

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

Philadelphia Field Services Group
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

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

Appellants: [name]

Agency classification: Soil Conservationist
GS-457-11

Organization: [name] Field Office
[name] Area
[name] State
Conservationist's Staff
Natural Resources Conservation Service
U. S. Department of Agriculture
[location]

OPM decision: Soil Conservationist
GS-457-11

OPM decision number: C-0457-11-03

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

May 2, 2003

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* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

PERSONAL

[name]

District Conservationist

Natural Resources Conservation Service

U. S. Department of Agriculture

[address]

[location]

Ms. Lisa A. Bonafede

Human Resources Manager

Natural Resources Conservation Service

U.S. Department of Agriculture

[address]

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Director of Human Resources Management

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Introduction

On February 25, 2003, the Philadelphia Field Services Group, formerly the Philadelphia Oversight Division, of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant's name]. His position is currently classified as Soil Conservationist, GS-457-11. He believes the classification should be GS-457-12. We received the agency administrative report on April 3, 2003, and additional written information from the appellant dated March 18, 2003. The appellant works in the [name] Field Office, [name] Area, [name] State Conservationist's Staff, Natural Resources Conservation Service (NRCS), U. S. Department of Agriculture (USDA), in [location]. We accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

Background Information

The appellant submitted this appeal based on the position description (PD) of record #[number]. The appellant previously appealed the position to the USDA which found the position to be properly classified as Soil Conservationist, GS-457-11, on December 12, 2002.

After accepting the appeal, we requested a copy of the official PD from the appellant's servicing human resources office as part of the appeal administrative report. The NRCS [location] Human Resources Manager (HRM) revised and updated the PD. It was certified as current and accurate by the appellant with a statement of differences. The revised PD was amended by the second line supervisor who, along with the first line supervisor, then approved it. The revised PD was then re-evaluated by the HRM. However, no new position number has been assigned and the appellant has not been officially reassigned to the revised PD. The HRM advised us that the agency intends to implement the revised PD and reassign the appellant to it.

General issues

The appellant commented on the accuracy of his PD and the classification review process conducted by his agency. A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. This decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCS's and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

Position information

The appellant certified on March 18, 2003, to the currency and accuracy of the new PD with the addition: "works with technical service providers to implement various Farm Bill Programs.

Serves as NRCS representative in this capacity.” His first- and second-level supervisors certified on March 18, 2003 that the revised PD was current and accurate, but the second line supervisor added: “No current or planned PL-566 in these two counties; and RC&D (Reserve Conservation and Development) plans not active, are minimal or questionable.”

Based on our April 15, 2003, telephone audit with the appellant and interviews with the supervisors on April 15 and 16, we find that the PD of record contains the major duties and responsibilities assigned by management and performed by the appellant and we incorporate by reference into this decision. While we find the revised PD also contains the major duties of the position, it does not as accurately describe how the work is performed in Factors 2, 5, and 7.

The incumbent is a member of a team that provides technical assistance to landowners, groups and units of government for five counties. His primary responsibility is to represent the NRCS in [name] and [name] Counties, and to work with technical service providers to implement various Farm Bill Programs and Small Watershed Programs, etc., in the development, application and maintenance of soil and water conservation plans. He furnishes technical guidance to the Boards of Directors of the [name] and [name] Conservation Districts in developing work plans, and works with the Farm Service Agency and Rural Development components of USDA in administering their programs. He collects data necessary for the further development of technical guides and promotes a coordinated approach to the identification and solution of the modification of practices and procedures, when necessary. The appellant maintains an information program to keep the community informed of the changing needs and progress in soil conservation. He assists landowners in applying for participation and funding in the various programs. He provides administrative and technical supervision to one technician.

Series, title, and standard determination

The agency has placed the appellant's position in the Soil Conservation Series, GS-457, titled it Soil Conservationist, and used the published GS-457 PCS for grade level analysis with which the appellant agrees. Based on our review of the record we concur. Therefore, the appellant's position is allocated properly as Soil Conservationist, GS-457.

Grade determination

The GS-457 PCS is written in Factor Evaluation System (FES) format. Under the FES, positions are evaluated by comparing the duties, responsibilities and qualifications required with nine factors common to non-supervisory positions. A point value is assigned to each factor in accordance with the factor level descriptions. For each factor, the full intent of the level must be met to credit the points for that level. The total points assigned for the nine factors are converted to a grade by reference to the grade conversion table in the PCS.

In its December 12, 2002, appeal decision, the agency credited the position with Levels 1-7, 2-4, 3-3, 4-4, 5-3, 6-3, 7-2, 8-2, 9-2. The appellant believes that the position should be credited with Levels 1-8, 2-5, 3-4, 4-5, 5-4 and 7-3. After a careful analysis of the record, we concur with the factor levels assigned to the remaining factors and have so credited the position. Our analysis of the remaining factors follows.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts that an employee must understand to do acceptable work and the nature and extent of the skills necessary to apply that knowledge.

The appellant disagrees with his agency's crediting of Level 1-7, and gives the following rationale in favor of Level 1-8. He states that the position requires expert knowledge of soil and water conservation concepts, principles, laws, programs and precedents sufficient to develop, propose and accomplish program delivery; and that the employee must have skills sufficient to formulate appraisals and evaluate criteria applicable to agency-wide programs and delivery of these programs at the local level. The appellant maintains the employee is required to address highly complex critical conservation problems due to the diversity of the agricultural base and the fact that [name] County is the third fastest growing county in the Commonwealth; and that the programs make it necessary for him to participate in the management of financial resources in addressing partnership concerns. He states that the employee must have a comprehensive knowledge of natural resource planning methods, measures and techniques, and skill in extending and modifying these criteria to apply to unique, highly complex critical conservation problems. The appellant says the position requires constant learning to service clientele of a complex environment, and independent decision-making in the delivery of financial and technical services. Many of these sentences quote from or paraphrase Level 1-8 in the PCS.

Work at Level 1-7 requires professional knowledge of a broad range of soil and water conservation principles and techniques and skill sufficient to analyze complex natural resource factors and interpret related social and economic conditions, and devise and implement cohesive, short- and long-term conservation plans or comprehensive integrated resource development projects. The illustrations describe knowledge and skill sufficient to advise elected members of the local soil conservation board on proposed community land use and water control ordinances; to serve as an agency representative on an agricultural conservation program committee where there are community landowners serving; to provide technical assistance of a non-engineering character to sponsors of a watershed project; to serve as an advisory member of a resource conservation and development project to conserve, develop and utilize complex natural resources; to provide conservation planning services to representatives of local government units, resource conservation districts, and area development associations; and to demonstrate integrated conservation methods and development of fish and wildlife resources and improvement of recreational land use area.

The appellant's duties closely match Level 1-7. The record shows that he sits on conservation committees, provides technical advice to government officials, and counsels landowners on available Farm Bill programs and obtaining the financial and cost-sharing benefits offered by those and other programs. Examples of the programs are Environmental Quality Incentives (EQUIP), Wildlife Habitat Incentives, Woodlands Re-establishment, Wetlands Reserve, Erosion Control, and Agricultural Management Assistance. The main crops are vegetables, cash grain, and orchards. The appellant ranks the applicants, prepares the plans and contracts, estimates the amounts of cost-sharing, and forwards the documentation to the appropriate State Office that controls programs funding.

The knowledge and skills required to perform this work are not equivalent to Level 1-8 and its clarifying illustrations. Level 1-8 involves applying expert knowledge of soil conservations concepts, principles, laws, programs and precedents sufficient to develop, propose, and recommend substantial program innovations, significant program changes or alternate courses of critical management action, and skill in applying recent advances and research fundings on land and water use planning to resolve controversial issues and develop soil and water conservation program criteria. The work requires comprehensive knowledge of natural resource planning methods, measures and techniques, and skill in extending and modifying these criteria to apply to unique, highly complex critical conservation programs. It requires comprehensive knowledge of program appraisal techniques and the effective management of agency financial resources in a highly competitive budgetary environment to formulate new conservation priorities and multiyear objectives.

Level 1-8 illustrations describe applying **expert** knowledge sufficient to formulate evaluation criteria applicable to agency-wide programs; and to serve as a program expert advising principal program managers at the national and State office levels (10 State program directors); and to provide technical direction, guidance and coordination for a very broad program administered through a number of subordinate soil conservationists and a specialized staff of engineers, agronomists, soil scientists and administrative personnel. The appellant's work does not involve functioning as a subject-matter expert as defined at Level 1-8. These are functions and responsibilities vested in higher level positions in his agency. His program is not so extensive, complex and active that it must be accomplished through a large staff of subordinate soil conservationists and a small specialized staff of engineers, agronomists, soils scientists, and administrative personnel. There is one subordinate technician that assists the appellant. [name] County has an increasing number of landowners as large farms are broken into small farms and is experiencing changes in patterns of road building and other structural changes. While this may indicate an increased use of available programs and consequent increased amount of paperwork, it does not create or require the appellant to deal with the highly complex land use and conservation issues found at Level 1-8. Therefore, this factor is credited at Level 1-7 (1,250 points).

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

The appellant states that Level 2-5 should be credited since he receives only administrative direction from his supervisor, controls his own schedule, and has his work accepted without significant change. Both Levels 2-4 and 2-5 describe positions of highly skilled personnel who carry out their work largely independently. At Level 2-4, the employee works within a program framework and receives project assignments. In contrast, Level 2-5 includes program authority with the employee responsible for designing the plans and strategies by which broad projects will be undertaken, including campaigns, projects, studies, or other major program functions. At Level 2-4, work receives some degree of technical review for feasibility of the program approach. In contrast, review at Level 2-5 is for broader considerations such as impact on the overall program and achieving the functional program's objectives.

Decisions made by employees under administrative direction at Level 2-5 are generally afforded the full weight of agency policy once they are implemented. In contrast, the appellant implements the policies, priorities, and procedures directed by higher level NRCS and other program organizations. Unlike Level 2-5, the appellant is not delegated responsibility for major programs, e.g., developing new or substantially revised environmental programs to help landowners achieve improved environmental legal and policy compliance. The appellant does not direct or control a staff or a budget. Resource and cost-sharing priorities are set by the funding agencies. The appellant then implements those decisions and continuing functions at the operating level to achieve program objectives and priorities determined at higher echelons in the agency.

The position meets the intent of Level 2-4, since the supervisor formulates and sets prevailing conservation objectives and human, financial and administrative resources available to accomplish the work. As described at Level 2-4, the appellant utilizes annual plans of operation, District long-range plans, and State and area plans to determine the focus for his efforts. Although the appellant's supervisor typically does not provide technical guidance to the appellant, he is required to judge whether his performance meets defined goals. This is accomplished through the Performance Reporting Management System which includes determining how well his program efforts are meeting defined management needs. Level 2-4 recognizes that some employees are delegated significant operational authority and completed work is reviewed in terms of satisfying expected results of projects or assignments, responsiveness, and conformance with agency policy. Level 2-5 includes responsibility for dealing with particularly sensitive or controversial issues that may be reviewed by program officials at headquarters levels. Recommendations for new projects and shifts in program objectives are evaluated in terms of resources available, program goals, or agency-wide priorities. The appealed position does not operate with that level of independence or program responsibility. Therefore, this factor is credited at Level 2-4 (450 points).

Factor 3, Guidelines

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

The appellant states that his work meets Level 3-4 and that he is often expected to independently address resource management concerns in the multi-county area without sufficient NRCS staff. He utilizes volunteers and partnership agency personnel to address Federal, State and local mandated programs that have few guidelines. He says that he must deal with contested and difficult questions and situations where precedent material does not exist.

At Level 3-3, the soil conservationist frequently interprets, selects and adjusts agency program criteria, standards and specifications, when developing watershed, resource conservation and development, or water control plans. Guidelines are not always completely applicable to specific work assignments, but reference materials may be available illustrative of similar projects or assignments. Often program objectives require in-depth analyses where guidelines are only partially applicable.

The appellant's work meets Level 3-3. He works within NRCS guidelines that include state business plans, agency technical guides, supplemental specifications, environmental laws, and

Federal program regulations. These must be adapted to specific land configurations concerning water control, livestock waste, etc., as well as the needs of the customer serviced. As at Level 3-3, he uses judgment to choose, interpret, and adapt standard methods and implement procedures to meet State requirements including appropriate use of volunteers and partnership agency personnel in addressing community resource concerns.

The appellant's work does not meet Level 3-4. At that level, guidelines are general and only partially applicable to soil conservation programs. Available criteria are often inadequate for resolving contested, difficult questions. While the appellant may sometimes deal with new issues of population growth or rapid change from rural to suburban land use, the range of issues with which he deals does not require him to routinely deviate, refine, or extend traditional methods and practices or modify occupational methods, criteria, or policies. The conservation issues under his direct control can be resolved by applying well-established methods and techniques typical of the occupation. Therefore, this factor is credited at Level 3-3 (275 points).

Factor 4, Complexity

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.

The appellant states that his work exceeds Level 4-4 and extends into Level 4-5. He says that the position involves conservation assignments that result in the development of a broad variety of soil and water conservation plans, projects, and measures for a diversified group of landowners, organizations and representatives from all levels of government. He believes the local decision making process is complicated by many variables such as personal finances, conflicting viewpoints, incompatible land treatment measures, soil conditions, water quality concerns, nonresident land ownership, subdivision of tracts, population growth, and limited technical assistance in an area of rapid growth and changing land use.

The appellant's description of his work closely matches Level 4-4. Conservation assignments at that level involve developing a broad variety of soil and water conservation plans, projects and measures for a diversified group of landowners including State and county governments, townships and autonomous districts such as the irrigation, wetland, resource conservation watershed, drainage and flood prevention units of local government. At Level 4-4, the Soil Conservationist assesses proposed resource development plans characterized by complications such as insufficient finances, conflicting viewpoints, incompatible land treatment measures, unusual soil conditions, varied area landownership pattern, e.g. small, medium, and large tracts with widely different use objectives, inadequate ground-water data, the need to refine standard conservation planning measures, zoning impediments, expanding population, and incomplete agricultural waste management guidelines for pollution control.

Information provided by the appellant related parallel situations. He described the sub-division of large tracts, population growth, and changing land use in [name] County. The processing of applications under the Farm Bill involves assessment of resource mixes and judgments of operations and problems of grain production, orchards, vegetable crops, cattle, waste management, and water control. His work requires judgment in applying a range of established

approaches to identifying and resolving controversial land use problems. These functions are typical of Level 4-4 where the employee independently performs the full range of inspection, evaluation, and coordination of functions under diverse environmental and/or community circumstances. As at Level 4-4, he must deal with a varied land ownership pattern-small-medium-large tracts with widely different use objectives, expanding populations, the need to refine standard conservation planning measures, and similar work complexities.

The appellant's work fails to meet Level 4-5. Work at that level typically involves substantive review and analysis of proposed or current policies or measures affecting an extensive geographic area, critical program, or densely populated zone; and formulation of a study framework to gather resource data for the evaluation of novel untested conservation approaches. At this level, the employee is considered an expert capable of resolving sensitive problems or issues characterized by conflicting demands on area natural resources, multiple political jurisdictions with competing conservation objectives, and continuing special study efforts requiring substantial compromises with conservation criteria. The work requires applying vigorous, imaginative efforts to develop new planning solutions or criteria involving land and water resources; anticipating long-term conservation issues and devising solutions to resolve controversial, opposing viewpoints sustained by established, highly motivated interest groups. Work of this breadth and complexity is vested in positions at echelons in the agency above the appellant. In contrast, the appellant's field operating position works within established agency criteria and approaches typical of Level 4-4. Therefore, this factor is credited at level 4-4 (225 points).

Factor 5, Scope and effect

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 work products or services both within and outside the organization.

The appellant states in his March 18, 2003, memorandum that he supports the crediting of 5-3. However, his February 12, 2003, rationale requests crediting Level 5-4. The appellant cites the names of many small watershed organizations to demonstrate land and water resource issues that involve competing landowner objectives. He states that he is involved in conservation efforts in the [name] River Basin that ultimately impact upon the waters of the [water body].

At Level 5-3, the purpose of the work is to advise and motivate individuals and organized groups of landowners and representatives of governmental agencies in the evaluation of conventional soil erosion problems, water quality and control conditions. The work affects the adequacy of conservation program activities in a rural and/or urban area, the attainment of annual plan of operation objectives and agency credibility among program participants.

The purpose of the appellant's position closely matches Level 5-3. Typical of that work, he provides professional technical assistance to landowners in two counties in [location], and motivates them to participate in the Farm Bill conservation programs. The record shows that that the flood control projects are not currently active in those counties, and that the RC&D plans that deal with development of public lands are inactive or only minimally active in those counties.

At Level 5-4, the purpose of the work is to develop and interpret natural resource planning criteria including soil and water conservation techniques and specifications applicable to complex projects involving numerous community and State government representatives with divergent interests, or involving competing landowners' objectives (e.g., agricultural, residential, commercial, industrial or recreational use). The work affects an economically important sector of the State or a large geographic zone and contributes to the efficient operation of other government agencies. Although various organizations may have different agenda item priorities, the appellant's primary responsibility is to inform and counsel them on the Farm Bill options that are available. Moreover, the flow of water from the creeks and rivers into the [water body] is not directly impacted by the duties of this position as intended at Level 5-4. These are functions vested in higher level positions in the agency. Therefore, this factor is credited at Level 5-3 (150 points).

Factor 7, Purpose of contacts

The purpose of personal contacts ranges from factual exchange of information to situations involving significant or controversial issues and differing conservation viewpoints, goals, or objectives.

The appellant believes his position should be credited at Level 7-3. He states that he works directly with Conservation District Boards and related organizations to agree upon conservation goals and objectives. He says that he uses technical expertise and leadership skills to steer the decision making process. The appellant states that the number of conservation organizations continue to grow, requiring tact and experience when working with individuals who are unconvinced, indecisive, or have dissimilar opinions. He says that he participates in local work groups and quality assurance boards which adds to the complexity of dealing with sensitive issues and provides advice to clientele regarding a broad range of natural resource planning and application.

At Level 7-2, the purpose of contacts is to advise on the development of soil and water conservation measures, plan and coordinate the implementation of a range of technical practices, and recommend alternative conservation solutions. Individuals and community and government representatives contacted at this level are pursuing mutual goals and generally are cooperative. The appellant's work typifies this level.

In contrast, the purpose of contacts at Level 7-3 is to persuade, influence and encourage unconvinced, indecisive individuals and organizations to agree on goals and objectives. The soil conservationist overcomes initial reluctance by emphasizing technical advantages and gains to be accomplished through adoption of a specific conservation course of action. Regular and recurring dealings require tact and diplomacy to achieve a working consensus among parties who have dissimilar opinions.

The appellant's regular and recurring contacts meet Level 7-2. Typical of that level, the goals and objectives of the contacts are mutual, i.e., to achieve the application and benefits of adequate conservation measures, despite the differences in the relative priority of agenda action items. As at that level, the appellant is responsible for advising on the most practical and effective alternatives for the benefit of the landowners and the community. Providing technical advice on

alternative resolutions does not necessarily imply a controversial situation in which the participating parties are routinely unconvinced, indecisive, and have dissimilar opinions on conservation goals and objectives. Therefore, this factor is credited at Level 7-2 (50 points).

Summary

In summary we have evaluated the appellant's position as follows:

<i>Factors</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1,250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and effect	5-3	150
6. Personal contacts	6-3	60
7. Purpose of contacts	7-2	50
8. Physical demands	8-2	20
9. Work environment	9-2	<u>20</u>
	Total Points	2,500

A total of 2,500 points falls within the GS-11 grade level point range of 2,355-2,750 points on the Grade Conversion Table.

Decision

The appellant's position is properly classified as Soil Conservationist, GS-457-11.