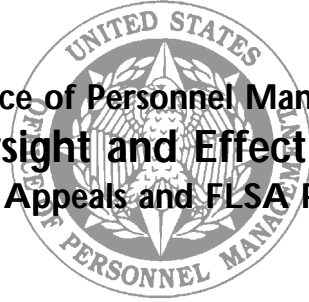


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105

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

Appellant: [The appellant]

Agency classification: Forester
GS-460-9

Organization: [The appellant's installation]
U.S. Forest Service
U.S. Department of Agriculture

OPM decision: Forester
GS-460-9

OPM decision number: C-0460-09-05

Carlos A. Torrico
Classification Appeals Officer

November 19, 1999 _____ Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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:

[The appellant's address]

[The appellant's servicing personnel office]

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Introduction

On August 11, 1998, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. The appellant's position is currently classified as Forester, GS-460-9. However, the appellant believes the grade level should be GS-11. The appellant works in the [appellant's installation] U.S. Forest Service, U.S. Department of Agriculture. We have accepted and decided the appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant makes various statements about his agency's evaluation of his position, particularly relating to the knowledge and complexity in certifying forest land vegetation prescriptions, and compares his duties to another higher graded job in the Forest Service. By law, we must classify positions solely by comparing their 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 the appeal. In adjudicating this appeal, our main concern is to make an independent decision on the proper classification of the position. Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

To help decide this appeal we conducted a phone audit with the appellant, and interviewed his supervisor. We also conducted a phone interview with the [appellant's Forest] silviculturalist. In reaching our classification decision, we carefully reviewed all information furnished by both the appellant and the agency, including the official position description (PD) number 6609502. Both the appellant and the supervisor have indicated that the current position description accurately describes the duties and responsibilities performed.

Position information

The appellant “. . . serves as a certified silviculturalist with the primary responsibility for the development, planning, and application of silvicultural methods and practices, and for the completion of preparations prior to offering timber for sale.” The appellant's work includes timber sale preparation, timber stand improvement, leading or participating in EA/NEPA interdisciplinary teams, and budgeting. The audit and other material of record furnish much more information about his duties and responsibilities and how they are performed.

The [appellant's unit] is in the [appellant's Forest] which is in a rain shadow area, hedging on desert. The District has ponderosa pine, white fir, sugar pine, incense cedar, and lodgepole pine. There are elevation differences and genetic differences between the west and east ends of the District. The District also has severe soil compaction due to harvesting practices over the last 100 years. The District has multiple-use management objectives: timber harvest, range management, wildlife concerns, providing water for local use, and watershed restoration. Endangered species include various types of fish, bald eagles, and certain deer herds important to local tribes. The

District is a watershed for local tribes, ranches, and communities. The emphasis in the [appellant's] District has been on watershed restoration recently, with decreasing timber sales.

Series, title, and standard determination

The appellant works as a certified silviculturalist on a Forest Service ranger district. The work requires a professional knowledge of forestry science in order to assure that silviculture decisions support forest management goals. We find that the appellant's position is properly covered by the Forestry Series, GS-460. The appellant supervises two forestry technician positions. The supervisory work takes 15 percent of the time or less. The supervisory work does not occupy enough time to meet the minimum level for consideration (i.e., 25 percent) required by the General Schedule Supervisory Guide. Thus, we have not considered the appellant's supervisory work in either the titling or grading of the position. The appellant's position is considered nonsupervisory and properly titled Forester. The position is best graded by application of Part I of the standard for the Forestry series, GS-460, dated December 1979. Neither the agency nor the appellant disagree with our findings for series, title, and appropriate standard.

Grade determination

Part I of the Forestry standard uses the Factor Evaluation System (FES) which employs nine factors. Under the FES, each factor level description in a standard or guide 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 1-6 - 950 points

This factor measures the nature and extent of information or facts the forester must understand to do acceptable work 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, knowledge must be required and applied.

The knowledge and skill required by the appellant's assigned duties and responsibilities best meets Level 1-6, as described on pages 20-21 of the GS-460 standard. As described at Level 1-6, the appellant's assigned duties and responsibilities require knowledge and skills sufficient to perform recurring assignments of moderate difficulty. The appellant is responsible for analyzing assigned forest areas, determining conditions, and preparing silvicultural prescriptions for stands in the area. While areas and stands assessed are not identical and have varying combinations of conditions, examples of typical situations encountered do not show that they are so unique that they require significant deviation from established practices versus consideration and selection from different approaches or alternative actions in recommending treatment. The silvicultural prescriptions provided as examples included combinations of treatments that were chosen from among standard treatments and strategies for managing competing vegetation. While any one

project prescription may involve combinations of treatments for a variety of conditions, they are not so unique that they require significant deviation from established practices.

We note that the appellant's work exceeds Level 1-6 in some respects. For instance, his assignments are not screened to remove those that may become relatively more unusual or difficult, and in some instances there may be controversy in terms of past and future use, or resource depletion, protection, or rehabilitation. However, such assignments occur only occasionally, and do not significantly enhance the overall knowledge and skill typically required to perform the work.

The three illustrations provided at Level 1-6 (page 21) show the types of assignments envisioned at that level. While the appellant's assignments have some similarities to each of the illustrations, they are most like the first and second illustrations, i.e., knowledge and skill sufficient to study aerial photographs and other references related to physical and resource factors in order to lay out boundaries for cutting or treatment or other resource uses, in accordance with approved plans; and knowledge and skills sufficient to inspect ongoing timber sales.

The knowledge required by the appellant's assignments does not meet Level 1-7 (pages 21-23). The GS-460 standard describes four elements, most of which are typically found in positions at Level 1-7.

The first element requires professional knowledge of forestry science applicable to a wide range of duties in an intensive forestry resource or subject matter program or program activity, and the skill to solve problems covering diverse forestry situations and assignments. The assignments require sound professional knowledge and skills to modify or adapt standard forestry techniques and procedures, and to assess, select, and make use of precedents in devising strategies and plans to overcome significant resource problems.

The appellant's assignments and responsibilities do not fully meet this first element for Level 1-7. The typical types of problems encountered by the appellant reflected in the information of record are not equivalent to diverse forestry situations and assignments that require the need to modify and adapt standard forestry techniques and procedures, *and* to assess, select, and make use of precedents in devising strategies and plans to overcome significant resource problems, as envisioned at Level 1-7. Assignments at that level would typically involve a range of situations, such as variations in climatic factors, soil types and conditions, terrain, and vegetation on varied forest units that require changing and modifying standard techniques, including the use of precedents, to develop plans or prescriptions to overcome significant resource problems, like extreme fire dangers, or severe or widespread attacks of pests, insects or diseases, or equivalent types of situations that pose major dangers to continued use or existence of resources.

The appellant makes assessments of conditions, makes decisions on methods to best accomplish various objectives for their assigned areas, and develops prescriptions for stands in assigned projects. However, the examples of areas reviewed and problems encountered do not reflect the

range envisioned at this level. While there are issues concerning significant resource and forest management problems such as watershed restoration, the prescriptions do not typically reflect the need to address situations that require application of this level of knowledge to adapt or modify practices to deal with significant problems. The work examples provided by the appellant demonstrate that work is primarily the careful and professional application of a variety of standard, well documented, and well preceded forest management techniques to forest management problems.

The second element typical of Level 1-7 positions requires knowledge of the characteristics, conditions, and interrelationships of forest resources; and the knowledge to independently evaluate, project, and/or prepare studies and reports on the complementary or competitive impact of the development, modification, or change in the use or output of one resource on the other forest resources.

Information in the record indicates that the appellant needs to consider the characteristics, conditions, and interrelationships of the forest's resources in preparing prescriptions for stands. He must evaluate the impact of timber harvesting and the techniques used on future harvests and other forest management objectives such as fire, watershed restoration, soil, and wildlife. The appellant uses landscape analytical techniques and models to develop and evaluate alternatives. While he prepares the prescription independently, he does this with the cooperation of resource specialists, e.g., wildlife specialists.

The third element under Level 1-7 requires a thorough knowledge of agency and/or tribal policies and procedures, and applicable statutes governing the use of forest resources, and familiarity with related disciplines such as entomology, hydrology, plant pathology, wildlife biology, and forest genetics sufficient to utilize such knowledge in the design and execution or oversight of forestry resource programs. While the appellant's position may require some interdisciplinary knowledge, the position description does not indicate, nor do the work samples provide evidence of, a need to apply such knowledge in the design and execution, or oversight of forestry resource programs. As noted above, a knowledge can only be credited if it is required and applied to the work assigned and performed.

The fourth element of Level 1-7 describes administrative and coordinative skills to (1) provide advisory, review, and training services to others engaged in the planning and management of Federal, State, or private forestry units, and/or (2) develop a variety of integrated annual work plans for complex projects which often extend over 3-6 years, including estimates of personnel, equipment, and materials, the detailed schedules necessary to carry out the plans, and the attendant skill to review and critique the operational implementation of the plans; or intensive knowledge and competence in advanced techniques of a highly complex area of forest resource management or cooperative forestry sufficient to serve as "troubleshooters," specialists, or coordinators.

The appellant's assignments and responsibilities do not meet the final element characteristic of Level 1-7 positions. They do not involve advisory, review, and training of others engaged in the

planning and management of Federal, State or private forestry units. Further, the appellant does not develop the types of integrated annual work plans for complex projects described at this level, nor serve as a troubleshooter, specialist, or coordinator in the sense envisioned. The training of technicians and/or other team members who may be working in their project areas does not meet the intent of this element.

This factor is evaluated at Level 1-6 and 950 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 appellant's position meets Level 2-4 as described on pages 27-28 of the GS-460 standard. However, there is a consistency problem between the appellant's PD and the supervisor's PD. The supervisor's PD (which appears to not be current since it does not list the appellant's position) states that the supervisor plans, schedules, and assigns work; sets and adjusts short-term priorities; and reviews silvicultural prescriptions. This describes a level of supervision that is more restrictive than what is described in the appellant's PD. The type of work assignment and review as described in the supervisor's PD is comparable with Level 2-3. However, the interviews with the supervisor and the appellant support the work assignment and review as described in the appellant's PD.

At Level 2-4 the supervisor outlines the overall objectives and resources available. As required, the supervisor and the forester will confer on priorities within assigned area and deadlines for the assignments which are usually affected by administrative or environmental factors; e.g., short growing season, reduced budget, or necessity for preparation of an environmental impact statement and its attendant procedures.

Similarly, the appellant meets annually with the supervisor to review the work in progress and to identify additional work for the coming year. The supervisor outlines the resources available and together they decide what work will be accomplished in the coming year, how it will be assigned, and set the appropriate time frames. As at Level 2-4, the appellant works independently to construct action plans, select techniques, and establish methods and procedures for completing his assignments. The supervisor only gets involved if a problem cannot be resolved, or the appellant brings something to him for discussion.

At Level 2-4 the forester meets with the supervisor to review overall progress and to confer on problems which have arisen concerning the interpretation and application of agency and/or tribal policy to environmentally sensitive and controversial forest areas. Likewise, the appellant confers with the supervisor when he cannot meet agreed upon time frames. As at Level 2-4, the supervisor only reviews completed work for general adequacy in meeting program or project objectives or for compatibility with other projects.

While evaluated at Level 2-4, we need to note that *The Classifier's Handbook* has a table on page 16 that illustrates typical FES factor level patterns for professional positions. A review of the table shows that Level 2-3 is typically assigned with Level 1-6 at the GS-9 level. Level 2-4 is not assigned until Level 1-7 at the GS-11 level. However, as summarized above, this position is not typical in that the appellant has more freedom of action and a greater degree of independence from supervisory direction than is typical at Level 1-6.

The appellant's position does not meet the degree of supervisory guidance and control described at Level 2-5 (page 28). As opposed to simply providing broad general objectives for work projects, the supervisor provides more guidance when making assignments. Moreover, in contrast to the appellant's work, he operates within the context of closer constraints than those discussed at Level 2-5.

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 necessary to apply them.

As described at Level 3-3 (page 30), the appellant's guidelines include agency policy and procedure manuals, supplemental guides, the Code of Federal Regulations, the Forest Plan, watershed analyses, district policy, and professional journals and publications.

At Level 3-3 assignments have aspects which require the forester 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. In addition, some assignments require frequent departures from standardized procedures in order to establish tentative direction for completion of the assignments. Likewise, the appellant must use considerable professional judgment and creativity, tempered with specific resource information and experience, to interpret constantly evolving, and sometimes contradictory, laws, regulations, policies, and court decisions.

The appellant's position does not meet Level 3-4 (page 30). While he may be called upon to occasionally deviate from, or extend traditional forestry methods and practices outlined in guidelines, the references are sufficiently adequate to deal with complex issues and problems, and there is no indication that the appellant must, on a regular and recurring basis, extend or deviate from traditional practices. Additionally, the work does not necessitate the need to develop essentially new or vastly modified techniques and methods for obtaining effective results as described at Level 3-4.

This factor is assigned Level 3-3 and 275 points are credited.

Factor 4, Complexity - Level 4-3 - 150 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.

At Level 4-3 (page 32), assignments consist of a variety of professional work operations in assigned activities such as (a) the inventory of a given resource and its current conditions, (b) the drafting of conventional, short-range plans or prescriptions of resource management or protection, and (c) the inspection of work on-the-ground for conformance to standards and instructions. This level of work is characterized by analyses and evaluations of environmental conditions, characteristics, and values, and the interrelationship of forest resources which may involve considerations such as (a) the need to choose from among alternative locations, techniques, or solutions; or (b) coordination problems caused by interferences or conflicts with other resource uses or functions. The problems are similar to those previously encountered in the forest area, and the assignments are carried out without substantial adaptation or modification of precedents. At this level, the exercise of originality is less significant than the judgment required to apply a range of conventional approaches and solutions to precedent situations.

The appellant's work best meets Level 4-3. Comparable to this level, the appellant reviews an assigned forest area on a stand-by-stand basis through on-the-ground inspection and aerial photographs, determines conditions, identifies problems, and prepares a silvicultural prescription (with input from other specialists) for improvement. Similar to this level, he is involved with follow-up or inspection of ongoing work. The appellant's work is characterized by analyses and evaluations of environmental conditions and characteristics of the area reviewed, its relative values, and the interrelationship of forest resources, such as timber, watershed, and wildlife. While the appellant indicates that forest management objectives have become increasingly complex where prior treatments do not apply, our fact-finding disclosed that the problems the appellant typically encounters do not reflect the need to substantially adapt or modify precedents. When a potential precedent situation is encountered, the appellant applies judgment in selecting the appropriate conventional forestry approach to resolving the issue.

At Level 4-4 (pages 32-33), foresters independently carry out a wide variety of assignments consisting of diverse and complex technical or administrative problems and considerations. They regularly encounter interdependent resource and socioeconomic problems requiring flexibility and judgment in approach to the problems and in the forestry practices applied, in order to obtain an optimum balance between available economic, staff, or natural resources and the demands of the various publics. These assignments typically involve land management problems requiring in-depth analysis and evaluation of alternatives due to such complicating factors as extensive programmed developmental activity and heavy resource use; environmental problems and conflicting requirements whose resolutions may have serious public or tribal impacts; or strong, conflicting public or tribal demands and pressures to redirect the land management strategies for the use, or the level of use, of different forest resources. These demands may result in appeals to higher level agency or tribal officials or formal legal actions.

Further, at Level 4-4 the work requires that the forester independently identify the boundaries of the problems involved, the kinds of data needed to solve the problem, and the criteria and techniques to be applied in accomplishing the assignment. Typically, the work assignments require the forester to relate new work situations to precedent situations, extend or modify existing techniques, or develop compromises with standard forestry practice to adequately solve the forestry problems. Occasionally, the assignments require substantial effort to overcome resistance to change when it is necessary to modify an accepted method or approach.

The appellant's work does not meet Level 4-4. The assignments do not typically involve land management problems requiring in-depth analysis and evaluation of alternatives due to such complicating factors as extensive programmed developmental activity and heavy resource use, such as when there is planned major development of resources for increased commercial purposes and already high use of existing recreational areas with rising demand. While environmental controversies (e.g., watershed restoration), logging pressures, and conflicting demands from various publics can raise complex issues, the record shows that the appellant does not regularly encounter interdependent resource and socioeconomic problems of the level of complexity described in Level 4-4.

This factor is evaluated at Level 4-3 and 150 points are assigned.

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 the work products or services both within and outside the organization.

At Level 5-3 (page 35), the purpose of the work is to investigate and analyze a variety of conventional resource problems and environmental conditions and to recommend and/or implement solutions to overcome them to meet resource management objectives. The work affects the efficient development, protection, and use of a particular resource, the public's impression of the adequacy of the management of the resource, etc. Likewise, the purpose of the appellant's work is to plan and develop treatments to forest land that will modify, establish, and grow forest vegetation to meet the many resource objectives and desired future conditions contained in the [appellant's Forest] Forest plan. The work affects the protection and use of forest resources.

The appellant's position does not meet Level 5-4 (page 35). At Level 5-4, foresters develop essentially new or vastly improved techniques or solutions to specific problems in a resource or subject matter program or program area, and coordinate results with related resource activities. The appellant does not typically develop essentially new or vastly improved techniques or solutions.

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

Factor 6, Personal Contacts - Level 6-2 - 25 points

Factor 6 covers the people and conditions or settings under which contacts are made. It includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain.

The appellant's personal contacts are evaluated at Level 6-2 (pages 36-37). Similar to that level, his contacts are primarily within the agency, inside and outside the immediate organization, with professional and technical subject matter specialists. These include other resource specialists assigned to the District, Forest level staff specialists, District Rangers, and contracting personnel.

The appellant's position does not reach Level 6-3 (page 37). At that level, contacts are primarily with professional subject matter specialists in forestry and related disciplines both within and outside the agency, with influential local community leaders, tribal governing bodies, or state officials, newspaper, radio, and television reporters, private forest landowners, representatives of organized livestock and conservationist groups, and prospective and current permittees. While the appellant makes contact with some of these individuals, they are not the primary contacts and do not occur on a regular and recurring basis. Further, the appellant's contacts are not typically on an ad hoc basis and the role of the appellant is well established.

This factor is evaluated at Level 6-2 and 25 points are credited.

Factor 7, Purpose of Contacts - Level 7-2 - 50 points

Factor 7 covers the reasons for the contacts described in Factor 6.

Factor 7 is evaluated at Level 7-2 (page 38). As at Level 7-2, the appellant's contacts are to coordinate work with other foresters, technical resource specialists, engineers, etc.; and to promote utilization and conservation principles and activities through the integration of all pertinent resource issues, objectives, and information into project planning when developing timber harvesting and resource enhancement proposals.

Level 7-3 (page 38) is not met. The primary purpose of the appellant's regular and recurring contacts is not to negotiate controversial issues with various parties; influence or persuade organizations or individuals to reach an agreement; justify the feasibility and desirability of significant forestry resource plans and proposals; or influence or persuade other experts to adapt techniques or methods about which there may be conflicting opinions.

This factor is evaluated at Level 7-2 and 50 points are credited.

Factor 8, Physical Demands - Level 8-2 - 20 points

This factor covers the requirements and physical demands placed on the forester by the work assignment.

The physical demands on the appellant meets Level 8-2 (page 39) as the work requires regular and recurring work in a forest area where there is considerable walking, bending, or climbing, often over rough, uneven surfaces or mountainous terrain. Level 8-2 is the highest level for this factor described in the standard.

This factor is evaluated at Level 8-2 and 20 points are credited.

Factor 9, Work Environment - Level 9-2 - 20 points

This factor considers the risks and discomforts that may be imposed upon employees by various physical surroundings or job situations.

The appellant's work environment is evaluated at Level 9-2 (page 39). The appellant has regular and recurring exposure to moderate risks and discomforts associated with working in a forested environment. He occasionally works in adverse weather conditions and on steep slopes with large logs and dead trees of unpredictable stability. As at Level 9-2, the appellant must wear protective equipment when in the field. Level 9-2 is the highest level for this factor described in the standard.

This factor is evaluated at level 9-2 and 20 points are credited.

Summary

In summary, the appellant's position is evaluated as follows:

Factor	Level	Points
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts	6-2	25
7. Purpose of contacts	7-2	50
8. Physical demands	8-2	20
9. Work environment	9-2	20
Total Points:		2090

The appellant's position warrants 2090 total points. Therefore, in accordance with the grade conversion table on page 19 of the standard, the position is properly graded at GS-9.

Decision

The appellant's position is properly classified as Forester, GS-460-9.