Specialist Series, GS-334. The appellant believes that his position should be evaluated by reference to the standard for the Trade Specialist Series GS-1140.

We did not use the GS-334 standard since the appellant spends only 2 percent of his time on this work and it would not influence the grade. Grade evaluation criteria have not been developed for GS-1140 series; however, the flysheet information indicates the standard for the Industrial Specialist Series, GS-1150, is appropriate for evaluating GS-1140 positions. The appellant's work requires a knowledge of the natural gas industry in order to obtain natural gas for facilities at the most cost effective rate. The GS-1150 standard covers positions that require a knowledge of industrial production operations to perform the following functions (1) advice and technical assistance to private industries, (2) regulatory control of industries, and (3) planning, evaluation, and surveillance over production operations under Government programs. The function performed by the appellant is not similar to the functions covered by the GS-1150 standard. The evaluation criteria are not applicable since a major factor measures the work based on the number and range of industries or industrial operations, and the variety and complexity of end items, and of production facilities and processes, with which the assignment is concerned. These criteria would not be a fair measure of the appellant's work since he is concerned with natural gas as an energy source.

Following the guidance in the introduction to the standards, the position is best evaluated by the standard for the Contracting Series, GS-1102. In common with work covered by the GS-1102 standard, the appellant performs responsible two-grade interval work and his position requires a knowledge of business and industry practices, sources of supply, cost factors, and requirement characteristics. The appellant is concerned about the use of the GS-1102 standard since he does not perform contracting work. The GS-1102 standard is written under the Factor Evaluation System (FES). Each FES occupational standard, such as the GS-1102 standard, must be consistent with the Primary FES standard, which is the model for the occupational standards. The grade evaluation criteria in each occupational standard is tailored to the occupation; however, the underlying distinguishing criteria are maintained from standard to standard consistent with the concepts established in the Primary Standard. In evaluating the appellant's position by comparison to the GS-1102 standard, we will focus on the grade distinguishing concepts, not the specific procurement assignments described in the GS-1102 standard.

### **Title**

The appellant's position is best placed in the GS-1130 series. Neither the agency nor the appellant disagrees. OPM has prescribed no titles for positions in that series. Therefore, according to page 18 of the introduction to the classification standards, the appellant's agency may choose the official title for his position. In doing so, the agency should follow the titling guidance on that page.

### **Determining duties to be classified**

In determining the duties to be classified, we must consider two issues. First, the classification of the position must be based on the current duties (5 U.S. Code 5112). Generally, the one year period preceding the classification decision is used. One year is used as this length of time generally encompasses the full cycle of work performed by a position. Second, the classification of a position is usually based on the duties that occupy a majority of the time. However, according to the introduction to the standards (page 23), when the highest level of work is a smaller portion of the job, it may be grade-controlling only if: (1) the work is officially assigned to the position on a regular and continuing basis; (2) it is a significant and substantial part of the overall position (i.e., occupying at least 25 percent of the employee's time); and (3) the higher level knowledge and skills needed to perform the work would be recruited for the position if it became vacant.

The appellant spends the majority of his time on duties covered in the second and third paragraph of the position information section above. The supervisor indicated that the appellant spent about 1 month per year or 8 percent of his time on the DOE negotiations and contract development work described in the fourth and fifth paragraphs. This work was completed in 1995, over one year ago. This special project work cannot be considered in the classification of the appellant's position since it is not current and it does not occupy the minimum 25 percent needed to be considered grade-controlling. However, we have included the special project work in the grade evaluation section below for the appellant's information and to demonstrate the differences in the factor level descriptions. The special project work is included for information purposes only and cannot impact on the final grade.

### **Grade determination**

The GS-1102 standard uses the Factor Evaluation System, 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.

#### *Factor 1, Knowledge required by the position -- Level 1-7 -- 1250 points*

This factor measures the nature and extent of information or facts required to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of skill necessary to apply this knowledge. To be used as a basis for selecting a level under this factor, a knowledge must be required and applied. The agency assigned Level 1-7.

- At Level 1-7, the position requires an indepth knowledge of a specialized area to analyze difficult issues and identify alternative courses of action, modify standard procedures and terms to satisfy specialized requirements, and solve a variety of problems, including those requiring significant departures from previous approaches; and familiarity with business

practices and market conditions applicable to program and technical requirements sufficient to evaluate bid responsiveness, contractor responsibility, and/or contractor performance. Illustrative of Level 1-7 are assignments requiring knowledge of negotiation techniques and technical requirements sufficient to procure complex services; knowledge of contract cost analysis techniques sufficient to gather and evaluate price and/or cost data for a variety of preaward and/or postaward procurement actions, such as proposals projecting changes in labor and material costs or technology; or knowledge of procurement statutes, Executive orders, policies and regulations to interpret procurement regulations and policies for activity operational procurement specialists and to identify and analyze procurement issues and their impact on local procedures.

- At Level 1-8, the position requires a mastery of the procurement functional area sufficient to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods, to extend existing techniques, and to develop procurement policies for use by other contracting personnel in solving procurement problems; or a mastery of procurement principles and technical or program requirements to plan and manage or make decisions or recommendations that significantly affect the content, interpretation, or development of complex, long-range, or interrelated agency policies or programs concerning the management of procurement matters; and familiarity with business strategy and program or technical requirements sufficient to perform or direct indepth evaluations of the financial and technical capabilities, or the performance, of the contractor. Illustrative of Level 1-8 are assignments requiring knowledge and skill sufficient to procure systems where little or no contractual precedent exists to serve as guidance in developing or modifying procurement strategies or pricing structure, e.g., extensive ADP acquisitions such as a nationwide teleprocessing system; or knowledge and skill sufficient to provide expert technical leadership, staff coordination, and consultation in a functional area of procurement including responsibility for formulating guidelines, implementing new developments, and providing policy interpretation to subordinate contracting activities.

Comparable to Level 1-7, the appellant's position requires an indepth knowledge of national gas industry practices and market conditions to provide cost effective services to their clients and to evaluate the contractor's performance. As part of the initial facility analysis process and subsequent updates, the appellant must analyze the market, research schedules and regulations, prepare feasibility studies, identify alternative courses of action, modify standard procedures and terms to satisfy specialized requirements, and he solves a variety of problems (e.g., [agency], Tucson, negotiations with DOE for use of depleted oil fields for natural gas storage).

We do not find that the appellant's position meets Level 1-8. Neither the interview or record reflected that the appellant applied experimental theories or new developments to problems not susceptible to treatment by accepted methods or made decisions or recommendations significantly changing, interpreting, or developing *important public policies or programs* as envisaged at Level 1-8.

This factor is evaluated at Level 1-7 and 1250 points are credited.

*Factor 2, Supervisory controls -- Level 2-4 -- 450 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 2-4.

- At Level 2-4, the supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, develop the deadlines, projects, and work to be done. The employee plans and carries out the assignment, such as determining the approach to be taken, developing a plan, or determining the depth of analysis. The employee initiates necessary coordination with technical representatives, financial staff, attorneys, contract specialists, or field activities both in Government and in the contractor's organizations. The employee obtains necessary information and supporting documentation and resolves most conflicts which arise, such as disagreements over technical descriptions, elements of cost, economic indices used, and similar matters which arise. The employee may negotiate alone, but keeps the supervisor informed of progress, potentially controversial conflicts or issues which arise, or matters which affect policy or have other far-reaching implications. Completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results, e.g., providing a viable contracting approach for meeting program needs and established objectives, or for impact on future procurements.
- At Level 2-5, the supervisor provides administrative direction and makes assignments in terms of broadly defined programs or functions, or long-range acquisition and agency objectives. The employee determines the approaches and methods necessary to carry out the assignment, including the design of overall plans and strategies for the projects, in order to meet mission or program goals, requirements, and time frames. The employee independently carries out the work, including continual coordination of the various elements involved, and independently negotiates. Work products or advisory services provided to management or to field activities are considered to be technically authoritative. If the work is reviewed, the review focuses on compatibility with overall management objectives, fulfillment of program objectives, attainment of goals established in the acquisition or review plan, appropriateness of business arrangements, and contribution to the success of the mission on both a short- and long-term basis. Recommendations for new procurement approaches or policies or modifications of contractual arrangements, are usually reviewed for compatibility with broad program and agency objectives, impact on agency procurement activities, economies achieved, and/or improvement in effectiveness or performance of procurement programs including those at subordinate echelons throughout the agency.

The appellant performs his recurring work (e.g., securing operational agreements with local natural gas utility companies, balancing and nominating natural gas supplies, etc.) independently with little supervisory review. On the surface, this may appear to meet Level 2-5; however, this level is associated with assignments affecting broad agency program goals or national priorities. The



appellant's daily work does not reach this level. Since Level 2-5 is not fully met, the next lower level is assigned for the appellant's recurring work. Level 2-4 is a good match to the appellant's position as the appellant plans and carries out his assignments independently, including coordinating with agency and contractor staff, and his work is reviewed from an overall standpoint by his supervisor.

Special projects (e.g., DOE negotiations) are discussed with the supervisor who approves or disapproves the project. The appellant keeps the supervisor informed on steps taken and keeps him appraised on a weekly basis. His work is reviewed from an overall standpoint. We find this most comparable to Level 2-4 where the supervisor and employee, in consultation, develop the project; the employee plans and carries out the assignment, initiates necessary coordination with technical representatives, obtains necessary information and documentation, and resolves most conflicts; the employee may negotiate alone, but keeps the supervisor informed of progress; and completed work is reviewed from an overall standpoint.

This factor is evaluated at Level 2-4 and 450 points are credited.

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

This factor covers the nature of guidelines and the judgment needed to apply them. The agency evaluated this factor at Level 3-3.

- At Level 3-3, precedents and written policies exist for procurements assigned, and historical data are pertinent to the evaluation of price and basic elements of cost. However, contractual actions generally require adaptation by the employee, e.g., clarification of the statement of work, adaptation of clauses or provisions to fit the requirements, use of options for additional quantities or advance and partial payment clauses, inclusion of specified methods of testing and special performance requirements, or similar requirements. The employee uses judgment in interpreting guidelines, in adapting procurement procedures, or in recommending approaches or solutions for specific problems.
- At Level 3-4, policies and precedents are available but stated in general terms, or are of limited use. Intensive searches of a wide range of regulations and policy circulars applicable to the numerous and diversified procurement issues encountered are frequently required. Guidelines are often inadequate in dealing with problems, requiring ingenuity and originality in interpreting, modifying, and extending guides, techniques, and precedents; in devising terms and conditions tailored to specific procurements; or in balancing the application of the guidelines in relation to novel program or technical needs, business considerations, and the socioeconomic climate. The employee uses experienced judgment and initiative in deviating from traditional techniques; or in researching trends and patterns to develop new approaches, criteria, or proposed policies.

- At Level 3-5, guidelines consist of legislation, broad and general policy statements requiring extensive interpretation. The employee is an authority on developing and interpreting guidelines, policies, regulations, and/or legislation.

With respect to the appellant's recurring work, the appellant indicated that he must research applicable rate schedules; regulations for each of the 300 interstate pipelines, each production region, each State public utility commission, etc.; consider market conditions; and work with the contracting office on the adaptation and modification of the terms and conditions of contracts to each situation in order to obtain cost effective gas for a facility. These guidelines are comparable to Level 3-3 where guidelines include procurement regulations and precedents. Also comparable to Level 3-3, the appellant uses his judgment in interpreting guidelines and recommending modifications to the contracts. These guidelines are not comparable to Level 3-4 where the guidelines are more general and the employee uses experienced judgment in applying the principles underlying the guidelines to deviate from traditional techniques; or to research trends and patterns to develop new approaches, criteria, or proposed policies.

The appellant negotiated with DOE for the use of the depleted oil fields. He also participated in the development of the performance type contract. Such work meets Level 3-4 where policies and precedents are applicable but stated in general terms and guidelines for performing the work are scarce or of limited use and the employee uses experienced judgment in applying the principles underlying the guidelines to deviate from traditional techniques or to research trends and patterns to develop new approaches. However, his supervisor indicates that this work occupied about 1 month of the appellant's time over a one year period or about 8 percent of his time. As discussed earlier, this work cannot impact on the grade level of this position since it is not current and it did not occupy 25 percent of the appellant's time.

The appellant indicated that there were no policies for the UMP and that he helped develop them. However, the UMP has been in existence since 1984 and the interviews and record indicate that the operating policies have been in effect for some time. The importance of currency was discussed earlier. No current examples of guidelines used by the appellant were as general as those described at Level 3-5, e.g., legislation.

This factor is evaluated at Level 3-3 and 275 points.

*Factor 4, Complexity -- Level 4-4 -- 225 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 4-4.

- At Level 4-4, the work typically involves varied duties requiring many different and unrelated processes and methods. Assignments typically involve planning and carrying out various functions containing a variety of complexities (e.g., specialized requirements,

performance of cost analysis, review of the market to determine the availability of specialized items or services, presence of unfavorable market conditions, etc.). Decisions are based on analysis of alternatives, adaptation or modification of procedures, or resolution of incomplete or conflicting technical, program, or contractor data.

- At Level 4-5, the work is characterized by breadth of planning and coordination, or depth of problem identification and analysis, stemming from the variety of procurement functions or from unknowns, changes or conflicts inherent in the issues. Procurements typically require new or modified contract terms and conditions, funding arrangements, or policy interpretation throughout the preaward and postaward phases. For example, specialists administering major procurements, in dealing with problems of contractor performance, are required to develop new financial arrangements and accelerated delivery schedules to support program needs. Terminations involve settlements of contracts involving work performed over several years, or settling claims of a variety of prime contractors.

The appellant's recurring work (e.g., facility analysis, nominating and balancing gas supplies, the Tucson and Virginia work examples, etc.) involves varied duties requiring many different and unrelated processes and methods with decisions based on the analysis of alternatives, adaptation or modification of procedures, or resolution of conflicting data comparable to Level 4-4. The appellant's special project work involving new approaches is more comparable to Level 4-5; however, as discussed earlier, this work is not grade-controlling.

This factor is evaluated at Level 4-4 and 225 points are credited.

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

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 work products or services both within and outside the organization. The agency evaluated this factor at Level 5-3.

- At Level 5-3, the purpose of the work is to perform a variety of contracting actions encountered throughout the preaward and/or postaward phases of the contracting process, using established contracting procedures. The work of the employee supports the operation of the installation or activity or several activities, such as providing equipment and facilities, and thereby contributes to the timely and economical accomplishment of the organizational objectives.
- At Level 5-4, the purpose of the work is to provide expertise as a specialist in a functional area of contracting by furnishing advisory, planning or reviewing services on specific problems, projects, or programs. Assignments involving contract negotiation, award, administration, or termination frequently carry contracting officer authority within prescribed money limits for all or most contractual actions. Examples include: (1) planning, coordinating, and/or leading negotiations for a variety of complex contracts, contract

modifications, or termination actions, e.g., those which accommodate possible changes in program requirements, involve subcontractors, require accounting for Government equipment, or involve consolidated requirements for several agencies or departments; (2) formulating approaches to procurement problems or issues when the problems require extensive analysis of a variety of unusual conditions, questions, or issues; (3) establishing procedures for implementing procurement policies or regulations; (4) conducting in-depth analyses of contractors' financial and management systems and facilities for ability to perform or for compliance with Government or contractual requirements; or (5) planning and conducting program evaluations of subordinate procurement activities. The work product affects a wide range of procurement activities, such as the operation of procurement programs in various offices or locations, or the accomplishment of significant procurement or technical program goals; affects the timely support of other departments or agencies; affects contractor's operations or management systems; has a significant economic impact on contractors or on their respective geographic areas; or similar impact.

The appellant's recurring work, such as the facility analysis and nominating and balancing gas supplies for each of the 65 participating facilities, is comparable to Level 5-3 where the purpose of the work is to perform a variety of actions where the work supports the operation of the installation or activity or several activities, such as providing equipment and facilities, and thereby contributing to the timely and economical accomplishment of the organizational objectives. The recurring work does not meet Level 5-4 where the purpose of the work involves changing program requirements, formulating approaches requiring extensive analysis, or establishing procedures for implementing policies or regulations.

The special project work, on the other hand, was comparable to Level 5-4 as it included formulating projects and extensive analysis of unusual conditions or problems that affected a wide range of agency activities, major activities or industrial concerns, or the operation of other agencies. For instance, the natural gas supply contracts covering the four geographic regions affected agency facilities nationwide as well as other Federal agency facilities. However, as discussed earlier, this work is not grade-controlling.

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

*Factor 6, Personal contacts -- Level 6-3 -- 60 points*

This factor includes face-to-face and telephone contact and other dialogue with persons not in the supervisory chain. The agency evaluated this factor at Level 6-3.

- At Level 6-3, personal contacts include a variety of specialists, managers, officials, or groups from outside the employing agency in a moderately unstructured setting, e.g., 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. Contacts at this level include

contractors, specialists, manufacturers' representatives, attorneys, or other Federal agencies, e.g., other departments or activities outside the chain of command.

- At Level 6-4, personal contacts include high-ranking officials from outside the employing agency. Contacts are characterized by problems, such as: officials may be relatively inaccessible; appointments or arrangements may have to be made well in advance; each contact may be conducted under different ground rules; or comparable problems. Typical of contacts at this level are those with Congressional members and key staff, senior corporate officials, or key officials from other Federal agencies.

The appellant's contacts are similar to Level 6-3 as he has daily contact with the natural gas transporters, suppliers, and the local distributing companies to negotiate and purchase gas. He also has frequent contacts with facility engineering staff from his and other Federal agencies concerning matters such as gas supplies and equipment. The appellant works with agency contracting officers to develop and award contracts. He monitors the contracts and reports to the agency contracting officers when performance corrections are needed. He also contacts agency attorneys on legal issues and the General Services Administration on natural gas regulations. We did not find that the appellant's contacts were with high-ranking officials on a frequent basis or that his contacts were characterized by the problems described under Level 6-4.

This factor is evaluated at Level 6-3 and 60 points are credited.

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

The purpose of contacts 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 selected for Factor 6. The agency evaluated this factor at Level 7-3.

- Contacts at Level 7-3 are to obtain agreement on previously determined goals and objectives through negotiation, persuasion, and advocacy. The individuals or groups are frequently uncooperative, have different negotiation objectives, or represent divergent interests. The employee must be skillful in dealing with such persons to obtain the desired effect, such as obtaining compliance with procurement requirements through persuasion, or obtaining reasonable prices, terms, or settlements for the Government through negotiation.
- Contacts at Level 7-4 are to justify, defend, negotiate, or settle matters involving significant or controversial issues, or problems which require escalation because established channels and procedures have failed to resolve the problem. The employee is responsible for justifying and defending the agency position when the issues are strongly contested because of their impact or breadth.

The purpose of the appellant's contacts are most comparable to Level 7-3 as he must negotiate with contractors to obtain compliance with the contract provisions and to obtain the best price for the natural gas. The appellant is not responsible for justifying, defending, or negotiating matters as significant or controversial as described at Level 7-4 above.

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

*Factor 8, Physical demands -- Level 8-1 -- 5 points*

The physical demands of the appellant's position most closely match Level 8-1 described on page 57 of the GS-1102 standard as his work is primarily sedentary and his work involves occasional walking, standing, bending, or carrying of items. The physical demands do not meet Level 8-2 where the work requires some physical exertion, such as walking over rough, uneven, or rocky surfaces of the type found at construction sites or other outdoor facilities.

This factor is evaluated at Level 8-1 and 5 points are credited.

*Factor 9, Work environment -- Level 9-1 -- 5 points*

The appellant's work environment involves everyday risks or discomforts which require normal safety precautions typical of such places as offices, conference rooms, etc. as described at Level 9-1 on page 58 of the GS-1102 standard. His work does not involve moderate risks or discomforts on a regular and recurring basis as described at Level 9-2 on page 58. At Level 9-2, special safety precautions are necessary when visiting or working in industrial plants or test environments where hazards such as machines, moving equipment, chemicals, etc. require the use of protective clothing or gear.

This factor is evaluated at Level 9-1 and 5 points are credited.

*Summary*

In sum, we have evaluated the appellant's position as follows:

<b>Factor</b>	<b>Level</b>	<b>Points</b>
1. Knowledge required by the position	1-7	1250
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	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
Total points:		2540

A total of 2540 points falls into the GS-11 range (2355-2750 points). About 8 percent of the appellant's work is evaluated at higher levels for a total of 2890 points, which falls into the GS-12 range (2755-3150 points). However, this higher level work is neither current nor grade controlling since it does not meet the criteria on page 23 of the introduction to the standards; i.e., work occupying a smaller portion of the job may be grade-controlling if it occupies at least 25 percent of the employee's time and meets the other criteria on page 23. The appellant's work is properly classified at the GS-11 level.

**Decision**

The appellant's position is properly classified to the Public Utilities Specialist Series, GS-1130 at the GS-11 level and titled at the agency's discretion according to titling guidance on page 18 of the introduction to the standards.