

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

Chicago Oversight Division
230 S. Dearborn Street, DPN-30-6
Chicago, IL 60604-1687

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

Appellant: [appellant]

Agency classification: Environmental Scientist
GS-1301-13

Organization: RCRA Corrective Action & Permits Branch
Air, RCRA & Toxic Division
Region [#]
Environmental Protection Agency
[city and state]

OPM decision: Physical Specialist
GS-1301-13

OPM decision number: C-1301-13-03

/s/

Ricardo Sims
Operations Supervisor

October 25, 2002

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 title 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 human resources 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]
[address]
[city and state]

[Resource Officer]
Human Resource Officer
Environmental Protection Agency
Region [#]
[address]
[city and state]

Ms. Daiva Balkus
Director
Office of Human Resources and
Organizational Services
Environmental Protection Agency
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Introduction

On June 12, 2002, the Chicago Oversight Division of the U.S. Office of Personnel Management accepted a classification appeal from [appellant]. His position is currently classified as Environmental Scientist, GS-1301-13. The appellant believes his position should be classified as Lead Environmental Scientist, GS-1301-14. His position is located in the Resource, Conservation, and Recovery Act (RCRA) Corrective Action & Permits Branch, Air, RCRA & Toxic Division, Region [#], Environmental Protection Agency, [city and state]. We received the complete administrative report from the agency on July 17, 2002. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

A representative of the Chicago Oversight Division conducted a telephone audit with the appellant and telephone interviews with his immediate supervisor and two co-workers. In deciding this appeal, we fully considered the audit, the interview findings, and all information of record provided by the appellant and his agency, including his current work assignments and position description of record.

General issues

The appellant states that his official position description (PD), number 0015635, is not accurate since it does not adequately describe his team leader duties. Specifically, the appellant's appeal letter described that he met the minimum of the first 7 coaching, facilitating and mentoring duties and a total of 14 of the 20 duties as described in Part II of the General Schedule Leader Grade Evaluation Guide (GSLGEG). However, his supervisor and the Human Resources Office certify that the appellant's PD is accurate and current. His official position description describes only 6 duties of the first 7 duties (it omits duty number 4) and a total of 13 of the 20 duties listed in Part II of the GSLGEG.

However, implicit in the appellant's June 11, 2002, appeal letter is that he is performing the duties and responsibilities of a Leader and that these duties should be classified at the GS-14 grade level. A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign the work. A position is the duties and responsibilities that make up the work performed by an employee. Position classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision grades a real operating position and not simply the PD. Therefore, this decision is based on the actual work assigned to and performed by the appellant.

In adjudicating this appeal, our only concern is to make an independent decision on the proper classification of the position. Thus, this appeal decision is based on a careful review of all the information submitted by the appellant and his agency. 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, 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

Position Information

The RCRA Permit & Corrective Action Branch works with projects or sites where the operations of companies have resulted in contamination in the soil or groundwater. This Branch consists of two teams that are responsible for working with companies located in four states: Missouri, Iowa, Kansas, and Nebraska. The work performed by these teams involves the planning, coordinating, managing, and overseeing of RCRA hazardous waste facilities under RCRA legislation through corrective action.

Each team is composed of facility managers. Each team member may also serve as an informal subject-matter expert in a variety of disciplines depending on education and experience. An informal subject-matter expert is a seasoned co-worker who has mastered a specific scientific discipline. Each facility manager is responsible for making progress on his or her designated cleanup projects. Furthermore, each facility manager is working on different long-term projects and functions independently. They contact the appellant for regulatory advice and keep him abreast of significant issues.

Our review shows that the appellant is responsible for coordinating the work of a group of eight co-workers for 50 percent of his work time. Five of the eight co-workers occupy GS-13 grade level positions and three occupy GS-12 grade level positions. The appellant spends 30 percent of his time as a RCRA facility manager responsible for his own assigned sites, 10 percent of his time performing environmental data analysis, and 10 percent of his time on environmental liaison duties. As a RCRA facility manager, he is responsible for planning, coordinating, managing, and overseeing the RCRA hazardous waste facilities that are exceptionally complex.

Series and title determination

The agency determined that the appellant's position is properly classified as Environmental Scientist, GS-1301, and is classified by application of the Job Family Standard (JFS) for Professional Physical Science Work, GS-1300. The appellant does not disagree with the series determination; he believes the position should be designated as a "Lead" position. We agree that the GS-1301 series is appropriate for the appellant's position; however, the title is incorrect. The GS-1300 JFS authorizes *Physical Scientist* as the basic title for positions in the GS-1301 series. As discussed in the following section, we find that the appellant's position does not meet the criteria to be identified as a "Lead" position. Therefore, the correct title for the position is *Physical Scientist*. The agency may include a parenthetical title to reflect the special type of work performed by following the titling instructions in the *Introduction to the Position Classification Standards*.

Standard determination

The appellant's appeal rationale that his position warrants identification as a "Lead" position is that he spends the majority of his time functioning in the role of a team leader for eight professionals with a base level of GS-13. He states that he makes assignments, balances workloads, coaches team members, and stays abreast of the status and progress of the work being performed by the team.

Part II of the GSLGEG is used to classify a position when its primary purpose, as a regular and recurring part of the assignment and for at least 25 percent of the duty time, is to lead a team of other General Schedule employees in accomplishing two-grade interval work that meets the threshold requirement of Part II. At a minimum, team leaders must perform all of the first 7 coaching, facilitating, and mentoring duties and a total of 14 of the 20 duties listed in Part II.

We find that the appellant does not perform all of the first seven mandatory duties required for coverage. Based on our fact-finding, we agree with the appellant and the agency that the position is properly credited with performing duties 1, 5, 6, and 7. However, the position fails to fully meet the criteria described for duties 2, 3, and 4. Our analysis of these duties follows.

Duty #2 states that a leader articulates and communicates to the team the assignment, project, problem to be solved, actionable events, milestones, and/or program issues under review, and deadlines and timeframes for completion. In the appellant's case, each facility manager is responsible for the development of a Site Management Plan at the beginning of each fiscal year and accomplishing its goals. The plan contains a one-page detailed summary for each project and presents an estimate completion time for each step of the project. It also includes an estimate of the resources needed for each project. The appellant can remind and inquire of each team member about the progress made. However, the actionable events, milestones, deadlines, and timeframes for completion of a particular step in the clean up process are determined by the facility manager or mandated by a specific legal document such as a Permit or an Order.

The work progresses following the applicable regulations. The facility manager identifies the problems to be solved. A facility manager may occasionally contact the appellant or another co-worker for technical advice based on that person's area of expertise. A facility manager can set due dates for steps within the cleanup process. For instance, a facility manager can set a due date for a work plan or report to be submitted by the site. Thus, the deadlines and timeframes for completion of the steps within the projects are not defined by the appellant but by the facility manager or a legal document. The appellant spends a considerable amount of time communicating with the team members regarding the assignments or issues encountered. However, because of the responsibilities vested in each facility manager, the appellant is not performing the full scope of the program planning and control functions of this duty as required in the GSLGEG.

Duty #3 states that a leader coaches the team in the selection and application of appropriate problem solving methods and techniques, provides advice on work methods, practices, and procedures, and assists the team and/or individual members in identifying the parameters of viable solutions. For the appellant's situation, most team members are GS-13 subject-matter experts who act with considerable independence. The PD's for those GS-13 employees state that the positions require a mastery of specialty areas in the engineering, physical, or life sciences sufficient to apply new developments and theories to critical and novel problems; extend and modify approaches, precedents, and methods to solve a variety of scientific technical problems with unprecedented aspects; and make decisions or recommendations. When highly technical problems arise outside of a staff member's area of expertise, he or she contacts a co-worker who is an expert in that area. The appellant also acts in a senior mentoring capacity to new or less experienced staff members. However, the expertise of the GS-13 staff members precludes the appellant from acting as a coach in the selection and application of appropriate problem solving methods and techniques as intended for crediting this duty.

Duty #4 states that a leader identifies, distributes, and balances the workload and tasks among employees in accordance with established work flow, skill level, and/or occupational specialization; makes adjustments to accomplish the workload in accordance with established priorities to ensure timely accomplishment of assigned team tasks; and ensures that each employee has an integral role in developing the final team product. Our fact-finding disclosed that since the projects are long range, they are not balanced, distributed, or changed on a regular and recurring basis. Projects are changed or balanced only when an employee is serving on a detail or absent due to extended leave or some other unusual event occurs. When the need arises to balance the workload, the appellant is limited to making suggestions to the Supervisory Program Manager who ultimately has the final word regarding adjustments to the workload. The limitations regarding how and when the work is balanced, distributed, or changed precludes crediting this duty.

Because all of the first seven leader duties are not creditable, the appellant's position cannot be titled or graded using the GSLGEG. Our fact-finding revealed that the level of independence exercised by the GS-13 team members also precludes the appellant's position from meeting the 25 percent criterion. The GS-13 positions operate with considerable independence and the incumbents are considered to be the technical authorities in their respective fields. The PD's for the GS-13 team members state that these employees are responsible for planning, developing, coordinating, and evaluating programs, projects, activities, or other work independently; determining methods and approaches; and resolving conflicts that arise. Therefore, while the appellant spends time providing program and administrative support to the supervisor, he spends less than 25 percent of his work time on duties covered by the GSLGEG.

Grade determination

The agency evaluated the appellant's non-lead duties and responsibilities at the GS-13 grade level, with which the appellant did not disagree. We concur and have so credited the position.

Decision

The appellant's position is correctly classified as Physical Scientist, GS-1301-13.