

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

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [The appellant]

Agency classification: Supervisory Forester
GS-460-9

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

OPM decision: Forester
GS-460-9

OPM decision number: C-0460-09-06

Carlos A. Torrico
Classification Appeals Officer

June 13, 2000
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).

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 CFR 511.702). The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

Appellant:

[The appellant's address]

Agency:

[Appellant's personnel office]

Personnel Director
U.S. Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20013-6090

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

Introduction

On January 6, 2000, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. His position is currently classified as Supervisory Forester, GS-460-9. However, he believes the grade level should be GS-11. The appellant works in [the appellant's organization and installation], U.S. Forest Service, U.S. Department of Agriculture. We have accepted and decided this appeal under the provisions of section 5112 of title 5, United States Code (U.S.C.).

General issues

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

This appeal decision is based on a careful review of all information submitted by the appellant and his agency, as well as a telephone discussion with the appellant by an OPM representative on June 2, 2000. Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) number 699157.

Position information

The appellant serves as a silviculturist on the [appellant's organization and installation]. He has primary responsibility for the development, planning and application of silvicultural methods and practices for all vegetative projects and all landscape planning areas on the District. In that capacity he is involved with all aspects of timber stand improvement (TSI), evaluates vegetation for timber harvest on the District, participates in the environmental analysis process, and reviews and recommends plans for timber sales.

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

Series, title, and standard determination

The appellant does not disagree with the series of his position. We concur with the agency's determination that the duties performed by the appellant and the knowledge required for the position are best covered by the Forestry Series, GS-460.

The appellant provides a full range of supervision over two permanent, full-time Forestry Technicians, GS-462-7. In order for any position to be titled as "supervisory" and evaluated by the General Schedule Supervisory Guide (GSSG), the position must meet the minimum criteria for classification by the guide. One of the coverage requirements specified in the GSSG is that the supervisory work constitutes a major duty occupying at least 25% of the position's time.

Since the appellant's supervisory work only occupies about 9% of his time, it is not covered by the GSSG. Thus, we have not considered the appellant's supervisory work in either the titling or grading of the position.

We find the appellant's position is properly titled Forester, and is evaluated by application of the grading criteria in Part I of the standard for the Forestry Series, GS-460 (dated December 1979).

Grade determination

Part I of the GS-460 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.

The appellant does not disagree with his agency's evaluation of factors 2, 5, 6, 7, 8, and 9. We therefore discuss those factors briefly, while discussing factors 1, 3, and 4 more thoroughly. Our evaluation with respect to the nine factors follows.

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. Similar to Level 1-6, the appellant's assigned duties and responsibilities require knowledge and skill sufficient to perform recurring assignments of moderate difficulty. The appellant has primary responsibility for development, planning, and application of silvicultural methods and practices to meet District resources objectives and management direction. The [appellant's organization] District has a range of habitats that include dry ponderosa pine types, moist cedar/hemlock types, sub-alpine types in the higher elevations, and a maritime climate modified by a mountain rain shadow with dramatic elevation changes resulting in fire exclusion. However, like Level 1-6, typical situations encountered are not so unique that they require significant deviation from established methods in order to treat a variety of silvicultural problems.

The three illustrations provided at Level 1-6 (page 21) show the types of assignments envisioned at that level. The appellant's assignments 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.

We note that the appellant's work exceeds Level 1-6 in some limited aspects. For instance his assignments are not screened to remove those that become relatively unusual or difficult.

However, the overall knowledge required by his 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.

While the District has problems concerning overstocking, attacks of insects, and spreading diseases, these issues are standard in the region and possibly in the nation. The appellant's recommended prescriptions to deal with these and other matters do not typically reflect the need to address situations that require application of Level 1-7 knowledge including adapting or modifying practices to deal with significant problems. The information of record shows that the appellant's work is primarily the careful and professional application of a variety of standard, well documented, and well precedented 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 does need to consider the characteristics, conditions, and interrelationships of the forest's resources in preparing silviculture prescriptions. In addition, he must evaluate the impact of timber harvesting and the techniques used, as well as other recommended actions, on future harvests and on other resources such as watershed, soil, and wildlife. However, he does this in cooperation with other resource specialists as a core member of an interdisciplinary team. Contrary to the appellant's assertion that his work with the interdisciplinary team increases the knowledge required by his position, it actually limits the degree of knowledge required by him to carry out his activities. The interdisciplinary team develops land management treatment recommendations that the appellant refines into silvicultural prescription formats.

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 requires some interdisciplinary knowledge, we do not find that there is 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 "troubleshooter," specialist, or coordinator.

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 management of Federal, State or private forestry units. Further, he does not develop the types of integrated annual work plans for complex projects described at this level, nor does he serve as troubleshooter, specialist, or coordinator in the sense envisioned. The training of technicians and/or other team members who may be working in his 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. Similar to Level 2-4, the supervisor outlines the overall objectives and resources available. The appellant plans, schedules, and coordinates work, and resolves technical operating problems directly with those concerned.

The appellant is responsible for independently planning work, and keeps his supervisor informed on status of work. As at Level 2-4, the supervisor only reviews completed work for effectiveness in meeting program or project objectives and for compatibility with other projects. The appellant

independently constructs action plans, selecting techniques and establishing methods and procedures for completing his assignments. As a member of an interdisciplinary team, he is

responsible for coordinating the work with specialists in other resources or disciplines and resolving problems that occur directly with the other team members.

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 Level 2-5 (page 28) where supervisory guidance is exercised through broad general objectives approved for the assigned programs, within the context of various national legislation, agency policies and objectives, relating to the protection and utilization of all forest resources.

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

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

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

Similar to Level 3-3 (page 30), the appellant's guidelines include agency policies, manuals, and handbooks, regional guides, approved land management and long-range functional resource plans, professional publications, technical research and contract procedures.

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 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 depart from standardized procedures and use judgment in deciding the extent to modify the environment due to a lack of specific guidance in order to achieve desired land management objectives. He analyzes research, precedent and similar material, and interprets and adapts approaches as required.

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, his references are sufficiently adequate to deal with complex issues and problems. His work does not typically 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 condition, (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 analysis 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.

The appellant's work best meets Level 4-3. Comparable to that level, he develops and oversees the development of silvicultural prescriptions, and monitors the implementation of the prescriptions for a number of landscapes on the [appellant's organization] District. Like Level 4-3, he must analyze and evaluate environmental conditions such as the reproductive behavior and the diverse nutrient, moisture, and climatic requirements of tree species; the reproductive behavior and requirements of competing vegetation, the varying stand conditions among forest types due to soil and climatic factors; the effects of soil compaction, displacement, and loss of woody debris; the effects of disease, fire, or human actions; and aesthetic, recreation, water, and wildlife objectives, which often dictate or modify the choice of silvicultural systems or practices.

There are many complicating features present that the appellant must consider, but like Level 4-3, 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. Conditions also make regeneration costs high and probability of reforestation success low, and require a carefully considered risk/benefit analysis. However, as at Level 4-3, the exercise of originality is less significant than the judgment required to apply a range of conventional approaches and solutions to precedent situations.

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 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 pressure 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. Unlike the appellant's position, typically work assignments at Level 4-4 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 also does not meet Level 4-4 because his 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. The appellant's assignments do not reflect the need to significantly adapt or modify accepted methods or approaches, or require substantial effort to overcome resistance to change.

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 of the GS-460 standard), 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. Likewise, the purpose of the appellant's work is to design plans and silvicultural systems dealing with conventional resource problems which optimize environmental conditions favoring development of habitats best suited to the site, in accordance with resource program emphasis in approved land management plans.

At Level 5-3, 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 particular resource and the other resources it impacts upon, and the socio-economic welfare of dependent communities. Similarly, the appellant must assess the effect and interrelationship of various economic and environmental variables and select and interpret conventional practices as required. His work requires considerable coordination with other staff and with specialists in other disciplines.

The appellant's position does not reach 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.

While the appellant has modified to a limited degree some aspects of a silvicultural system, he 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). At that level contacts are with employees in the agency, inside and outside the immediate organization, e.g., foresters from higher level organizational units, or occasionally, resource persons from State or local forestry units; and with the general public, or special users; e.g., livestock owners or timber operators. The contacts are usually established on a routine basis, but the forester's authority may not be initially clear to the person contacted. Likewise, the appellant's contacts include his immediate coworkers, District personnel, regional personnel, forest personnel, research foresters, foresters in private industry and State agencies, local or State officials, contractor and logging personnel, environmental groups, school children and the general public. The appellant's contacts are usually established on a routine basis, but his authority may not be initially clear to the person contacted.

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, within the agency, in other Federal agencies, in universities, private foundations and professional societies, and with influential local community leaders, tribal governing bodies, or State officials, with newspaper, radio, and television reporters, with private forest landowners, representatives of organized livestock and conservationist groups, and prospective and current permittees. While the appellant does occasionally have contact with some of these individuals and groups, they are not made on a regular and recurring basis and do not constitute his primary contacts.

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.

At Level 7-2 (page 38) contacts are to inspect work and monitor activities of special users; to discuss technical requirements of contracts in order to resolve problems concerning contract stipulations and to reach agreement concerning differences as to appropriate or allowable practices; to coordinate work with other foresters, technical resource specialists, engineers, etc.; and to promote utilization and conservation principles and activities. Likewise, the appellant's contacts are for the purposes of coordinating work efforts, discussing proposed plans, negotiating targets and budgets, evaluating results of treatments, resolving technical problems, and maintaining personal and professional competence.

The appellant's contacts do not reach Level 7-3 (page 38). Unlike that level, his contacts are not primarily to negotiate controversial issues or to influence or persuade various organizations or individuals who have conflicting interests and viewpoints on the use (or non-use) of various resources so as to reach an agreement that is consistent with technical goals and objectives. Rather, he works with other specialists as a core member on an interdisciplinary team developing land management treatment recommendations and refining these recommendations/proposals into silvicultural prescription formats. This task does not involve the negotiation of controversial issues, or the need to influence or persuade various individuals and organizations.

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.

As at Level 8-2 (page 39), the appellant's work requires considerable physical activity while inspecting ongoing operations on the forest, including considerable walking and climbing over rough terrain as well as operating snowmobiles and all-terrain vehicles. 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 risk and discomforts in the employee's physical surroundings, or the nature of the work assigned and the safety regulations required.

The appellant's work environment is evaluated at Level 9-2 (page 39), which is the highest level for this factor described in the standard. While the appellant spends some of this time working in an office environment, he also has regular and recurring exposure to some risks involved in logging operations, including adverse weather conditions, steep terrain and brushy conditions. Safety precautions, including wearing protective equipment and having access to radios are required.

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

Summary

In summary, we have evaluated the appellant's position 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 totals 2090 points which falls in the GS-9 range (1855-2100). Therefore, in accordance with the grade conversion table on page 19 of the standard, his position is properly graded at GS-9.

Decision

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