

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

Washington Oversight Division
1900 E Street, NW., Room 7675
Washington, DC 20415-6000

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

Appellant: [name]

Agency classification: Safety and Occupational Health Manager
GS-018-13

Organization: Directorate of Environmental
Management and Quality Assurance
[Center]
[Agency]
[city and State]

OPM decision: Safety and Occupational Health Manager
GS-018-13

OPM decision number: C-0018-13-01

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Linda J. Kazinetz
Classification Appeals Officer

 June 26, 2002
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification 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 the conditions and time limits specified in the title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant]

[servicing personnel officer]

Ms. Janice W. Cooper
Chief, Classification Appeals
Adjudication Section
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Introduction

On April 4, 2002, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Safety and Occupational Health Manager, GS-018-13, in the Directorate of Environmental Management and Quality Assurance, [Center], [Agency], at [city and State]. The appellant requested that his position be classified at the GS-14 level. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

A telephone audit was conducted by a Washington Oversight Division representative on June 6, 2002, and a telephone interview with the appellant's supervisor, [name], on June 25, 2002. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description, [number], and other material submitted in the agency administrative report on May 9, 2002.

General Issues

The appellant compares his position to a GS-028-14 Environmental Protection Specialist position in his directorate that has similar program management responsibilities. By law, we must classify positions solely by comparing their duties and responsibilities to PM standards and guidelines. 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. We also note that the cited position, although functionally similar, is engaged in a very different program area and would presumably have been classified using the GS-028 position classification standard. Therefore, from a classification standpoint, a valid comparison between the two positions could not be made.

Position Information

The appellant is the safety and occupational health manager for the [Center]. The [identifying information] is a collection of raw materials (i.e., ores and minerals) housed at 12 manned (mostly depots) and 68 unmanned sites. The appellant develops the program budget and allocates funds; establishes guidelines for the storage and handling of hazardous materials; conducts safety and occupational health depot inspections; oversees the conduct of radiological surveys; investigates accidents and incidents; oversees medical surveillance of workers; ensures that fire protection plans and equipment are adequate; and arranges for training of collateral duty personnel in accident investigation and air sampling.

Series Determination

The appellant's position is properly assigned to the Safety and Occupational Health Management Series, GS-018, which includes positions involved in the management, administration, or operation of a safety and occupational health program. Neither the appellant nor the agency disagrees.

Title Determination

The authorized title for positions responsible for planning, organizing, directing, operating, and evaluating a safety and occupational health program is Safety and Occupational Health Manager. Neither the appellant nor the agency disagrees.

Grade Determination

The position was evaluated by application of the criteria contained in the Safety and Occupational Health Management Series, GS-018. This standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

The appellant disagrees with the agency's evaluation of factors 2 and 3. Our evaluation differs from the agency's evaluation in respect to factors 2, 4, and 5.

Factor 1, Knowledge Required by the Position

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

The knowledge required by the appellant's position matches Level 1-8, where work requires expert knowledge of safety and occupational health concepts, principles, laws, regulations, and precedent decisions to recommend substantive program changes or alternative new courses of managerial action requiring the extension and modification of existing safety and occupational health management techniques critical to the resolution of safety and occupational health management problems. The appellant manages a safety and occupational health program that involves the storage and handling of hazardous materials, including toxic and radiological substances, throughout the manned and unmanned sites where the [identifying information] is housed.

Level 1-9 is not met, where work requires generating new safety and occupational health management and administrative principles applicable to new or emerging agency functions, and planning and evaluating extensive, long-range programs of a national magnitude. The [identifying information] has been in existence since the 1950's and is currently being liquidated. (Some of the materials are being sold to private industry, others are being considered for disposal.) The [identifying information] has decreased from 92 commodities in over 100 locations to about 60 commodities in approximately half the number of locations, and there are no new materials being acquired. Thus, the appellant manages an established program that is currently contracting rather than expanding.

Level 1-8 is credited.

1550 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 review of completed work.

The agency assigned Level 2-4 under this factor. The appellant believes that Level 2-5 should be credited because he reports to his supervisor for administrative purposes only, develops the budget and makes allocation decisions, and receives only general oversight from the [agency] program office.

The level of responsibility under which the appellant works is comparable to Level 2-5 (the highest level described under this factor.) At that level, the supervisor provides administrative direction with assignments in terms of broadly defined safety and occupational health mission or functional goals. The employee independently plans, designs, and carries out programs within the framework of applicable laws. The employee provides technical leadership, and work results are considered authoritative. If the work is reviewed, the review is usually focused on such matters as fulfillment of program objectives, effect of advice, or the contribution to the advancement of safety and occupational health management. Recommendations for changes in program direction or the initiation of new projects are usually evaluated for such considerations as availability of funds and other resources, relationship to broad program goals, or national priorities.

The appellant manages the program essentially independently, without any technical input or review by the supervisor. He provides the sole technical leadership for the [identifying information] safety and occupational health program, and his guidance is considered authoritative. He develops and allocates the program budget (all safety-related expenses for the [identifying information] are funded centrally out of his budget), and develops the annual operating plans (e.g., inspection and survey schedules, training, medical examinations.) His work and recommendations are reviewed only from the standpoint of overall program effectiveness and accomplishment of required activities.

The agency contended that Level 2-5 was not met because "the presence of [agency] in the chain of command presents guidance upon which the incumbent can adapt/create program needs to meet [identifying information] requirements"; "Level 2-5 speaks to broad program goals and national priorities that are met at the [agency] level by the incumbent's supervisor"; and "program modification to meet [identifying information] requirements would not entail modification to the extent envisioned by Level 2-5, i.e., framework of applicable law rather than agency policy." However, this level is not restricted to agency-level positions, as evidenced by benchmark description GS-14, #2, which describes the position of a safety and occupational health manager for an area office in a region of a Federal agency. Basically, Level 2-5 represents positions with significant program management responsibilities. The [identifying information] safety and occupational health program is not managed at the [agency] level in terms of planning and carrying out the program; rather, [agency] occupies a typical oversight and

policy role. The reference to “broad program goals and national priorities” relates to *one* of the considerations in *reviewing* work at this level. The appellant’s supervisor has delegated full program authority to the appellant. He reviews his work from the standpoint of how it contributes or relates to broader [identifying information] objectives and activities. Lastly, the extent to which program modification is carried out should be considered under factor 3 rather than factor 2. Level 2-5 refers to making recommendations for changes in program direction or the initiation of new projects, but within the context of how different aspects of the work are reviewed.

Level 2-5 is credited.

650 points

Factor 3, Guidelines

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

The agency assigned Level 3-4 under this factor. The appellant believes that Level 3-5 should be credited because any new safety approaches and concepts would be developed by him, rather than by [agency], in his capacity as the safety and occupational health manager for the [identifying information].

The guidelines used by the appellant match Level 3-4. At that level, guidelines lack specificity for many applications, such as departmental or agency policies, recent developmental results, and findings and approaches of nationally recognized safety and occupational health organizations. These guidelines are often insufficient to resolve highly complex and unusual work problems such as determining the potential hazard of detonating various explosive devices in a research and development environment. The employee must modify and extend accepted principles and practices to solve problems where precedents are not directly applicable, and study trends to develop methods for eliminating or controlling serious hazards.

The appellant continually researches new regulations and guidelines issued by other national safety and occupational health organizations (such as the National Safety Council, Occupational Safety and Health Administration, Centers for Disease Control, National Institute for Occupational Safety and Health, and others) for new findings on potential hazards related to the materials maintained in the [identifying information]. He develops and issues “Occupational Health Guidelines” and “Radiation Guidelines” providing instructions on the handling and transport of materials, the use of personal protective equipment, the detection of airborne concentrations, changes in shipping and labeling requirements, etc. Some of the materials handled are unusual in the respect that they are not normally maintained in such large quantities, increasing the risk of exposure from oxidized particles.

The position does not meet Level 3-5. At that level, work is performed chiefly under basic legislation, agency policies, and mission statements requiring extensive interpretation and ingenuity for adaptation. As a technical authority, the employee develops new approaches and concepts where precedent does not exist, as well as *nationwide* standards, procedures, and instructions to guide operating safety and occupational health personnel.

Within this occupation, this level would be confined mostly to positions involved in regulatory or research activities, i.e., positions involved in *determining* whether particular materials and substances are hazardous (hence “where precedent does not exist”) and what protective measures would effectively mitigate those hazards. This type of work would most commonly be performed at the various safety-related regulatory agencies, which are responsible for developing nationwide (rather than agencywide) standards. The appellant is responsible for keeping abreast of this information and making appropriate adjustments to operating procedures, but he does not originate this type of material.

Level 3-4 is credited.

450 points

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of the tasks or processes 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 assigned Level 4-5 under this factor.

The complexity of the appellant’s work is comparable to Level 4-4. At that level, assignments cover a wide range of work operations and environmental conditions involving a substantial number and diversity of hazards. The employee must evaluate a variety of complex, interrelated physical conditions, operating practices, hazardous human-machine interaction, and serious mishaps. Assignments require analysis of unconventional safety and occupational health problems or circumstances, inconclusive facts or data, and are characterized by the uncertainty of accepted control or abatement methods.

The appellant must evaluate the hazards inherent in the long-term storage, handling, and transport of a wide variety of materials, including various toxic, carcinogenic, and radiological substances. The problems are interrelated as they involve such considerations as potential fire hazards, direct contact as well as airborne exposure, hazards precipitated by moving the materials, etc.

The position does not meet Level 4-5. At that level, the work includes broad and diverse assignments requiring innovative analysis of high safety risk activities. The employee considers and evaluates high safety risks in a field with constantly changing conditions; serious conflicts between operational requirements involving hazardous materials and the application of safety and health standards affecting timeliness of work accomplishment; or diverse hazardous work processes and environmental conditions for a broad field characterized by a wide variety of problems such as extreme fluctuation in workforce employees assigned high safety risk jobs, large number of visitors engaged in hazardous activities, or widespread geographic dispersion of operations.

The appellant’s work situation does not present the diversity of potentially hazardous operating situations expected at this level. The [identifying information] is in effect a collection of storage facilities housing quantities of ores and minerals. These materials may be periodically moved or

sold, but are not otherwise used by the installations where they are kept. This is not, for example, an industrial operation with diverse and constantly changing machine processes and many employees engaged in high-safety risk jobs. The hazards are limited to exposure to materials where the safety thresholds are known, rather than the more complex risks associated with, for example, new machine processes, research involving biological hazards, or high explosive detonations. Thus, the variety of potentially hazardous operating situations is more limited than required at this level.

Level 4-4 is credited.

225 points

Factor 5, Scope and Effect

This factor covers the relationship between the nature of the work, and the effect of the work products or services both within and outside the organization.

The agency assigned Level 5-5 under this factor.

The scope and effect of the appellant's work match Level 5-4. At that level, the purpose of the work is to assess the effectiveness of specific programs, projects, or functions. The employee plans alternative courses of specialized action to resolve hazardous conditions and unsafe working practices. The work often involves the development of safety and occupational health criteria for major agency activities. Work products impact on a wide range of agency safety and occupational health programs or the programs of large, private sector establishments.

The purpose of the appellant's work is to assess the adequacy of safety and occupational health safeguards associated with the storage and handling of [identifying information] materials. He conducts reviews of installation operations associated with the [identifying information] to ensure that safety practices are being observed and instructs where changes must be instituted. He issues guidelines on practices and requirements for use throughout the installations where the [identifying information] is housed.

The position does not meet Level 5-5. At that level, the purpose of the work is to resolve critical safety and occupational health problems often involving serious hazards of unpredictable consequences to humans and property. The work requires the development of new guides, approaches, and methods often under difficult circumstances such as when confronted by conflicting viewpoints and resource constraints. At this level, the employee often serves as a consultant providing expert advice and guidance covering a broad range of safety and occupational health activities to officials, principle program managers, and other safety and occupational health managers or specialists. The work affects the activities of safety and occupational health managers and specialists both within and outside the agency.

Although the potential health effects of long-term exposure to some of the [identifying information] materials are significant, the risks are known and predictable and the actual hazards are minimal (given that the materials are packaged and in storage.) The appellant reported that changes in the standards for these materials rarely change, and that the last change was probably in the mid-1990's when tannin was determined to be non-carcinogenic based on a Department of

the Army study. The appellant does not develop new guides and methods within the meaning intended at this level, i.e., to guide other safety and occupational health specialists and managers. He is in effect managing an operating-level program that is dispersed throughout a number of installations. He provides guidance to employees at these various sites who are trained in sampling procedures to measure airborne contaminants. He does not oversee the activities of other safety and occupational health staff as required at this level, for example, at the agency or Department level or at a regulatory agency responsible for issuing standards and instructions to be implemented by other safety and occupational health staff.

Level 5-4 is credited.

225 points

Factor 6, Personal Contacts

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. The relationship between Factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

The appellant's personal contacts match Level 6-3, where contacts are with professionals from other agencies or outside organizations, contractors and consultants, State and local government officials, representatives of national safety associations, and safety and occupational health specialists from private establishments. Correspondingly, the appellant has contacts with safety and health experts both within and outside the Department of Defense, officials of State agencies, and industrial contractors. Level 6-4 is not met, where contacts are with high ranking officials from outside the agency such as key public and corporate executives, elected representatives, and top scientific personnel of other departments and agencies, national safety and health organizations, public groups, and national research organizations. The appellant has no contacts of this nature.

Level 6-3 is credited.

60 points

Factor 7, Purpose of Contacts

This factor covers the purpose of personal contacts ranging from factual exchange of information to situations involving significant or controversial issues and differing viewpoints and objectives.

The purpose of the appellant's contacts is consistent with Level 7-3, where contacts are for influencing and motivating others to comply with safety and occupational health standards and practices. The standard notes that the majority of field safety and occupational health managers and specialists are at this level. Level 7-4 is not met, where contacts are to justify, defend, negotiate, or settle highly controversial safety and occupational health issues, for example, representing the agency on national committees to develop or modify safety and health standards and criteria. The appellant's role is confined to the [identifying information] and thus does not involve this level of interpersonal contact.

Level 7-3 is credited.

120 points

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work situation.

The position matches Level 8-2, which covers conducting inspections and surveys.

Level 8-2 is credited. 20 points

Factor 9, Work Environment

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

The position matches Level 9-2, which covers exposure to hazards requiring the use of protective equipment and clothing.

Level 9-2 is credited. 20 points

Summary

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-8	1550
Supervisory Controls	2-5	650
Guidelines	3-4	450
Complexity	4-4	225
Scope and Effect	5-4	225
Personal Contacts	6-3	60
Purpose of Contacts	7-3	120
Physical Demands	8-2	20
Work Environment	9-2	<u>20</u>
Total		3320

The total of 3320 points falls within the GS-13 range (3155-3600) on the grade conversion table provided in the standard.

Decision

The appealed position is properly classified as Safety and Occupational Health Manager, GS-018-13.

