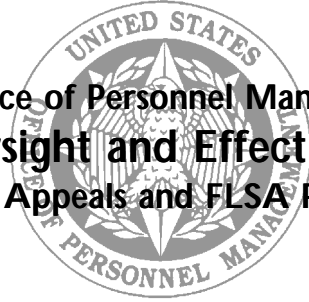


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



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

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

Appellant: [appellant's name]

Agency classification: Biological Scientist
GS-401-11

Organization: [appellant's activity]
Forest Service
U.S. Department of Agriculture
[geographic location]

OPM decision: GS-401-11
title at agency discretion

OPM decision number: C-0401-11-01

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

4/24/00
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]

USDA-OHRM-OD
U.S. Department of Agriculture
J.L. Whitten Building, Room 402W
1400 Independence Avenue, SW.
Washington, DC 20250

Introduction

The Dallas Oversight Division of the U.S. Office Personnel Management (OPM) accepted a classification appeal from [the appellant] on January 26, 2000. [The appellant] is a Biological Scientist, GS-401-11, assigned to [a specific District], Forest Service, U.S. Department of Agriculture, [geographic location]. [The appellant] believes that his position should be classified as Biological Scientist, GS-401-12. We have accepted and decided the appeal under section 5112 of title 5, United States Code (U.S.C.).

The appellant's position was previously evaluated by both the Forest Service and the Department of Agriculture. In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including the official position description [number]. While the appellant's supervisor agrees that the official position description is accurate with the exception of the actual projects cited, the appellant disagrees. Therefore, our evaluation is based on information in the appeal record and information obtained during our telephone interviews with the appellant and his supervisor concerning the duties actually assigned and performed by the appellant.

General issues

The appellant believes that the work he performs is similar to that performed by positions classified at GS-12 in other parts of the agency. By law, a classification appeal decision is based on comparing the appellant's current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to the standards is the exclusive method for classifying positions, we cannot compare the appellant's current duties to other positions as a basis for deciding an appeal. Therefore, the appellant's perceptions regarding similarity of his position and others have no bearing on the proper classification of his duties and responsibilities.

Each agency has primary responsibility for ensuring its positions are classified consistently with OPM appeal decisions and for consistency in applying the principle of equal pay for substantially equal work. 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 its classification of the positions to be consistent with this appeal decision. Otherwise, the agency should explain to the appellant the differences between his position and the others.

The appellant discusses the high cost of living in [his specific] District. Financial need cannot be considered in determining the grade of a position. The appellant further discusses duties performed in the past. However, 5 U.S.C. 5112 indicates that we can consider only current duties and responsibilities in classifying positions.

The appellant also makes various statements about his agency's position management practices 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 his position. Therefore, we have considered the appellant's statements only insofar as they are relevant to comparing his current duties and responsibilities to OPM position classification standards and guidelines.

Position information

The purpose of the appellant's position is to plan and coordinate special projects within the [appellant's] District under the direction of the District Ranger. This includes liaison with other agencies, private corporations, State and local government entities, and the general public. The appellant also coordinates internal and external review of the National Environmental Policy Act documents for these projects. The position description and other material of record furnish more information about the duties and responsibilities.

Series, title, and standard determination

The duties, responsibilities, and qualifications required for some forestry resource management positions are such that scientists with training and experience in either of two or more professions may be qualified to perform the work, or the positions involve professional work in two or more fields of science. In such cases, it may be appropriate to establish interdisciplinary positions as the agency has done with this position.

The appellant's position encompasses professional duties in the forestry, biological science, or physical science areas. The primary professional knowledges and skills applied by the appellant are in the biological science area. Therefore, the appellant's position is best covered by the GS-401 series. Since OPM has not specified titles for positions in that series, the agency may construct a title that is consistent with guidance in the *Introduction to the Position Classification Standards*. Since there is no published standard for the GS-401 series and the appellant performs his duties within the context of the forestry profession, Part I of the standard for the GS-460 Forestry Series is used to determine the grade level.

Grade determination

Part I of the standard for the GS-460 Forestry Series uses the Factor Evaluation System (FES), 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. The standard assigns specific points for each factor level. After all factors are evaluated, the total points are converted to grade levels based on the grade conversion table in the standard.

The appellant disagrees only with the agency's evaluation of Factor 3. We concur with the agency's determination for the other eight factors and will not discuss them further in this decision. Our evaluation with respect to Factor 3 follows.

Factor 3, Guidelines

This factor covers the nature of guidelines and the judgment needed to apply them. Since individual assignments vary in the specificity, applicability, and availability of guidelines, the constraints and judgmental demands placed upon the employee also vary. The existence of specific instructions, procedures, and policies may limit the opportunity of the employee to make or recommend decisions or actions; however, in the absence of procedures or under broadly stated objectives, the employee may use considerable judgment in researching literature and developing new methods.

At Level 3-3, guidelines include action plans for related programs or activities, manuals of standard procedures and practices, textbooks, research reports, and other literature. Most assignments have aspects which require the employee to select, adapt, or interpret existing methods, practices, and instructions or to generalize from several guidelines and techniques in carrying out the activities, ensuring coordination with other resources, and in solving the more complex problems. Some assignments require frequent departures from standardized procedures in order to establish tentative direction for completion of the assignments. The employee determines when problems require additional guidance.

Guidelines at Level 3-4 are often inadequate to deal with the more complex or unusual problems, or problems concerned with novel, undeveloped, or controversial aspects of forestry. The precedents or guides may point toward conflicting decisions; recent court decisions may appear to require a technical decision at variance with existing guides; there may be relatively few precedents or guides which are pertinent to the specific problems, or proven methods of treating the problem under varying conditions are lacking or incomplete. The employee is required to deviate from, or extend traditional forestry methods and practices, or to develop essentially new or vastly modified techniques and methods for obtaining effective results.

The appellant uses a wide variety of guidelines consisting of manuals, policies, regulations, laws, and plans, including those issued by other agencies and State and local government entities. In accomplishing his work the appellant uses judgment in selecting, adapting, and interpreting these guidelines. He may generalize from these guidelines in accomplishing his work and solving the more complex problems associated with the projects he coordinates. The appellant works under the supervision of the District Ranger who is responsible for final decisions. The appellant receives specific guidance from higher organizational echelons on complex issues, such as the protection or reintroduction of endangered species. The appellant deals with a variety of constituents who often have opposing views. He has been successful in obtaining agreement amongst these groups. However, he is not required to deviate from or extend traditional forestry methods and practices as is typical of Level 3-4. Additionally, he does not develop essentially

new or vastly modified techniques and methods for obtaining effective results as described at Level 3-4. Therefore, this factor is evaluated at Level 3-3.

Summary

In sum, 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	8-1	5
9. Work environment	9-1	<u>5</u>
Total points:		2540

The appellant's position warrants 2540 total points. In accordance with the grade conversion table of the standard, the position is graded at GS-11.

Decision

The appellant's position is properly classified as GS-401-11 with the title at the agency's discretion.