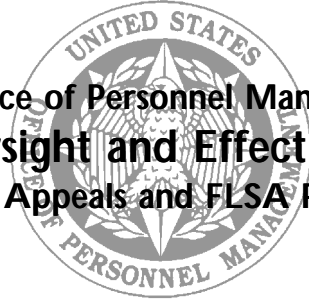


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242-9968

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

Appellant: [appellant]

Agency classification: Soil Conservationist
GS-457-11

Organization: [appellant's organization]
Natural Resource Conservation Service
U.S. Department of Agriculture
[city, state]

OPM decision: Soil Conservationist
GS-457-11

OPM decision number: C-0457-11-01

/s/ Bonnie J. Brandon
Bonnie J. Brandon
Classification Appeals Officer

10/29/99
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name and address]

[servicing personnel office]

Director, Office of Human Resources
Management
U.S. Department of Agriculture
J.L. Whitten Building, Room 316W
1400 Independence Avenue, SW.
Washington, DC 20250

Introduction

On July 12, 1999, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. His position is currently classified as Soil Conservationist, GS-457-11; however, he believes his position should be a Soil Conservationist, GS-457-12. He works in the [appellant's immediate organization], Natural Resource Conservation Service, U.S. Department of Agriculture, [city, state]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official position description (PD) [PD number]. We interviewed the appellant's supervisor by telephone on August 27, 1999, and the appellant on August 30, 1999, in order to assure completeness of the record.

General issue

The appellant believes that his position compares favorably to other agency Soil Conservationist, GS-457-12, positions. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

Like OPM, the appellant's agency (the Department of Agriculture) must also classify positions based on their comparison to OPM standards and guidelines. The agency also has primary responsibility for assuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to his agency's personnel headquarters. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as his, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

Position information

The appellant serves as the District Conservationist for [two] Conservation Districts. In that capacity he plans, directs, and executes a variety of natural resource conservation efforts within those conservation districts which include lands owned by [Native American] tribal members. He advises the agricultural, commercial, residential, and/or public landowners concerning how the land can best be preserved, improved, and protected to assure the continued integrity and/or improvement of both soil and water as well as other environmental resources. The appellant works with individual landowners as well as local, State, and Federal governmental entities where joint efforts are needed to develop and conduct the optimum conservation programs. A significant portion of the appellant's work involves helping the sundry landowners, who may have competing interests, resolve their differences in order to achieve a desirable and balanced conservation

approach. The appellant's PD and other material of record furnish more information about his specific major duties and responsibilities and how they are performed.

During the phone interviews with the supervisor and the appellant, several inaccurate statements in the appellant's position description were noted. For instance, there is no reference to the conservation activities of the appellant on lands owned and leased by [members of a specific Native American tribe] or to the appellant's diverse program activities and responsibilities that are inherent in serving two different conservation districts. There are erroneous references to the appellant's soil conservation work with [names of county, project, and government agency]. Further, the PD incorrectly states that the appellant works with the cities of [names of cities] on issues of resource planning. Finally, the PD shows erroneous organizational designations. Although none of these inaccuracies affect the classification of the appellant's position for purposes of this appeal, the PD should be revised so that there is a clear understanding of the duties and responsibilities that represent the approved classification.

Title, series, and standard determination

Since the appellant's position requires the performance of professional work in the conservation of soil, water, and related environmental resources to achieve sound land use, the position is appropriately included within the Soil Conservation Series, GS-457. In accordance with specific titling instructions in the GS-457 standard, the basic title for all nonsupervisory positions is Soil Conservationist. The duties of the appellant's position are properly evaluated by comparison with the criteria in the classification standard for the Soil Conservation Series, GS-457.

Grade determination

The GS-457 standard is written in the Factor Evaluation System (FES) format which derives a position's grade level by evaluation of nine grade-influencing factors. Each factor is evaluated separately and is assigned a point value consistent with factor level definitions described in the standard. The total points are then converted to a grade by use of a standard grade conversion table.

Under the FES, for a position factor 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 in the standard, the lower point value must be assigned.

The appellant disagrees with his agency's evaluation of Factor 3, Guidelines; Factor 4, Complexity; and Factor 5, Scope and effect. Our evaluation of the nine factors follows.

Factor 1, Knowledge required by the position

The appellant must know applicable Federal, State, and local laws pertaining to natural resource conservation and have a thorough knowledge of Natural Resource Conservation Service (NRCS) policies, regulations, and procedures. He must have a knowledge of a wide range of professional soil and water conservation principles, methods, and techniques sufficient to recommend appropriate conservation plans. He must be aware of a variety of agricultural and natural resource management fields in order to discern interrelationships and their applicability to conservation issues addressed. The work requires the possession of knowledge and skill in written and oral communication techniques and public relations to help explain short-term and long-term soil conservation objectives and plans; address cost-sharing provisions; and discuss conservation issues with the individual landowners, various agencies, and small groups of local residents and agricultural business representatives. The appellant must be able to conduct research, analyze information, and draw acceptable conclusions from the research in order to provide up-to-date technical information to District clients.

The knowledge required by the appellant's position exceeds the criteria defined at Level 1-6 where the work typically is accomplished through recurring assignments not requiring significant changes to agency procedures or modifications of applicable guidelines. At Level 1-7, the work requires professional knowledge sufficient to analyze complex natural resource factors and devise comprehensive resource development projects. The knowledge needed to conduct feasibility studies for multipurpose projects, to formulate difficult major resource conservation cost-sharing proposals, and to describe conservation issues to diverse groups of landowners is inherent in the work. The soil conservationist at Level 1-7 must possess and apply conservation knowledge sufficient to communicate effectively to diverse groups of landowners who continuously change objectives and who are very competitive. The appellant's position fully meets Level 1-7.

Level 1-8 requires the soil conservationist to be an expert in soil conservation concepts, principles, laws, programs, and precedents sufficient to develop, propose, and recommend substantial program innovations, significant program changes, or alternate courses of critical management action. This level also requires the soil conservationist to have skill in applying recent advances and research findings on land and water use planning to the resolution of controversial issues and in the development of soil and water conservation program criteria. At this level, the soil conservationist must also have comprehensive knowledge of natural resource planning methods, measures, and techniques and skill in extending and modifying these criteria to apply to *unique, highly complex* critical conservation problems. To illustrate, a soil conservationist at this level would possess knowledge and skills sufficient to perform the following duties:

- provide technical direction, guidance, and coordination for a very broad, highly active soil and water conservation program administered through a number of soil conservationists assigned geographic units and a small specialized staff of engineers, agronomists, soil scientists, and administrative personnel;

- resolve novel, complex conservation problems in a changing rural-urban environment with continuing conflicts involving multiple units of government including two councils of government, well-organized consultative conservation groups, and large acreage of cropland or idle cropland classified in the moderately severe erosion category; and
- organize, plan, and develop several watershed projects encompassing several million acres and develop multiple sponsor support, funding resources, and extensive conservation construction efforts.

Another illustration of a soil conservationist at Level 1-8 is a program expert who advises principal program managers at the national and State office levels by interpreting new broad conservation and river salinity legislative requirements and developing policy guidelines for their implementation.

The appellant's position does not require expert knowledge to extend and modify conservation criteria to address complex critical conservation problems or to advise managers at the national and State levels as envisioned at Level 1-8.

Level 1-7 (1250 points) is assigned.

Factor 2, Supervisory controls

In consultation with his supervisor, the appellant independently develops specific conservation plans tailored to meet the needs of the area he serves. Technical skills of an agricultural engineer, soil scientist, and other soil conservationists are available and utilized in preparing conservation plans. The appellant's work is periodically reviewed by his supervisor for effectiveness of overall accomplishments through discussions of progress and inspection of work.

The supervisory controls for the appellant's position match those described at Level 2-4 which depicts conservation program elements being developed through employee-supervisor consultations and coordinated with agency specialists and community representatives. At this level, the supervisor provides the administrative leadership needed to accomplish the work and reviews the work on a periodic basis.

Supervisory controls for the appellant's position do not meet Level 2-5 which describes the soil conservationist as providing leadership in planning, coordinating, and administering broad agency projects. The soil conservationist at this level provides authoritative far-reaching technical expertise and advice influencing the implementation of key agency programs. When work is reviewed, attention is focused on the effect of advice provided or contribution to the field of soil conservation.

Level 2-4 (450 points) is assigned.

Factor 3, Guidelines

This factor covers the nature of guidelines and the judgment needed to apply them. As soil conservation assignments vary in the specificity, applicability, and availability of guidelines, the constraints and judgmental demands placed upon employees also are dependent upon occupational circumstances.

The existence of specific technical specifications, instructions, handbooks, procedures, and agency policy statements may constrain the possibility of making or recommending decisions or course of conservation actions. However, in some cases where there is an absence of technical criteria or procedures or there are only broad objectives, considerable judgment and discretion may be exercised by the soil conservationist in researching soil erosion and water control problems.

The appellant's guidelines include a variety of legislation and standard or established conservation guides, precedents, methods, procedures, and techniques. He is also guided by the NRCS and Conservation Districts' annual operating plans, NRCS national and State policies and procedures, technical guides and handbooks, Farm Service Agency cost-sharing program requirements, soil survey data, textbooks and professional journals on soil conservation, previous experiences, and technical worksheets.

In most work situations the appellant's guidelines are generally adequate and applicable. The appellant, however, must use seasoned, sound judgment in order to interpret, select, and adjust agency program criteria. Many times the guidelines are only partially applicable. Technical specialists within the agency are available to provide assistance when the appellant's assignments involve unusually complex features or when guidelines are significantly inadequate. These guidelines and the level of judgment used in applying them are equivalent to those described at Level 3-3. At this level, the soil conservationist typically refers to State technical guides and studies published by agricultural colleges and universities and adjusts standards and specifications when developing conservation plans.

At Level 3-4, guidelines usually are general in nature, only partially applicable to far-reaching planning efforts, and are often inadequate for resolving contested, difficult questions. The soil conservationist at this level must use initiative to modify accepted conservation practices and develop techniques to resolve deficiencies encountered. Although the appellant helps resolve landowner conflicts, he is not allowed to modify accepted conservation practices or develop techniques to resolve deficiencies encountered. Consequently, the appellant's position falls short of Level 3-4.

Level 3-3 (275 points) is assigned.

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

The evaluation of soil conservation work under this factor requires analysis of a number of interrelated elements, including the objectives of local, State, and Federal governmental units; physical land characteristics; availability of financial resources; population distribution between rural and urban areas; and new agricultural techniques, equipment, and plant materials. Specifically the soil conservationist must assess the capability and deficiencies of individual land units with the capability and objectives of the landowner; in some cases involving governmental units, the total physical, social, and economic resources of a geographic area must be considered in the development of a comprehensive land use plan.

The appellant's clients include a wide variety of landowners with very different viewpoints concerning the appropriate soil conservation plan for their property and community. The appellant encourages landowners to actively support conservation goals and attempts to mediate disputes. The appellant evaluates, plans, and recommends conservation designs which incorporate the applicable guidelines and, as much as possible, landowner or group desires. He analyzes the adverse results of insufficient sponsor funds and determines alternative sources of funding. The appellant assesses impact of potential growth on proposed residential zones and consequent erosion loss and sedimentation and projects the effect of intensive irrigation on volume and purity of the groundwater available for future irrigation purposes. He advises elected members of conservation districts, conservation project directors, flood control district board members, and officials of local and county planning boards concerning the formulation of long- and short-range conservations projects.

The appellant's work assignments closely parallel those described at Level 4-4 which involves the development of a broad variety of conservation plans for a diversified group of landowners, to include State and county governments, townships, and/or similar conservation districts. Planning at this level is characterized by a number of complications such as insufficient funding; conflicting viewpoints among sponsors; incompatible land treatment measures; unusual soil conditions; varied area land ownership patterns with widely different use objectives; inadequate groundwater data; need to redefine standard conservation planning measures; zoning impediments; expanding population; and lack of management guidelines for pollution control measures. Level 4-4 is fully met.

Assignments at Level 4-5 are varied and diverse and involve broad, different soil conservation activities or subject matter. The soil conservationist at this level performs *substantive* review and analysis of proposed or current policies or measures affecting an extensive geographic area, critical program, or densely populated zone. At this level, the soil conservationist formulates the study framework to systematically gather resource data for the evaluation of *novel or untested*

conservation approaches or methods, and as appropriate, recommends alternative courses of action. The soil conservationist at Level 4-5 is considered an *expert* who is capable of resolving sensitive problems or issues characterized by conflicting conservation objectives and continuous special study efforts requiring *substantial* compromises with conservation criteria. Work at this level requires vigorous, imaginative efforts to develop *new* planning solutions or criteria involving land and water resources. The complexity of the appellant's work does not fully meet Level 4-5. His work does not involve an extensive geographic area as described at Level 4-5. Further, he is not considered an expert and does not develop *new* solutions as envisioned at Level 4-5.

Level 4-4 (225 points) is assigned.

Factor 5, Scope and effect

This factor covers the relationship between the nature of the soil conservation work, i.e., the purpose, breadth, and depth of the assignment, and the effect of work products including soil conservation plans and water control measures or services within the organization and outside public and private bodies such as local and State units of government, civic groups, and academic centers.

Effect measures such things as whether or not the work output facilitates the work of others, provides timely services of a personal nature, or has an impact on the adequacy of research conclusions. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture allowing consistent evaluations. Only the effect of properly performed work is to be considered.

The basic objective of the appellant's position is to advise, encourage, and lead established resource conservation organizations in their efforts to appraise and evaluate area needs for improving land and water resources. To do this, the appellant develops technical conservation measures which are the most compatible with the agency's objectives and local and State goals after considering customer opinions and viewpoints. The appellant functions as the primary field contact with individual landowners, [Native American] tribal members, and the [two] conservation districts. The effect of successfully completed work is to attain the field office goals set for the area in the annual plan of operation and to sustain landowner cooperation with agency representatives for future activities.

The scope and effect of the appellant's position matches Level 5-3 where the soil conservationist advises and motivates individuals and organized groups of landowners. The soil conservationist at this level prepares land and water treatment plans, measures, and techniques and recommends their adoption. The work performed by the soil conservationist at this level affects the adequacy of conservation program activities in a rural and/or urban area, the attainment of annual plan of operation objectives, and agency credibility among program participants.

At Level 5-4, the purpose of the work is to develop and interpret natural resource planning criteria including soil and water conservation techniques and specifications applicable to (1) complex resource conservation development and/or watershed projects involving numerous community and State government representatives with divergent and frequently opposing conservation interests and objectives and (2) land and/or water resources involving competing landowners' objectives (e.g., agricultural, residential, commercial, industrial, or recreational use). The work at this level affects the accomplishment of significant soil and water conservation in an economically important sector of the State or a large geographic zone and contributes to the efficient operation of other government agencies. The scope of the appellant's work does not include the development and interpretation of natural resource planning criteria which are applicable to complex resource conservation development and/or watershed projects, as indicative of positions at Level 5-4. Further, the appellant's work does not have the impact on the operations of other government agencies as intended at Level 5-4.

Level 5-3 (150 points) is credited.

Factor 6, Personal contacts

This factor includes face-to-face contacts and telephone dialogue 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 (e.g., the degree to which the soil conservationist and those contacted recognize their relative roles and authorities).

The appellant's personal contacts are nonroutine and are made with professional and administrative personnel within and outside the agency (e.g., District Conservation Boards, tribal members, and Federal, State, county, and municipal agencies). Contacts also occur with members of the press, regional consumer groups, contractors, university professors, and regional environmental groups. These contacts are typical of contacts at Level 6-3.

At Level 6-4, contacts are with senior executive officials at the national or international levels including Members of Congress and their key staff, top officials of the Office of Management and Budget and other Federal agencies, national officers of conservation and environmental associations, State governors, mayors of large cities, and nationally recognized media reporters, announcers, or commentators. The appellant's contacts do not meet Level 6-4.

Level 6-3 (60 points) is credited.

Factor 7, Purpose of contacts

The purpose of the personal contacts ranges from factual exchange of information to situations involving significant or controversial issues and differing conservation viewpoints, goals, or

objectives. The personal contacts which serve as the basis for the level selected for this factor must be the same as the contacts which are the basis for the level selected for Factor 6.

Many of the appellant's contacts involve the simple provision of information and data regarding conservation practices, advising landowners of programs available, assisting landowners in carrying out and financing conservation practices, and furnishing technical guidance and assistance. A substantial part of the appellant's work involves motivating and persuading individuals and groups to adopt sound conservation practices which may not be in their financial interest. The purpose of the appellant's contacts fully meets Level 7-3 where contacts are made to persuade, influence, and encourage unconvinced, indecisive individuals and organizations to agree upon conservation goals and objectives.

At Level 7-4, soil conservationists negotiate formal or working agreements involving significant, sensitive issues of a far-reaching nature. Through conferences, presentations, and meetings, the soil conservationist develops compromises or alternatives on controversial soil and water conservation legislation, program changes, or critical problem areas requiring the subordination of diverse, competing organizational priorities by parties strongly advocating opposite viewpoints. The purpose of the appellant's contacts does not meet Level 7-4.

Level 7-3 (120 points) is assigned.

Factor 8, Physical demands

This factor covers the requirements and physical demands placed on the soil conservationist by the work assignments. This includes physical characteristics and abilities (e.g., specific agility and dexterity requirements) and the physical exertion involved in the work (e.g., climbing, lifting, pushing, balancing, stooping, kneeling, crouching, crawling, or reaching). To some extent the frequency or intensity of physical exertion must also be considered (e.g., a job requiring prolonged standing involves more physical exertion than a job requiring intermittent standing).

Some of the work performed by the appellant is sedentary and is usually performed in an office environment. There is, however, regular and recurring physical exertion related to conservation work requiring walking on rough terrain, jumping ditches and furrows, and climbing steep banks. This matches the physical demands described at Level 8-2.

Level 8-2 (20 points) is assigned.

Factor 9, Work environment

This factor considers the risk and discomfort of the soil conservationist's physical surroundings or the nature of the work assigned and the safety regulations required. Although much of the appellant's work is performed in an office environment, the work involves regular and recurrent exposure to operating agricultural equipment, earth moving operations, adverse heat, herbicide and chemical spray operations, and animal and insect hazards. The appellant's work environment is comparable to the description at Level 9-2.

Level 9-2 (20 points) is assigned.

Summary

We have evaluated the appellant's position as follows:

Factor	Level	Points
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	8-2	20
9. Work environment	9-2	20
Total points:		2570

The appellant's position warrants 2570 total points. In accordance with the grade conversion table in the standard, the position is properly graded at GS-11.

Decision

The appellant's position is properly classified as Soil Conservationist, GS-457-11.