

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 94105-0001

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

Appellant: [The appellant]

Agency classification: Supervisory Soil Scientist
GS-470-13

Organization: [Appellant's organization/location]
Natural Resources Conservation Service
U.S. Department of Agriculture

OPM decision: Supervisory Soil Scientist
GS-470-13

OPM decision number: C-0470-13-02

Carlos A. Torrico
Classification Appeals Officer

February 28, 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).

Decision sent to:

Appellant:

[Appellant's address]

Agency:

Ms. Linda Llewellyn
Human Resources Manager
Natural Resources Conservation Service
U.S. Department of Agriculture
316 W. Boone Avenue, Suite 450
Spokane, Washington 99201-2348

Director, Human Resources Management Division
Natural Resources Conservation Service
U.S. Department of Agriculture
P.O. Box 2890
Washington, DC 20013

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

Introduction

On July 26, 2001, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. On August 24, 2001, the Division received the agency's administrative report concerning [the appellant's] appeal. His position is currently classified as Supervisory Soil Scientist, GS-470-13, but he believes it should be graded at the GS-14 level. Prior to appealing to OPM, [the appellant] filed a classification appeal with his bureau. In a letter to him dated June 28, 2001, the bureau sustained the current classification. The appellant works in the [appellant's organization/location], Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture. We have accepted and decided his appeal under section 5112 of title 5 United States Code (U.S.C.).

General issues

This decision is based on a thorough review of all information submitted by the appellant and his agency. In addition, an OPM representative conducted separate telephone interviews with the appellant and his immediate supervisor. Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) [number]. The appellant makes various statements about the agency's evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellant's position. By law, we must make our 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 his statements only insofar as they are relevant to making that comparison.

Position information

The appellant serves as the State Soil Scientist for [appellant's location], reporting to the State Conservationist in [appellant's state of assignment]. His position provides leadership for development and implementation of the soil survey program in the MLRA, which encompasses the entire state of [name of state]. He is responsible for assuring the scientific accuracy and technical quality of soil survey digital and spatial data, including properties, classification, mapping, interpretation, database, text and maps prepared for distribution in various formats. The appellant develops and maintains long-range plans for completing the initial inventory of soil surveys and for updating the soils database to meet major users' needs and management of soil survey fund allocations to meet annual and long-range soil survey needs. As the State Soil Scientist for [name of state], he provides leadership and technical expertise in the development, management, and direction of a comprehensive and integrated technical soil services program for the state. This includes providing leadership for the development and issuance of technical standards, and interpretation of guidelines for all users of soil information. Our fact-finding disclosed that the appellant spends approximately 70 percent of his time performing supervisory and related managerial responsibilities, and the remaining 30 percent performing non-supervisory professional work relating to the soil science survey program within the state.

The results of our interviews, the appellant's PD, and other material of record furnish more information about the appellant's duties and responsibilities and how they are performed.

Series, title and standard determination

The appellant's agency has classified his position to the Soil Science Series, GS-470, and the appellant does not disagree. We concur with the agency's series determination. As stated in the classification standard for the GS-470 series (dated June 1970, reissued in WCPS-1, August 2001), his duties involve professional and scientific work in the investigation of soils, their management, and their adaptation for alternative uses. Such work requires knowledge of chemical, physical, mineralogical, and biological properties and processes of the soils and their relationships to climatic, physiographic, and biologic influences. Because the appellant's position fully meets the coverage requirements for evaluation by the grading criteria in the General Schedule Supervisory Guide (GSSG), reissued in WCPS-1, August 2001, the proper title and series of the position is Supervisory Soil Scientist, GS-470.

As discussed below, we have evaluated the grade of the appellant's supervisory duties by application of the GSSG, and his non-supervisory work by reference to the grading criteria in the standard for the Soil Science Series, GS-470.

Grade determination

Evaluation of supervisory responsibilities

In his appeal to OPM, the appellant requests that we re-evaluate his agency's determination under the GSSG for Factor 3, Supervisory and Managerial Authority Exercised. He does not disagree with his agency's crediting of the other five factors and levels, specifically Level 1-3, Level 2-2, Levels 4A3/4B3, Level 5-7, and Level 6-4. After careful review, we concur with the agency's crediting of the preceding levels for the five factors. Our analysis of Factor 3 follows.

Factor 3: Supervisory and Managerial Authority Exercised, Level 3-2, 450 points

This factor covers the delegated supervisory and managerial authorities that are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the extent described for the specific level. The agency awarded Factor Level 3-2, but the appellant believes his position meets Factor Level 3-3. To be awarded Factor Level 3-3, a position must meet either Level 3-3a or 3-3b.

Level 3-3a involves: (1) exercising delegated managerial authority to set a series of annual, multiyear, or similar types of long-range work plans and schedules for in-service or contracted work; (2) assuring implementation (by lower and subordinate organizational units or others) of the goals and objectives for the program segment(s) or functions(s) they oversee; (3) determining goals and objectives that need additional emphasis; (4) determining the best approach or solution for resolving budget shortages; and (5) planning for long range staffing needs, including such matters as whether to contract out work. Positions exercising these authorities are closely involved with high level program officials (or comparable agency level staff personnel) in the development of overall goals and objectives for assigned staff functions(s), programs(s), or program segments(s). For example, they direct development of data; provide expertise and insights; secure legal opinions; prepare position papers or legislative proposals; and execute

comparable activities that support development of goals and objectives related to high levels of program management and development or formulation.

The appellant's position does not fully meet Level 3-3a. Although he has authority to establish annual work plans for the soil survey program in [appellant's work area], there is an absence of lower and subordinate organizational units below his level. As a first line supervisor he is primarily concerned with collecting and analyzing soil survey information in support of program goals established at the national bureau level. Unlike Level 3-3a, he is not regularly involved with high level program officials in the development of overall program goals and objectives. While we recognize that he participates with the other state soil scientists in providing advice to the bureau's Soil Survey Division, and has provided his expertise to various committees and study groups, these contacts do not entail addressing overall bureau program goals and objectives envisioned at Level 3-3a. Additionally, the appellant has no independent authority to make the types of decisions and perform many of the tasks supporting development of overall program goals addressed at that level.

To meet Level 3-3b, a position must exercise all or nearly all of the delegated authorities and responsibilities described at Level 3-2c and, in addition, at least 8 of the 15 responsibilities listed in the GSSG. The bureau credited the appellant's position with Level 3-3b responsibilities 2, 4, 7, 11, and 13 through 15. Based on our review, we agree that the position fully meets Level 3-2c, and is properly credited with responsibilities 2, 13, and 14 under Level 3-3b. Our analysis of the remaining responsibilities follows.

Responsibilities 1, 3, 5, 6, and 8 are intended to credit only supervisors who direct two or more subordinate supervisors, team leaders, or comparable personnel. To support these designations, these subordinate personnel must spend 25 percent or more of their time on a regular and recurring basis on supervisory, lead, or comparable functions. While the appellant has designated five project leaders (Soil Scientists, GS-470-12) to oversee the work of temporary/seasonal employees, such leadership is performed for no more than five months of each fiscal year during the survey season (May - September), and much of their time is spent on non-lead duties personally performing surveys. Depending on the availability of funds, the total number of seasonal employees or permanent employees detailed to soil surveys during the field season ranges from six to thirteen. When seasonal work hours are converted to Full Time Equivalency (FTE) it results in a range of only 2.5 to 5.4 FTE. The five responsibilities noted above can only be credited in situations where the leadership duties are performed on a regular and recurring basis, and where the subordinate organization is so large and its work so complex that it *requires* managing through these types of subordinate positions. Given the range of FTE, the small number of employees directed by the five project leaders, and the short period they are tasked to lead, we conclude that they do not perform these duties on a regular and recurring basis and would spend less than 25 percent of their time in leader functions. The actual demands placed on them by the organization are insufficient to warrant credit as team leaders within the intent and context of responsibilities 1, 3, 5, 6, and 8.

Responsibility 4 is credited to positions that exercise direct control over a program or major program segment with significant resources, e.g., one at a multimillion dollar level of annual resources. The appellant's soil survey program has a base budget totaling 1.6 million dollars,

which is less than a multimillion dollar level of resources. In addition, while he has some control over the dollars spent for seasonal hires, the majority of the budget is devoted to salaries for full time staff which is allotted and controlled from a higher level. Responsibility 4 is not credited.

Responsibility 7 involves making or approving selections for subordinate non-supervisory positions. The appellant recommends selections to the State Conservationist, who holds approval authority and makes the final selection. Responsibility 7 is not credited.

Responsibility 9 involves hearing and resolving group grievances or serious employee complaints. Responsibility 10 covers authority for reviewing and approving serious disciplinary actions (e.g., suspensions) involving non-supervisory subordinates. The appellant can resolve informal grievances, but authority for resolving formal grievances and serious employee complaints rests with the State Conservationist. In addition, the State Conservationist, and in some circumstances only the Regional Conservationist, has authority for reviewing and approving serious disciplinary actions concerning both supervisory and non-supervisory employees. Responsibilities 9 and 10 are not credited.

Responsibility 11 involves making decisions on non-routine, costly, or controversial training needs and training requests related to employees of the unit. The appellant's authority is limited to providing and arranging for routine/core training and development so that employees develop expertise in soil surveying. Decisions regarding non-routine, costly, or controversial training are made by the Assistant State Conservationist for Operations. Responsibility 11 is not credited.

Responsibility 12 entails determining whether contractor performed work meets standards of adequacy necessary for authorization of payment. The appellant seldom interfaces with contractors because no private company or other Federal agency does soil surveys. Occasionally an instructor may be hired to teach a workshop, or because of expertise in a particular field an individual may be hired to work on a specific soil survey. Aviation support is provided through private industry contract with the Department of Interior, whose contracting staff carries out all contracting and approval functions. When dealing with contractors, the appellant is not in a position to determine whether contracted work meets standards of adequacy outlined in various contracting documents for authorization of payment. Responsibility 12 is not credited.

Responsibility 15 applies to supervisory and managerial positions that oversee organizations with workloads that are so large and complex as to require attention to team building, reducing barriers to production, or improving business practices. The appellant does not oversee a workload of that magnitude and complexity. His efforts to improve office operations meet the demands of finding ways to improve production or increase the quality of work directed described at Level 3-2c. Therefore, this responsibility is not credited.

In summary, we have credited the position with responsibilities 2, 13, and 14. Because the position is not credited with 8 or more of the listed responsibilities, it fails to meet Level 3-3b and must be credited at Level 3-2c with 450 points assigned.

By application of the GSSG, we have evaluated the appellant's supervisory duties as follows:

Factor	Level	Points
1. Program Scope and Effect	1-3	550
2. Organizational Setting	2-2	250
3. Supervisory & Managerial Authority Exercised	3-2	450
4. Personal Contacts		
4A Nature of Contacts	4A-3	75
4B Purpose of Contacts	4B-3	100
5. Difficulty of Typical Work Directed	5-7	930
6. Other Conditions	6-4	<u>1120</u>
Total:		3475

A total of 3475 points falls into the GS-13 range (3155-3600) by reference to the point-to-grade conversion chart in the GSSG. Therefore, the appellant's supervisory duties are graded at the GS-13 level.

Evaluation of non-supervisory duties

As previously mentioned, the appellant spends approximately 30 percent of his time performing professional work related to the soil survey program. We have evaluated this work by reference to the grading criteria in the standard for the Soil Science Series, GS-470, in which grade levels are determined through the use of two broad factors: (1) Nature of assignment, and (2) Level of responsibility. Our evaluation with respect to those two factors follows.

Nature of assignment

Soil Scientists GS-13 apply great depth of knowledge and comprehensive experience in one or more broad areas of soil science. They serve as expert technical advisors and consultants on technical soil science matters. Their assignments are characterized by complexity and controversy for which they must frequently develop new approaches. GS-13 soil scientists have freedom in selection or development of methodology to the extent that no significant departure from approved policy is involved. Assignments are given in terms of objectives to be achieved. At the GS-13 grade level, soil scientists develop the guidelines based on national policy governing and providing the technical direction to soil science activity within their assigned work areas – classification, mapping, correlation, interpretation, field and laboratory studies, investigations, special studies, management problems. In other instances, they provide the same high level of technical direction and problem solving ability to a specific phase of the organization's program within the assigned work area, such as interpretations, correlation, or special investigation. GS-13 soil scientists are responsible for development and issuance of technical standards, interpretational guides, and other guidelines for use of soil scientists in their work areas. They direct the preparation of technical soils reports and legends, special purpose maps for use of land managers and land use planners. They make periodic field inspections of work which is in

progress. During these visits they provide advice and assistance on unusually difficult soils or land classification problems and ascertain compliance with procedures. They review completed survey reports and maps for completeness and conformance to policy. The GS-13 level is the highest level for this factor described in the standard.

The appellant's assignments fully meet but do not exceed the GS-13 level. Similar to that level he serves as the expert technical advisor in the state in all matters relating to soil science and surveys. He is regularly called upon to develop new approaches to complex soil survey issues, and develops state guidelines based on broad national objectives. Like the GS-13 level, he issues technical standards in the state and directs the preparation of technical soils reports and special purpose maps for land managers and land use planners. The appellant's assignments favorably compare to the first illustrative work example in the standard at the GS-13 level. Like the example, he provides technical direction to a diversified and highly complex soil science program for the [name of state]. This includes mapping, classification, correlation, interpretation, field and laboratory studies, technical soil services, investigations in soil genesis and morphology, database management, and preparation and review of reports for publication and distribution in various formats for many Federal, state, local and other users. The appellant must develop plans and strategies to improve the use of available resources while meeting the program's goals. When the situation warrants, he recommends policies for the soils program to the State Conservationist. He conducts progress and final reviews. He undertakes and directs the solution of extraordinary problems for which no precedents exist or change of policy is involved. The appellant develops recommended changes, establishes policies, procedures and guidelines to accomplish the NRCS mission and objectives within the MLRA. He adapts, modifies and develops guidelines to address situations that are unique and outside the scope of existing guides. For example, the appellant's position was the initiator of development of a new (12th) classification within the USDA publication *Soil Taxonomy* which covers [designation of soil condition] affected soils, unique within the United States to [name of work area]. He also negotiates reimbursable agreements and agreements for in-kind services. The diverse nature of the soils within the [work area], in many instances occurring in complex patterns, coupled with conflicting land use proposals, create complex and sensitive situations requiring the appellant to exercise a great deal of ingenuity in dealing with native tribal organizations and other involved parties and developing new approaches and methods to avoid, minimize or resolve potential problems. He provides expert technical direction to subordinate staff, other NRCS staff specialists, and other external users of the soils information. Similar to the GS-13 level, the appellant provides leadership for the development and issuance of technical standards and guides for all users of soils information, and for the update and remapping of soil surveys within the [work area].

Level of responsibility

At the GS-13 level soil scientists are expected to be experts in one or more broad areas of the profession, and there is no question regarding the technical accuracy of their completed work. Review of the work is essentially for compliance with policy. GS-13 soil scientists represent their agency in cooperative and coordinative activities with other Federal, state, and local agencies in the planning and execution of soils-related activities of common concern. At this level, they are authorized to commit their organizations to courses of action on technical soils matters. Their responsiveness and sensitivity to the public relations aspects of their broad programs determine to

a significant degree the progress and success of these programs. The GS-13 level soil scientist's decisions are usually the final technical rulings on extremely complex or sensitive matters. Their recommendations are important considerations in broad long-range planning and national policy. Decisions and actions of GS-13 soil scientists determine the quality of the soil science activity in their broad work areas. GS-13 is the highest level for this factor described in the standard.

The appellant's position meets but does not exceed the GS-13 level. Like that level he is considered the expert in his work area, and is the final authority on technical quality of the soil surveys and soils information developed within the [work area]. He independently defines objectives and strategies, formulates work plans, develops study methodologies, determines program emphasis, and coordinates work within and outside his organization as necessary. The appellant is authorized to commit his organization to courses of action on technical soil matters within the [work area]. He is the technical representative of the State Conservationist on all soil survey contacts involving other Federal and state agencies, and with 226 Federally recognized tribal organizations. He is also the State Conservationist's technical representative on all technical soil services areas, including hydric soils, wetland determinations, and conservation programs and assistance such as the Wetlands Reserve Program and the Conservation Reserve Program. He provides guidance, advice and assistance to other professional NRCS disciplines in soil use and management. He collaborates with other MO Leaders, with staff from the Soil Survey Division, and with other soils scientists and specialists to coordinate soil survey work and soils information.

Summary

By application of the GSSG, the appellant's supervisory duties and related managerial responsibilities equate to the GS-13 level. By reference to the grading criteria in the standard for the Soil Science Series, GS-470, the appellant's non-supervisory duties match the GS-13 level. Therefore, the position is graded overall at the GS-13 level.

Decision

The appellant's position is properly classified as Supervisory Soil Scientist, GS-470-13.