

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

Dallas Field Services Group  
Plaza of the Americas, North Tower  
700 North Pearl Street, Suite 525  
Dallas, TX 75201

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

**Appellant:** [appellant]

**Agency classification:** Safety and Occupational Health Manager  
GS-018-12

**Organization:** Business and Support Services Division  
[state name] State Office  
Bureau of Land Management  
Department of the Interior  
[location]

**OPM decision:** Safety and Occupational Health Manager  
GS-018-12

**OPM decision number:** GS-0018-12-06

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Marta Brito Pérez  
Associate Director  
Human Capital Leadership  
and Merit System Accountability

March 3, 2005

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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's name and address]

Human Resources Officer

[human resources office address]

Director

National Human Resources Management Center

Bureau of Land Management

Denver Federal Center. Bldg 50

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Denver, Colorado 80225-0047

## **Introduction**

On July 20, 2004, the Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. The appellant's position is currently classified as Occupational Safety and Health Manager, GS-018-12. He believes additional duties and responsibilities warrant an increase in grade level and that the position should be included in the GS-803 Safety Engineering Series. The position is assigned to the Business and Support Services Division, [name] State Office, Bureau of Land Management (BLM), Department of the Interior, in [location]. We received the agency's administrative report on October 13, 2004. We have accepted and decided this appeal under the provisions of section 5112 of title 5, United States Code (U.S.C.).

## **Background**

The appellant indicates that when he was hired in 1991, the position was classified as a Safety Engineer, GS-803-12. In December 2002, he asked his agency to review his position description as additional duties and responsibilities had been incorporated into his job. As a result of that review, the position was reclassified as Occupational Safety and Health Manager, GS-018-12. The appellant then appealed the classification of his position to the National Human Resources Management Center for BLM. That decision, dated June 1, 2004, sustained the classification determination made by the BLM State Office. He subsequently filed an appeal with this office contesting the occupational title, series, and grade determination made by BLM.

## **General issues**

The appellant states that safety managers and safety engineers within the twelve BLM states are doing the same job with three classified at the GS-13 grade level, one at a GS-11, and the remainder at the GS-12 level. He states that the position was classified as a Safety Engineer, GS-803, when he was hired in 1991 and that additional duties were added to his position. He also contends that to be effective and able to address all hazards situations, the skills of a graduate safety engineer are required. The appellant states the position has turned into a generalist, applying skills to many problems and that the position has expanded and become more complex. He also challenges the currency of the standards used to evaluate his position.

By law, we must classify positions solely by comparing their 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 that may or may not have been properly classified as a basis for deciding his appeal, e.g., positions previously occupied by the appellant or currently occupied by other employees. The accuracy of grade level criteria contained in OPM classification standards or guides is neither appealable nor reviewable (5 U.S.C. 511.607). Management has the authority and responsibility to structure and assign work to positions to accomplish the work of the organization (5 U.S.C. 5102(a)(3) and 5106(a)(2)(B)). Issues such as volume of work are not considered in determining the grade level of a position.

## **Position information**

The appellant plans, develops, and manages a region-wide safety and occupational health program for the [name] State Office, covering the State of [name] and portions of [two other states]. He plans, implements, and evaluates a comprehensive safety and occupational health program for numerous worksites on extensive public lands. There are 7 Field Offices, 5 National Monuments, 132 recreational sites, 16 private concessions, 20 mountain top communication sites, and approximately 550 employees. Operations include road construction/maintenance and repair; heavy equipment; wild land fire; wild horse and burro; recreational facilities, public visitor attractions, offices, warehouses and storage facilities; abandoned and operating mines; and wilderness and National Conservation Areas. There is emphasis on hazardous material (HAZMAT) incidents, HAZMAT sites, and investigation/inspections. This includes the development and application of methods and techniques to control or eliminate unsafe acts or conditions; determining the requirements for training and conducting a safety education program; investigating accidents; making recommendations and providing advice/assistance during the development of plans and specifications.

The position is supervised by the Deputy State Director for Support Services, who provides general supervision. The appellant is responsible for independently planning and executing his duties and for developing policy and procedures for region-wide application. Completed work is accepted as technically sound and reviewed only in terms of effectiveness in accomplishing program goals. Controversial safety issues are discussed with supervisor and the [name] State Management Team.

The official position description (PD) number [number] includes much more information about the duties and responsibilities of the position. Both the appellant and his supervisor have certified to the accuracy of the PD. We find the PD contains the major duties and responsibilities assigned to and performed by the appellant and we have hereby incorporated it by reference into this decision. To help decide this appeal, we conducted a telephone audit with the appellant on December 9, 2004, and interviewed his immediate supervisor on December 20, 2004. In reaching our decision, we have considered the information obtained from these interviews and all material of record furnished by the appellant and his agency.

### **Series, title, and standard determination**

The Safety Engineering Series, GS-803, requires the performance of professional engineering work to eliminate or control hazardous conditions resulting from human error, equipment, and machine operations which may lead to injury to persons and damage to property. Work requires the application of: (a) advanced mathematical techniques; (b) professional engineering principles, methods, and techniques; (c) safety related elements of the physical sciences, ergonomics, psychology and physiology; and (d) safety principles, standards, practices, and analytical techniques. Typical work is performed in a wide variety of environments such as health research, energy generation, construction, industrial and manufacturing operations, recreation, and transportation, etc. Safety engineers are concerned with the identification, analysis, and control of occupational hazards requiring the application of professional engineering knowledge, skill, and abilities. Safety engineers are involved in giving advice on structural safety requirements based on failure mode analysis of such factors as fatigue, stability,

stress, concentration, and creep; review proposed occupational safety policies, guidelines, and standards to determine their consistency with accepted engineering principles and practices and recommend technical changes as needed; develop and apply methods or safety devices for machines and redesign machines and plant equipment to eliminate occupational hazards.

The Safety and Occupational Health Specialist Series, GS-018, involves the management, administration, or operation of a safety and occupational health program or performance of administrative work concerned with safety and occupational health activities and includes the development, implementation, and evaluation of related program functions. The purpose of the work is to eliminate or minimize human injury and property and productivity losses, caused by harmful contact incidents, through the design of effective management policies, programs, or practices. Safety and occupational health management work requires application of the knowledge of: (a) the principles, standards, and techniques of safety and occupational health management; and (b) pertinent elements of engineering, physical science, ergonomics, psychology, industrial hygiene, physiology, sociology, and other scientific and technological fields which contribute to the achievement of comprehensive safety and occupational health objectives.

The General Schedule (GS) classification system recognizes that some duties are performed by positions in multiple occupations. Safety and Occupational Health Specialists, GS-018, Environmental Protection Specialists, GS-028, Engineering Technicians, GS-802, Industrial Hygienists, GS-690, Safety Engineers, GS-803, and Environmental Engineers GS-819, oversee and/or plan asbestos abatement work. The proper series is determined based on the paramount qualifications required, sources of recruitment and line of progression, the reason for establishing the position, and the background knowledge required. A position can be considered professional only if the work requires application of professional knowledge and ability. The desirability of professional qualifications or the employee's possession of them does not control this determination. Possession of professional qualifications must be a continuing requirement of the work; i.e., work that is regular and recurring within the meaning of the position classification process.

The agency determined that the appellant's position was properly placed in the Safety and Occupational Health Management Series, GS-018. They found the primary purpose of the position is the elimination or minimization of human injury and property and productivity losses caused by harmful contact through the design of effective management policies, programs, or practices, as defined in the GS-018 series. The record shows that the BLM National Occupational Safety and Health program manager views safety positions within BLM as properly included in the GS-018 series. He indicates that programs at the State levels would involve little work requiring the skills of a professional safety engineer.

Based on interviews with the appellant and his supervisor, and additional materials furnished by the appellant, and information we developed as part of our fact-finding process, we find that while the appellant's professional knowledge of safety engineering has benefited the organization and allowed the incumbent to serve on special serious accident investigations where that knowledge is utilized, those skills are not required to successfully perform the duties of the position. Agency management indicated that future incumbents will not be required to have a

degree in safety engineering. We also find that the appellant's regular and recurring duties are a substantial match to Benchmark #1 in the GS-018 Standard at the grade 12 level. Although the appellant has personal qualifications as a professional safety engineer, their application is not a continuing requirement of the work. Therefore, the position is properly assigned to the GS-018 series.

The GS-018 series prescribes the title Safety and Occupational Health Manager for positions such as the appellant's which are responsible for planning, organizing, directing, operating, and evaluating a safety and occupational health program. The published GS-018 standard must be used to evaluate the position.

### **Grade determination**

The GS-018 standard is written in the Factor Evaluation System (FES) format. Under the FES, positions are evaluated on the basis of their duties, responsibilities, and the qualifications required as evaluated in terms of nine factors common to nonsupervisory General Schedule positions. A point value is assigned to each factor on a comparison of the position's duties with the factor-level descriptions in the standard. The factor point values mark the lower end of the ranges for the indicated factor level. For a position factor to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor-level description. If the position fails in any significant aspect to meet a particular factor level description in the standard, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect which meets a higher level. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

Under the FES, positions which significantly exceed the highest factor level or fail to meet the lowest factor level described in a classification standard must be evaluated by reference to the Primary Standard contained in Appendix 3 of the Introduction to the Position Classification Standards. The Primary Standard is the "standard for standards" in the FES.

The appellant disagrees with the agency's evaluation of Factors 1 and 2. We have reviewed Factors 3, 4, 5, 6, 7, 8, and 9 and agree with the agency's evaluation. Therefore, only those factors contested by the appellant will be addressed in the appeal decision. The appellant's position is evaluated as follows:

#### *Factor 1, Knowledge required by the position*

This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills needed to apply this knowledge. The agency evaluated this factor at Level 1-7 while the appellant believes that Level 1-8 is appropriate.

At Level 1-7, the work requires a comprehensive knowledge of a wide range of safety and occupational health concepts, principles, practices, laws, and regulations applicable to the performance of complex administrative responsibilities which require the planning, organizing, directing, operating, and evaluation of a safety and occupational health program. Alternatively,

this level requires comprehensive knowledge of regulations, standards, procedures, methods, and techniques applicable to a broad range of safety and occupational health duties in one or more specific areas of safety and occupational health. In addition, this level requires knowledge of standards, procedures, methods, and techniques applicable to construction projects including construction equipment, materials, and utility systems; sound technical knowledge sufficient to analyze safety design features and specifications and develop new methods and procedures to identify or control hazardous construction processes and equipment usage; and knowledge of psychological and physiological factors sufficient to evaluate the relationship of an individual to the working environment and to motivate individuals to perform in a safe manner. Specialists and managers at this level must have knowledge and skill sufficient to manage a safety and occupational health program with diverse but recognized hazards, achieving compliance with regulatory provisions and effectively communicating hazards, achieving compliance with regulatory provisions and effectively communicating multiple safety and occupational health practices and procedures to staff and line personnel, and to modify or significantly depart from standard techniques in devising specialized operating practices concerned with accomplishing project safety and occupational health objectives.

Level 1-7 is met. The appellant is responsible for planning, developing and managing the [name] State Office's safety and occupational health program. The geographical area of responsibility is limited to [named state] and portions of [two other states]. He serves as the advisor to the State Director and his staff, both in the State and Field Offices in matters pertaining to health and safety laws, regulations, etc. He insures safety at hazardous materials sites or suspected sites, provides training on a variety of health and safety issues including hazardous materials, acts as water quality manager, and is responsible for the OWCP program at the state office level. The appellant serves as the Tort Claims Officer, is the state's representative to BLM's national level Safety and Health Management Team, and serves on Serious Accident Investigation Teams. Comparable to Level 1-7, the appellant's duties require extensive experience in the safety and occupational health field, as well as knowledge of a wide range of safety and occupational health concepts, principles, and practices and skill to apply the knowledge to difficult and complex work assignments, e.g. Hazmat evaluations, Serious Accident Investigations, [name] Structural Evaluation, [name] Ghost Town, [name] Wash, abandoned mines, public water systems sampling, mold issue, inspection of various public attractions, recreational facilities and monuments. He provides safety guidance and makes recommendations to eliminate known hazards like those commonly encountered at public facilities and wilderness areas. The appellant's duties clearly meet the intent of Level 1-7.

In addition to the knowledge and skills described at Level 1-7, work at Level 1-8 also requires expert knowledge of safety and occupational health concepts, principles, laws, regulations, and precedent decisions so they may recommend substantive program changes or alternative new courses of managerial action requiring the extension and modification of existing safety and occupational health management techniques critical to the resolution of safety and occupational health management problems. Alternatively, they must have sufficient knowledge to serve as a technical authority making significant, far-reaching decisions or recommendations in the development, interpretation, or application of the principal agency safety and occupational health policies or critical criteria.

In order to better understand the intent of Level 1-8, the Primary Standard is referenced. Level 1-8 of the primary standard requires mastery of a professional or administrative field to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods and to make decisions or recommendations significantly changing, interpreting, or developing important public policies or programs. Level 1-8 is looking not only for a level of technical expertise to develop new safety methods to deal with a particular piece of equipment or complex construction operation, but rather a level of mastery to apply theoretical approaches and new developments to programs that are of a program or policy nature and more far reaching than a single project or situation. Paragraph one in Level 1-8 in the GS-018 standard describes this requirement for both technical expertise, i.e. expert knowledge, and significant program or policy responsibility, i.e., recommend substantive program changes or alternative new courses of management action. Likewise, paragraph two in Level 1-8 in the GS-018 standard also describes a requirement for both technical expertise, i.e., serve as a technical authority, and significant program or policy responsibility, i.e., make significant, far-reaching decisions or recommendations of principal agency safety and occupational health policies. The difference between Level 1-7 and Level 1-8 lies in the breath of the program responsibilities.

The appellant's position does not meet the full intent of Level 1-8. While the appellant's scope of responsibility involves the abatement or elimination of significant potential hazards, those hazards are largely known and conventional in nature. He is responsible for a wide range of safety and occupational duties for the BLM with his area of responsibility. He is the [state] representative to the national level Safety and Health Management Team that makes policy recommendations to the National Safety Office. As such, the team has identified and drafted national level policy, however, the authority to implement national policy resides with the National Safety Office. Although the appellant is considered to be the local expert because of his knowledge, his work does not involve the types of far-reaching, agency-wide programs described in Level 1-8.

This factor is evaluated at Level 1-7, for 1250 points.

### *Factor 2, Supervisory Controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility for carrying out assignments, and how completed work is reviewed. The agency evaluated this factor at Level 2-4, and the appellant contends that his position meets level 2-5.

At Level 2-4, the supervisor sets the overall safety and occupational health objectives and management resources available to achieve the expected results. Program or specialized requirements and time constraints typically are developed in consultation with the supervisor. At this level, the employee typically has responsibility for independently planning and carrying out a safety and occupational health program or a significant assignment and resolving most conflicts and hazardous situations. The work is coordinated with principal organizational representatives, and initiative must be taken to interpret safety and occupational health policy, standards, and regulations in terms of established objectives. The course of action to be taken or



methods and techniques to be applied may also be determined by the employee. The supervisor is kept informed of progress, potentially controversial safety and occupational health matters, or far-reaching implications. Completed work such as reports of program accomplishments are reviewed only from an overall standpoint in terms of compatibility with other activities, or effectiveness in meeting safety and occupational health objectives.

Level 2-4 is met. The supervisor assigns overall objectives and authorizes support resources. The appellant independently plans and carries out the safety and occupational health program for BLM in the [name] State Office, setting the objectives and determining how the resources will be used to meet the objectives. Comparable to Level 2-4, he consults with other subject matter experts as needed, and exercises considerable judgment and discretion in applying methods and procedures to resolve complex safety problems. He brings controversial matters to the attention of his supervisor and the [name] State Management Team. While the employee is considered a technical authority, he coordinates actions with the supervisor and the supervisor reviews his work for effectiveness in meeting program objectives.

At Level 2-5, the supervisor provides technical and administrative direction with assignments in terms of broadly defined safety and occupational health mission or functional goals. The safety and occupational health manager independently plans, designs, and carries out programs within the framework of applicable laws. Typically at this level, the manager provides technical leadership, and work results are considered as authoritative and are normally accepted without significant change. If the work is reviewed, the review usually is focused on such matters as fulfillment of program objectives, effect of advice, or the contribution to the advancement of safety and occupational health management. Recommendations for changes in program direction or the initiation of new safety and occupational health management projects are usually evaluated for such considerations as availability of funds and other resources, relationship to broad program goals or national priorities.

Level 2-5 is not met. The appellant coordinates findings or potential findings with his supervisor and then independently carries out assigned duties, comparable to Level 2-4. The supervisor reviews the appellant's work and also seeks input from managers and the Bureau Safety Officer regarding appellant's performance. The appellant functions within the parameters of agency regulations and standards which are more definitive than the statutory framework cited at Level 2-5. His work does not entail the broad program goals or national priorities described at Level 2-5 as his work is focused on implementation and evaluation of state name]'s safety and occupational health programs and implementation of regulations, policies and procedures approved by higher headquarters.

This factor is evaluated at Level 2-4, for 450 points.

*Summary*

We have evaluated the appellant's position as follows:

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and effect	5-4	225
6. Personal contacts and	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-2	20
9. Work environment	9-2	20
<i>Total Points</i>		2920

The point total for the nine factors is 2920. When compared to the grade conversion table in the GS-018 standard, this total converts to the GS-12 grade level (point range of 2755-3150).

**Decision**

The position is properly classified as Safety and Occupational Health Manager, GS-018-12.