

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



**Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242**

**Classification Appeal Decision
Under Section 5112 of Title 5, United States Code**

Appellant: [the appellant]

Agency classification: Agricultural Program Specialist
GS-1145-12

Organization: Operations Staff
[the state] State Farm Service Agency
Farm Service Agency
U.S. Department of Agriculture
[city, state]

OPM decision: Agricultural Program Specialist
GS-1145-13

OPM decision number: C-1145-13-01

/s/ Judith Frenzel/for
Bonnie J. Brandon
Classification Appeals Officer

11/28/97
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 CFR 511.702). The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant's name and address]

Chief
Personnel Division
[location] Management Office
Farm Service Agency
[address]
[city and state]

Director
Human Resources Division
Farm Service Agency
U.S. Department of Agriculture
1400 Independence Ave., SW Stop 0590
Washington, DC 20250

Director
Office of Human Resources Management
U.S. Department of Agriculture
Washington, DC 20250

Introduction

The Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant] on June 12, 1997. His position is currently classified as Agricultural Program Specialist, GS-1145-12. However, he believes his classification should be Agricultural Program Specialist, GS-1145-13. He works in the Operations Staff, [the state] State Farm Service Agency, Farm Service Agency (FSA), U.S. Department of Agriculture (USDA), [city, state]. We have accepted and decided his appeal under section 5112 of title 5, United States Code.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official position description [position description number]. We also considered information obtained during telephone interviews with the appellant and his supervisor.

Position information

The appellant serves as program specialist in the [the state] State Farm Service Agency under the supervision of the State Executive Director (SED). He is the key program specialist for analyzing, interpreting, and adapting current and proposed national program policies, procedures, and regulations for the following programs: Production Adjustment, Risk Management, Crop Disaster, Compliance, Peanuts, Appeals, Aerial Compliance, and Livestock Feed. He provides guidance to FSA County Offices, reviews their operations, and makes on-the-spot examination of records to ensure conformance with program provisions, procedures, and instructions. He provides training to State and county office personnel and serves as the primary State office contact for automated applications and procedures. He prepares appeal case files and assists the State Committee and the National Appeals Division on appeal hearings. The appellant also directs compliance activities and makes recommendations to the State Executive Director on pre-measurement and rates to be charged. He directs field compliance work in connection with the performance on crop acreage bases, crop insurance, and other programs requiring visits to farms. The appellant's position description and other material of record furnish more information about his duties and responsibilities.

Series, title, and standard determination

The Position-Classification Standard for Agricultural Program Specialist Series, GS-1145, is used to classify this position. This standard includes positions involved in developing, reviewing, administering, and coordinating programs for direct farmer-producer participation in production adjustment, price support, land conservation, and similar programs. The standard covers the key positions of program specialist at the State office level. The GS-1145 standard specifies the title for nonsupervisory positions in this occupation as Agricultural Program Specialist. The appellant does not question the series or title of his position. We find that the appellant's position is properly assigned to the GS-1145 series.

The appellant believes that the General Schedule Supervisory Guide (GSSG) should be used to evaluate his position because he supervises one program assistant. The appellant's position description indicates that technical and administrative supervision is provided to a regular employee. During fact-finding, the appellant indicated that this employee was recently competitively promoted from Program Assistant, GS-1101-6, to Program Assistant, GS-1101-7. The GS-6 position

description submitted by the agency states, “Recurring duties are carried out in an independent manner. Because of the incumbent’s knowledge of the assigned programs, and demonstrated ability to handle details of work, the complete *cycle of duties* is performed with limited supervision.” The GS-7 position description states that the program assistant exercises considerable judgement and independently plans, organizes and completes assignments. The assistant’s work is reviewed for overall effectiveness in achieving objectives.

Among the criteria specified for application of the GSSG is the requirement that supervisory work must constitute a major duty occupying at least 25 percent of the position’s time. The appellant’s position description does not indicate that supervision exercised is a major duty. Supervision is not listed under the section titled “Principal Duties and Responsibilities” but is listed separately in the position description. We agree with the agency’s determination that the supervision exercised does not constitute 25 percent of the appellant’s time. Since only one employee is supervised and that employee is expected to work under limited supervision, it is highly unlikely that supervisory work would account for 25 percent of the appellant’s time. Furthermore, throughout the GSSG, the plural form “employees” and “subordinates” is consistently used to define the criteria that need to be met for application of the GSSG. Therefore, the appellant’s position does not meet the criteria specified for application of the GSSG.

The appropriate title for the appellant’s position is Agricultural Program Specialist. The position is evaluated by using the GS-1145 standard.

Grade determination

The classification factors used in the Agricultural Program Specialist Series are Nature of Assignments and Level of Responsibility.

Nature of assignments

This factor 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.

Positions at the GS-12 level have 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 toward program operations, and changes in program scope or operations are sometimes strongly contested at the local level.

Assignments at the GS-13 level 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 Agricultural Program Specialist GS-13 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 a 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 toward program operations and program changes are demonstrated, and often involve major farm organizations with important influence throughout a State or a geographic region.

The State Executive Director's position was classified by FSA on September 29, 1995. This position description indicates that [the state] is "...one of the nation's largest agricultural producers, is heavily involved in most or all FSA programs, and is a significant contributor to factors impacting upon the nation's agricultural economy and upon domestic and world markets, crop insurance programs and plans, and credit programs...." The SED agrees that his position description is accurate and confirms that [the state] agriculture has a significant national impact for production of cotton, fruit, vegetables, and durum wheat. He also indicates that "...[the state] agriculture production translates to a six billion dollar economic impact or 12 percent of [the state's] total economy."

According to the record, [the state] has eighteen crops that are in the top ten nationally in terms of value of production. Sixteen of those are in the top five and nine rank in the top two. Vegetable production ranks as the third highest nationally accounting for ten percent of the nation's total value. Lettuce accounts for 30 percent of the national production. Winter vegetable production in [the state] has considerable importance to the nation. [the state] accounts for the majority of the nation's winter lettuce production, thus having a critical impact on the price of lettuce nationally. [the state] is the nation's primary source of overseas shipments of durum wheat. [the state] wheat growers produce a high-grade durum wheat that is sold mostly for export to Europe (primarily Italy) where it is used

as a major ingredient for gourmet pasta. A recent quarantine due to Karnal bunt fungus resulted in halting or severely disrupting shipments to the United States' overseas trading partners reflecting the impact on national agricultural policies.

The programs for which the appellant is responsible cover both major commodities and a variety of commodities. [the state] produces nine of the seventeen commodities covered under specific FSA programs. The rate of participation in all FSA programs in [the state] is very heavy with approximately 99 percent of eligible producers participating.

Administration of the program involves a high degree of innovation. Nearly all of the programs administered require adaptation or extension of guidelines on a regular and recurring basis. For example, triple cropping is a common practice in [the state]'s year-round growing season and is not addressed in agency procedures and program guides. The appellant must routinely adapt guidelines and procedures on a case-by-case basis in order to allow for program participation when triple cropping is employed.

The livestock feed programs administered in [the state] also require adaptation of guidelines on a regular basis. Most of the procedures are written for the typical limited size ranch where crop production and livestock grazing are alternated. [the state] ranches may consist of 100,000 acres of free range foraging with no crop production.

The appellant has also applied innovations and adaptation of guidelines to livestock programs on Indian reservations. National guidelines for livestock programs are written on an acreage basis, whereas no specific acreage for livestock is allocated on the reservations. Instead, ranchers are allocated a certain number of livestock to graze on the reservation. The appellant has developed methods for adapting the national guidelines in order to handle these unique situations.

A highly visible example of innovation and extension of guidelines to critical situations is found in the recent durum wheat quarantine. This quarantine severely affected the vegetable double cropping exemption under the Agricultural Marketing Transition Act. A significant impact resulted, particularly on growers in [county] which is one of the largest vegetable growing counties in the United States and where durum wheat and lettuce are double and triple cropped. In order to reduce the impact on producers of durum wheat, the appellant reviewed and rewrote guidelines allowing Sudan grass production to meet the fruit and vegetable exception.

Additional factors that complicate the program administration include the variety of commodities produced, the different fruit and vegetable farming methods employed, and the use of irrigation for nearly all of the land. Conservation practices are especially critical because of the highly erodible lands throughout the State. These conditions require the appellant to work closely with the Natural Resources Conservation Service in assuring that producers throughout the State follow certain production and conservation plans.

The appellant works closely with commodity organizations such as the [the state] Farm Bureau, [the state] Cotton Growers, Western Vegetable Growers, and Supima Association of America which often express strong critical attitudes toward program operations and changes. The SED indicates that these organizations actively represent their interests in opposing the application or interpretation of

laws or agency guides and that the appellant routinely debates the issues with these various organizations. He also cites the recent legal action against USDA as an indicator of strong critical attitudes. In this case, The [the state] Wheat Growers Association sued USDA over the handling of compensation payments to producers and handlers of durum wheat. This remains a significant item of interest with various producer organizations and of the [the state] Department of Agriculture.

The nature of assignments of the appellant's position is evaluated at the GS-13 level.

Level of responsibility

This factor measures the degree of authority and responsibility the program specialist has for developing and administering the programs in a particular State. The program specialist's responsibility and authority range from that associated with responsibility for day-to-day operations in keeping the program going and solving minor problems of nonparticipation or questions concerned with the needs of individual farmers, to that requiring long- and short-range planning for a major commodity area or for a variety of commodity areas or agricultural practices, determining overall compatibility of programs with the agricultural potential of the State, explaining policy and regulatory framework of the programs to groups and organizations, making major adaptations in basic programs to accommodate the State situation, and recommending action in emergency situations.

Although key program specialists in all State offices have the same kinds of responsibilities, the particular level of responsibility is affected by the circumstances of program operations, scope and magnitude of programs, and problems of administration in a particular State.

The program specialist at the GS-12 level frequently adapts, amplifies, and modifies national policy, instructions, and procedures, sometimes in major respects, to fit the pattern of agricultural operations in the State. 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 GS-12 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.

Responsibility for program development and administration is greater at the GS-13 level than at the GS-12 level because of the need to balance very heavy participation in critical programs with the requirements of overall national policy guides and directives.

The program specialist at this level 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 interpretations to individual participants, producer organizations, and others, and for obtaining the views on major program changes or policy issues. The large number of producers and the high rate of program activity in the State require continuous contact with county offices, county committeemen, farmer fieldmen, the State Executive Director and the State Committee on complex matters of overall 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 more 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. This is important not only from the standpoint of stabilizing commodity supplies and prices in the State, but also from the point of view of the relative importance of these supplies in the domestic economy and, in some cases, in international trade. The Program Specialist GS-12, on the other hand, is principally concerned with equalizing and improving operations on a broad State level.

GS-13 program specialists, because of their specialized skill in the interpretation and administration of technically complex programs, are often consulted by the national office on proposed national programs or program changes. The breadth or variety of programs administered at this level require that the program specialist exercise a high degree of program knowledge and technical judgment in dealing with complex problems of administration. The program 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.

Participation in critical programs is very heavy with almost all eligible producers throughout [the state] participating. The appellant is the key program specialist for the three major FSA administered programs (production adjustment, compliance, and disaster relief) and is routinely required to balance this participation in multiple programs with the requirements of overall national policy guides and directives.

The appellant has significant responsibility in giving frequent technical advice and policy interpretations in resolving problems presented by the District Directors and county office staff. He maintains continuous contact with individual participants, producer organizations, county offices, District Directors, and the SED in providing technical advice and policy interpretations on a daily basis. These contacts respond to inquiries covering the full range of programs such as production

flexibilities, non-insured assistance programs, compliance, and adverse determinations. The SED indicates that he relies heavily on the appellant's review, analysis, and interpretations when dealing with the State Committee, producer organizations, and others. The appellant is responsible for researching and preparing appeal case files, assisting the State Committee and the National Appeals Division, and serving as the agency representative during hearings. When an appeal is decided against the agency, he must prepare the case for the National Appeals Division Director's formal review. The SED reports that the appellant performs substantial work in preparing for an appeal which often involves hundreds of thousands of dollars in payments.

The appellant directs compliance activities throughout the State. He also routinely coordinates with other Federal and State agencies, such as the Natural Resources Conservation Service, the Animal and Plant Health Inspection Service, and the [the state] Department of Agriculture.

[the state] has a diverse and complex agricultural industry. Contributing to this complexity is the size and diversity of farms and ranches, the climate, geography, cropping practices (such as irrigation and triple cropping), and the variety of crops. Additionally, the variety and size of livestock operations requires a knowledge of both range and crop feed conditions and regulations including disaster assistance feed programs (portions of [the state] have been under drought conditions since 1988).

The SED indicates that the appellant is often consulted by the national office, particularly in crop disaster and risk management programs. His expertise in these programs is exemplified by the national office's requests for the appellant to assist them in the review of cases from other states. Several temporary assignments to the national office are made annually to accomplish this work.

The level of responsibility of the appellant's position is evaluated at the GS-13 level.

Decision

Both evaluation factors of the GS-1145 standard were evaluated at the GS-13 level. Consequently, the appellant's position is properly classified as Agricultural Program Specialist, GS-1145-13.