

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: Agricultural Program Specialist
GS-1145-12

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

OPM decision: Agricultural Program Specialist
GS-1145-12

OPM decision number: C-1145-12-02

Carlos A. Torrico
Classification Appeals Officer

June 13, 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:

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Introduction

On January 25, 2002, the San Francisco Oversight Division of the U. S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. On March 3, 2002, the Division received the agency's administrative report concerning [the appellant's] appeal. His position is currently classified as Agricultural Program Specialist, GS-1145-12. However, he believes the position should be graded at the GS-13 level. The appellant works in the [appellant's organization/work location] Farm Service Agency (FSA), U.S. Department of Agriculture (USDA). We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

This decision is based on a review of all information submitted by the appellant and his agency. In addition, an Oversight Division representative conducted separate telephone interviews with the appellant and his supervisor (State Executive Director). 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 his agency and its evaluation of his position. In addition, he compares his duties to other agricultural program specialist positions within FSA that are graded at the GS-13 level. Therefore he believes that his position should also be graded at that level. 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 that decision solely by comparing the appellant's current 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 this appeal, and have considered his statements only insofar as they are relevant to making that comparison.

Position information

The appellant serves as a key program specialist in the [name of state] State Office of the Farm Service Agency, under the supervision of the State Executive Director. Key program specialists in FSA State offices are responsible for a primary program area and play essential roles in administration of those programs on a statewide basis. At the [appellant's office] State Office, the appellant is the key program specialist and expert advisor for conservation programs and related activities, including conservation compliance.

The appellant plans, coordinates, directs, and administers all aspects of the State's conservation programs and related activities. Conservation programs include the Conservation Reserve Program (CRP), Conservation Continuous Reserve Program (CCRP), Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentives Program (EQIP), and Emergency Conservation Program (ECP). The work contributes to the improvement of the environment and productivity, effectiveness, and efficiency in program operations and support activities throughout the State. The purpose of the conservation programs is to encourage farmers

to practice soil, water, woodland, and wildlife conservation practices through Federal cost sharing.

The appellant serves as the State Office technical advisor and expert in developing and carrying out the statewide Agricultural Market Transition Act (AMTA), a result of the 1996 Farm Bill which provided for fixed declining market transition payments to producers enrolled in a seven year Production Flexibility Contract. He analyzes program operations and determines areas where adjustments would enhance the effectiveness and efficiency of program administration.

The appellant serves as the state's coordinator concerned with the Geographic Information System (GIS), i.e., a computerized system capable of assembling, storing, manipulating, and displaying geographically referenced information. [Name of state] is participating in digitizing common photos. The appellant coordinates GIS activities and facilitates training sessions.

Based on his program knowledge and expertise, the appellant provides technical guidance, program advice, and assistance to the State Executive Director, State Committee, District Directors, County Committees, and various other officials at State and County Offices. He furnishes technical guidance; writes procedures, handbooks, supplements, instructions and forms; conducts training; and works with representatives of agricultural interest based organizations, individuals and groups from other USDA agencies, Indian Tribes, other Federal, State, and municipal agencies, producer groups and other interested parties in providing program information, coordinating objectives, and fostering cooperation. The appellant provides technical and administrative supervision over one full time technician.

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

Series, title, and standard determination

The agency has classified the appellant's position in the Agricultural Program Specialist Series, GS-1145, and the appellant does not disagree. We concur with the agency's series determination. As described in the position classification standard for the Agricultural Program Specialist Series, GS-1145, dated October 1968 (reissued in HRCD-7, July 1999), like the appellant's, position in that series involve work in developing, reviewing, administering, and coordinating programs for direct farmer producer participation in production adjustment, price support, land conservation, and similar programs. The work requires knowledge of agricultural stabilization, conservation, and related programs; farming customs and practices; crop cultivation; production and marketing methods; and related agricultural activities. The prescribed title in the standard for non-supervisory positions like the appellant's is *Agricultural Program Specialist*. The standard contains grade level criteria for evaluating positions in the GS-1145 series.

Using the prefix "Supervisory" in the official title of the appellant's position is dependent on the position meeting the criteria of the General Schedule Supervisory Guide (GSSG), reissued in HRCD-7, July 1999, for evaluation as a supervisor. As stated in the GSSG, it is used to grade GS supervisory work and related managerial responsibilities that (1) requires accomplishment of work through combined technical and administrative direction of others, (2) constitutes a major

duty occupying at least 25% of the position's work time, and (3) meets at least the lowest level of Factor 3 in the guide, based on supervising Federal civilian employees, Federal military or uniformed service employees, volunteers, or other non-contractor personnel.

The appellant provides both administrative and technical direction to one subordinate technical position. However, he spends no more than 15% of his time supervising the subordinate employee, and therefore his supervisory duties do not constitute a major duty consuming at least 25% of his work time. Thus, "Supervisory" is not added to the title, and those tasks are not evaluated in our grade determination.

Grade determination

The standard for the Agricultural Program Specialist Series, GS-1145, uses two classification factors for evaluating the grade level of positions: Nature of assignments and Level of responsibility. Nature of assignments measures the scope and complexity of programs, the scope of commodity area or variety of commodities involved, the variety and extent of agricultural practices in operation, the degree of farmer participation in the programs, the variations in methods of administering programs, and other related elements. Level of responsibility measures the degree of authority and responsibility the program specialist has for developing and administering the programs in a particular State. Our evaluation with respect to those factors at the appropriate grade levels follows.

Nature of assignments

As described on pages 11-12 of the GS-1145 standard, assignments at the GS-12 level require broad program knowledge, both with respect to basic national objectives, and the programs administered at the State and local levels. The high rate of participation among farmers and counties eligible to be in the programs requires greater skill and judgment in solving the more varied and difficult problems of administration of programs and interpretation of policies and regulations.

The program area for which the Agricultural Program Specialist GS-12 is responsible is difficult and complex because it has the following characteristics:

- (1) the program or programs cover a major commodity or commodities or agricultural practices;
- (2) the State is a significant producer in terms of the national economy or national agricultural income;
- (3) participation in the programs is moderate to heavy;
- (4) administration of the programs involves extensive interpretation and adaptation of national guidelines;

- (5) there is significant variation in attitudes on the part of farmers or other groups towards program operations, and changes in program scope or operations are sometimes strongly contested at the local level.

The standard for the GS-1145 series provides an example of conservation programs assigned at the GS-12 program specialist level. As stated on page 12:

"Program for conservation includes agricultural conservation program, and land-use adjustment programs. Some programs are more active than others, but the overall participation is medium to high. Several major groups of conservation practices are in operation and special practices are developed occasionally to meet special problems. Variety of conservation programs and practices create problems of administration, e.g., in terms of overlaps, cost-sharing bases, and relationship to planting seasons."

Assignments at the GS-13 level (pages 13-14) differ from those at the GS-12 level primarily in responsibility for a commodity area having national impact, or for a greater variety of programs and program segments, or for more diverse commodity groups or agricultural practices. Most of these programs, commodities or practices are tied closely to major national policy decisions on agricultural production, pricing, or conservation.

The program area for which the GS-13 level program specialist is responsible is very difficult and complex because it has the following characteristics:

- (1) the programs and program segments cover a major commodity or a variety of commodities or practices which importantly influence national agricultural policies;
- (2) the State is one of the primary producers of a major commodity or group of commodities, and these programs have a critical impact on both the State and the national economy;
- (3) participation is very heavy in major programs;
- (4) administration of the programs involves a high degree of innovation and extension of guidelines to unprecedented or critical situations;
- (5) strong critical attitudes towards program operations and program changes are demonstrated, and often involve major farm organizations with important influence throughout a State or a geographic region.

The GS-1145 standard provides the following example of the conservation program area at the GS-13 level:

"Program area consists of the basic agricultural conservation program, and land-use adjustment programs. Programs include all major groups of practices for long-lasting protective cover, interim soil erosion protection, improvement of outdoor recreation and

farmland rehabilitation. Rate of potential participation is near the maximum level in major programs. Program administration is unusually complicated because of the difficulties of coordinating large varieties of program operations with resources available, techniques prescribed, and individual county requirements."

The appellant's conservation assignments overall meet the GS-12 level, but fall short of most of the GS-13 level criteria. The appellant is primarily concerned with administering and interpreting FSA's conservation program throughout the [name of state]. As discussed below, his program favorably compares to most of the characteristics typical of GS-12 level positions.

The appellant's conservation program meets the first criterion at the GS-12 level in that it covers many of the major agricultural practices devoted to conservation of soil, water, wetlands and wildlife in the [name of state]. He is responsible for ensuring the proper administration of all the FSA's major conservation programs and is primarily concerned with providing the necessary technical advice, guidance, and direction to district and county offices to ensure that FSA's programs are carried out in accordance with national and State policies, objectives, and procedures. In addition, the appellant advises the State Executive Director and the State Committee on adapting nationwide and statewide programs to meet local needs and current requirements.

Regarding the second criterion, the [name of state] has a diverse agriculture. About 84 commodities gross more than \$1 million annually. In 2000, [name of state] ranked first nationally in a number of commodities (peppermint, cool season grass seeds, blackberries, boysen and youngberries, loganberries, black raspberries, hazelnuts, Christmas trees and potted azaleas); second in hops, prunes and plums, onions and snap beans for processing; and third in strawberries, blueberries, pears, sweet cherries. However, a weakening element is the fact that when we compare [name of state] total crop values to the nation's total agricultural income in a given year for which statistics are available (i.e., 1997), we find that the State's principal crops amounted to only 1.3% (\$1.4 billion) of the total value (\$106 billion) of U.S. crop production during that year.

The appellant's position exceeds the third criterion in that participation by producers in commodity and conservation programs can be very heavy. [Name of state] agricultural statistics for the year 1999 show that 96% of the eligible acreage is enrolled to participate in FSA commodity programs.

Like the fourth criterion under the GS-12 level, administration of the conservation program involves extensive interpretation and adaptation of national guidelines. The appellant provides expert leadership to the State and County Offices regarding conservation program administration, operation, and interpretation of FSA guidelines. He determines the methods to achieve conservation program objectives in the State within the broad guidelines of national regulations and proposed national conservation programs and practices to determine their applicability to existing agricultural practices and conditions in [name of state]. The appellant analyzes program operations taking into account compliance requirements such as those required by the Endangered Species Act. As the State program specialist, he drafts modifications/procedural instructions to national guidelines to fit local situations, and

recommends policies, plans and operating guidance to the State Executive Director and/or the State Committee for consideration and approval. He also develops and issues supplemental implementing instructions and handbooks for use by subordinate FSA offices.

The appellant's position meets the fifth GS-12 level criterion in that he encounters a wide variety of attitudes on the part of associations, groups and individual producers towards the conservation program. He interacts with representatives of the wheat/barley, timber, and wine industries, livestock growers, National Marine Fisheries Service and U.S. Fish and Wildlife Service, Indian Tribes, State government agencies, and other environmental organizations such as the Wildlife Service, [name of state] Trout, Ducks Unlimited, The Nature Conservancy, American Heritage Rivers, etc. The appellant indicated that many of his working relationships are positive since they have similar vested interests and goals in order to create or provide for more wildlife habitat. On controversial issues, the appellant attempts to involve concerned individuals and groups to promote understanding and invite open discussion, while affording them an opportunity to voice their opinions and input. However, disagreements occur over changes in program operations, creating strained relationships and requiring diplomatic action. [Name of state] cattlemen association has continually been critical and vocal regarding the State's conservation programs, and has been historically adamant in furthering their opposing objectives.

The appellant's position overall favorably compares to the conservation program work example described in the standard at the GS-12 level. Like that example, [name of state] is highly involved in the land use production flexibility and conservation programs. Although participation can be very high, the variety of conservation programs and practices in [name of state] presents administrative problems regarding cost sharing and the applicability of certain programs to a particular conservation issue.

The appellant's position does not fully meet the difficulty and complexity of assignments described at the GS-13 level. The characteristics of his program area in most aspects fall short of those described at the higher level as discussed below.

Unlike the first criterion described at the GS-13 level, the conservation practices employed by the appellant do not importantly influence national agricultural policies. His work focuses on the administration, the issuance of policies and procedures, and the technical training, advice and guidance on conservation programs for the state of [name of state]. The programs provide [name of state] farmers/producers with annual rental payments for planting permanent vegetation on idle and highly erodible farmland; incentive payments for installing specific conservation practices; financial assistance to help replace lost crops after natural disasters; and financial assistance to install land management practices such as nutrient management, pest management, and grazing land management. While the conservation practices used in the State have resulted in economic benefits to [name of state] (e.g. in terms of increased farm income, and preservation of soil and water quality) they have not directly impacted on national conservation/agricultural policies. The majority of FSA's conservation practices are utilized in [name of state] to meet its conservation needs, and influence State rather than national policies.

The appellant's position does not meet the second criterion at the GS-13 level which describes a State being one of the primary producers of a major commodity or group of commodities, and these commodity programs have a critical impact on both the State **and** national economy. FSA has identified six major commodities that can critically impact a State's and the national economy: peanuts, tobacco, wheat, feed grains, cotton, and rice. The programs the appellant administers cover two major commodities, wheat and feed grains (corn, barley and oats). In 2000, wheat ranked 7th in commodity value for the State which represented 4.1% of all of [name of state] commodities produced. However, [name of state] wheat production contributed to only 2.4% of the total national economic production of wheat. Feed grains such as corn for grain and silage, barley and oats ranked 17th, 26th and 46th place respectively for all commodities produced in [name of state], but together amounted to only 1.3% of all commodities produced in [name of state]. However, [name of state] barley production was only 2.6% of the total national economic production for barley, and oats amounted to 1.6% of the total national production of oats. For the other major commodities listed, they are either not produced in [name of state], or are in such small quantities as compared to national production that they have very little impact on the national economy. In 2000, the total value of principal crops for all commodities in [name of state] represented only 1.35% of the national value of U.S. crop production. The State cannot be considered a primary producer of major commodities. While agriculture is very important to the economy of [name of state], the commodities produced there, and FSA funds disbursed there for conservation, do not result in critical impact on the national economy.

The appellant's position meets the third GS-13 level criterion, in that participation in the conservation program in [name of state] can be very heavy. As previously noted, 96% of [name of state] eligible acreage is enrolled and participating in FSA commodity programs, which includes conservation.

Regarding the fourth criterion, we found no indication that in administering the conservation program the appellant must apply a high degree of innovation and extension of guidelines to unprecedented or critical situations. As previously discussed under the GS-12 level, the appellant interprets, clarifies, adapts, and supplements national program guidelines to meet [name of state] conservation needs. As new programs are introduced, or existing programs change, he analyzes the practices or procedures and determines their applicability to existing conditions in [name of state]. This may include drafting a State policy supplement to a national guideline, or clarifying the requirements for justifying a waiver of procedure.

Concerning the fifth GS-13 level criterion, our fact-finding revealed that the appellant does not face strong critical attitudes toward conservation program operations or changes, which often involve major farm organizations with important influence throughout a State or a geographic region. As previously discussed, his relationship with various agricultural organizations in [state name] is generally positive, but occasionally an operating practice or procedure is strongly opposed at the local level.

The appellant's conservation program does not fully compare to the work example discussed at the GS-13 level. While the rate of participation of farmers in the program can be very heavy, the conservation program in [name of state] does not include all major groups of conservation

practices. In addition, program administration is not faced with the unusually complicating factors addressed in the work example.

Because the appellant's assignments do not fully meet the GS-13 criteria, they are evaluated overall at the GS-12 level.

Level of responsibility

The program specialist at the GS-12 level (pages 12-13) frequently adapts, amplifies, and modifies policy, instructions, and procedures, sometimes in major respects, to fit the pattern of agricultural operations in the State. The program specialist at the GS-12 level may be assigned as a member of special task forces with responsibility for studying problems having particular application in program administration, leading to a revision of national policies, or amended regulations.

Program planning and development of operating policies is complicated by unanticipated shifts in emphasis on commodities as marketing conditions change locally and nationally. Therefore the program specialist is required to design plans of operation which will provide alternate objectives, depending upon trends, patterns, or developments between crop seasons, particularly in the commodities most sensitive to changes of this nature.

Responsibility for program administration at the GS-12 level requires evaluation of operations in all areas of the primary assignment, with special attention to equalizing emphasis among varied programs and program segments, and with other program areas. The program specialist must give particular consideration to proposals growing out of successful State level experience which may have national application or implications.

The program specialist applies a broad view of program objectives and accomplishments, looking toward improvement of administration at both the State and local levels. Administration of the various programs is complicated by the continuing need to keep county and local participants and employees up to date on program changes, often in those program elements which are not universally understood or accepted because of innovations in program requirements or in techniques of administration.

At the GS-13 level (pages 14-15), the specialist has greater responsibility for program development and administration because of the need to balance very heavy participation in critical programs with the requirements of national policy guides and directives.

The GS-13 program specialist is responsible for a primary program area in a State which has a number of active trade and farm organizations. These have dominant interest in county programs, and in the producers and rate of production of major agricultural commodities. Because of the critical nature of the programs at this level, the program specialist has significant responsibility for giving frequent technical advice and policy interpretation to individual participants, producer organizations, and others, and for obtaining their views on major program changes or policy issues. The large number of producers and the high rate of program activity in the State requires continuous contact with county offices, county committees, farmer producers,

the State Executive Director, and the State Committee on complex matters of program design and coordination with other Federal and State agencies.

By comparison with the GS-12 level, at the GS-13 level the diversity of activities or the wider scope of program operations involve more frequent and complex problems in the review and coordination of individual county and statewide programs, and in the need to deal with organizations and groups holding strong and influential opinions on program operations and objectives, or who vigorously debate program changes.

The program specialist at this level must be particularly sensitive to national policy implications in the expression of State attitudes and needs. The GS-12 specialist, on the other hand, is principally concerned with equalizing and improving operations on a broad State level.

At the GS-13 level the program specialist has specialized skill in the interpretation and administration of technically complex programs, and is often consulted by the national office on proposed national programs or program changes. The breadth or variety of programs administered at this level requires that the program specialist exercise a high degree of program knowledge and technical judgment in dealing with complex problems of administration. The specialist's responsibility is to obtain results which are in conformity with the overall aims of commodity stabilization policies, and which maintain proper balance between national needs on the one hand, and local production, pricing and conservation capabilities on the other.

The appellant's position meets the GS-12 level. Like that level, he frequently adapts, modifies and supplements national agency published conservation guidance to fit the conservation needs of the [name of state]. The supplements are developed for use by subordinate FSA offices and local farm organizations to deal with local conservation issues. Similar to the GS-12 level, the appellant has served as a member of several special project groups and ad hoc groups with responsibility for addressing problems in program administration, and some have led to revised national policies, or amended regulations. For example, he was recently instrumental in the [name of project] allocation program. Irrigation water was shut off to producers' land based on [state name] list of species under the Endangered Species Act. Congress passed an emergency \$20 million allocation for the [project name] to assist the producers. The appellant coordinated and developed procedures and policy regarding the disbursement of the monies while ensuring fairness, equitability and timeliness. In addition, the State's governor requested the assistance of FSA in bringing [name of state] in compliance with its list of species under the Endangered Species Act. After collecting information, consulting with various organizational representatives, and evaluating the situation, the appellant wrote biological evaluations under the Emergency Conservation Program on how the program affected practices concerning livestock, water development and water hauling. Procedural instructions were subsequently written for various county applications. Like the GS-12 level, as the State conservation program specialist, administration of his program is complicated by the regular need to keep District, County and local participants apprised of program changes. That task is partially achieved through presenting formal and informal training on the conservation program area.

The appellant's position does not fully meet the GS-13 level of responsibility. Although we recognize that there can be very heavy participation in the State's conservation program, we do

not perceive the need to balance that participation with the requirements of overall national policy guides and directives to the extent envisioned at the higher level. Although the appellant regularly deals with several farm and conservation organizations, we found no indication that they exercise dominant interest in county programs, and in the producers and rate of production of major agricultural commodities. While he sometimes provides technical advice and policy interpretations to interested parties, the program does not encompass the breadth and diversity of activities typical of the GS-13 level. We found no indication that the groups and organizations he deals with (e.g., producers) regularly exhibit strong and influential opinions on the operation of his program, nor do they vigorously debate program changes. Unlike the GS-13 level, the appellant's program does not demonstrate the degree of controversy or sensitivity to national issues concerning the stabilization of commodity supplies and their availability to the domestic economy, and in some cases, international trade. Like the GS-12 level, the appellant is primarily concerned with equalizing and improving conservation program operations on a broad State level. Although we recognize that given his expertise and experience, the appellant has been called upon by the national office to solicit ideas or participate in working groups, this has not been done within the context of a highly technical and complex conservation program. We found that [state name] program does not have national implications on the agency's overall conservation program.

The level of responsibility of the appellant's position is evaluated at the GS-12 level.

Decision

The appellant's position is properly classified as Agricultural Program Specialist, GS-1145-12.