

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 75242-9968

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

Appellant: [appellant's name]

Agency classification: Natural Resource Specialist
GS-401-11

Organization: [name] Field Office
[name] State Office
Bureau of Land Management
Department of the Interior
[city, state]

OPM decision: GS-401-11
(title at the agency's discretion)

OPM decision number: C-0401-11-02

/s/Bonnie J. Brandon

Bonnie J. Brandon
Classification Appeals Officer

12/26/00

Date

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

Decision sent to:

Appellant:

[appellant's name and address]

Agency:

Personnel Officer
[state] State Office
Bureau of Land Management
Department of the Interior
P.O. Box 27115
[city, state]

Director of Personnel
Department of the Interior
Mail Stop 5221
1849 C Street, NW.
Washington, D.C. 20240

Introduction

On August 23, 2000, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. His position is currently classified as Natural Resource Specialist, GS-401-11, and is located in the [name] Field Office [acronym], [name] State Office, Bureau of Land Management (BLM), U. S. Department of the Interior, [ctiy, state]. The appellant believes that his position should be graded at the GS-12 level because of increased workload stemming from a reorganization and the significance of his work. The appellant filed a classification appeal with BLM; its decision of March 17, 2000, sustained the current classification. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide the appeal, an OPM representative conducted telephone interviews with the appellant, his supervisor, the Field Manager and personnelists on the [name] State Office Human Resources Services Team. To gain perspective on the scope of the appellant's work, we also interviewed employees at the [name] State Office and BLM's headquarters office in Washington, DC.

The appellant was formally assigned to his official position description (PD), Number [#], on February 22, 2000. The appellant and his supervisor certified that PD number [#] is "...complete and accurate." However, in an addendum to that certification, the appellant stated that "he is asked to set overall program direction, priorities, deadlines, and request resources as needed," which is not designated as such in the supervisory controls description in his PD of record. During the interview, the appellant further explained that his PD is generic and that he shares his PD of record with two other staff members. The appellant believes that, because of the generic nature of his PD, it does not appropriately reflect his level of responsibility. Our review of the generic PD shows that the incumbent may function as a lead specialist or a team member. Therefore, we found PD [#] to be adequate for evaluation, and we used the information in it during our analysis of the appellant's work. We will address the appellant's concerns with the supervisory controls exercised over his position later in this decision.

General issues

The appellant specifically raises the issue of comparative grades of other positions in the [acronym]. He states:

At the time of the Bureau's final decision regarding my appeal, my duties were split between two other GS-11 positions, and I was given the assignment of building a major new program. . . . The other positions are now called leads in parts of the program, but I am still the senior technical specialist and my position is still more complex and deals with a higher level of controversy than the other two positions.

In adjudicating this appeal, we 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 classification standards and guides (5

U.S.C. 5106, 5107, and 5112). We cannot compare the appellant's position to others as a basis for deciding his appeal.

The appellant also contends that several reorganizations since 1994 have significantly changed the nature of his work. The most recent reorganization resulted in the appellant continuing to serve as the senior technical specialist for both the [acronym] wilderness program and recreation program; the latter being the largest outdoor recreation program in the state of [name]. In addition to these responsibilities, he also stated that he assumed the role of a former GS-12 senior technical specialist as well as the work of two GS-11 field level specialists who previously worked in the wilderness management program and also had lead responsibilities in management of numerous forms of outdoor recreation. Although the appellant may believe that an increase in workload warrants a higher grade, volume of work cannot be considered in determining the grade of a position (*The Classifier's Handbook*, Chapter 5).

The appellant also cites his expertise in herpetology. Based on his expertise in these areas, the appellant has served on a [agency] panel to evaluate livestock grazing impacts on all species of reptiles and amphibians in [state] and [state]. These activities, however, are solely attributed to the appellant's personal qualifications. For classification purposes, the experience and training requirements of a position, rather than the incumbent's personal qualifications, govern its classification. The level of knowledge reflected by the appellant's expertise is creditable only to the extent that the position demands them. In certifying the PD, the appellant's supervisor stated that some of the wildlife related activities performed by the appellant have not been defined as duties of this position, but rather they are because of the appellant's personal capabilities, background, and interests. In further discussions with the supervisor and the Field Manager, both stated that if the appellant's position were to become vacant, these collateral duties would not be considered as essential to filling the position. Since the appellant's personal qualifications cannot control the classification of the position, these duties will not be discussed further.

Position information

The appellant serves as the senior technical staff member for both the wilderness and recreation activities for the LCFO. He currently splits the majority of his time on recreation- and wilderness-related activities, depending on the current rotation of responsibilities within the office. The appellant has most recently been asked to serve as the lead specialist for the Off-Highway Vehicle (OHV) Program that has aspects of both the recreation and the wilderness programs. He delineates the percentages of time spent on his major duties as follows:

- 35 percent: Wilderness program, including coordination of volunteers and OHV-related work
- 25 percent: Recreation program, including OHV-related work
- 10 percent: ecology program
- 10 percent: safety program
- 10 percent: information requests
- 10 percent: coordination/review of interdisciplinary plans/documentation

Series and title determination

The appellant is not appealing his series and title. We concur with the agency's designation of GS-401, with the title at the agency's discretion.

Standard determination

The appellant questions the use of the standard for the GS-454 Rangeland Management Series, used by the agency to decide his appeal. The appellant cites three standards that he believes directly apply to his position. They are the GS-023 Outdoor Recreation Planning, which the agency also used; the GS-408 Ecology, and the GS-486 Wildlife Biology.

We will not address the GS-408 series because, according to both the appellant and the supervisor, ecology-related duties only make up 10 percent of the appellant's work. This work does not meet the minimum 25 percent threshold for grading purposes that is required by the *Introduction to the Position Classification Standards* and *The Classifier's Handbook*. It is, therefore, not grade-determining and will not be discussed further. We do find that an evaluation of the appellant's recreation-related duties using the standard for the GS-023 Outdoor Recreation Series is appropriate. However, evaluation of the appellant's wilderness-related duties are not as clear-cut as those outlined in the GS-023 standard.

The [acronym] does not manage any sites that have been officially designated as rangelands. Rather, they manage 21 wilderness study areas (WSAs) and 10 scenic Areas of Critical Environmental Concern. There is no standard that fully describes wilderness activities as they are carried out within the agency. However, there are two standards within the GS-400 Biological Sciences Group of occupations that can be considered for use in evaluating the nature of the appellant's assignments.

The GS-454 standard states that multiple resources on rangelands include vegetation, soil, water, timber, minerals, wildlife habitat, historic and prehistoric resources, wilderness, scenery, open space, and a rural way of life. The various uses include grazing of livestock, wildlife habitat, recreation, water, and timber production. Rangeland management specialists apply a variety of professional principles and may be required to apply principles of watershed management, wildlife management, soil conservation and management, recreation management, and forestry to carry out the overall rangeland management function.

In the GS-0486 standard, positions are concerned with:

- developing and managing wildlife programs on Federally owned or managed lands such as national parks, national forests, wildlife refuges, Indian reservations, military installations, wetlands, big game and desert ranges, and other lands in the public domain;
- developing and implementing cooperative programs with and providing technical assistance to states, private landowners and special interest groups concerned with protection and proper management of wildlife and wildlife habitats;
- preparing, evaluating, and conducting biological analyses of land and water resources projects and Federal permit applications to ensure: (1) compliance with appropriate law, and (2) adverse impacts on wildlife resources are avoided or mitigated; and

- developing, negotiating, and implementing memoranda of understanding and state, national, and international agreements for conservation and management of wildlife, including threatened or endangered species.

The appellant's activities closely resemble the duties discussed in the GS-454 and GS-486 standards. However, in the supervisor's certification of the PD, he states that some of the work performed by the appellant, such as the wildlife related activities, have not been defined as duties of this position, but are because of the appellant's capabilities, background, and interests. When determining the appropriate standard to use to properly evaluate the position, we must determine the primary purpose of the position, the knowledge required to perform the work, and management's intent in establishing the position. Based on management's understanding of the purpose of the position, the GS-0486 may not be the most appropriate for grade determination. For evaluation purposes, we concur with the agency that the GS-454 standard compares favorably to BLM field positions with respect to work processes, functions, qualifications requirements, and level of difficulty and responsibility and, therefore, is the best series to evaluate the appellant's natural resource duties. Although we realize that the appellant may not perform the full scope of activities related to this occupation, the GS-454 is the one standard within the GS-400 group that most closely resembles the appellant's duties in relation to the agency's overall mission.

The appellant also raises the issue regarding the supervision of volunteers in carrying out both the wilderness and recreation programs. This issue was addressed in the agency appeal decision. The agency did not apply the General Schedule Supervisory Guide (GSSG) because the appellant did not spend at least 25 percent of his time on these supervisory responsibilities. In our interviews, the appellant stated that, on an average, 10 percent of his time is spent coordinating the volunteer work. That percentage has recently been raised to 40 percent, because of increased activity within the wilderness program. The appellant did state, however, that this increase is temporary and not considered to be permanent. We concur with the agency's determination that the GSSG is not appropriate in evaluating the supervisory responsibilities that may be apparent to the position because it does not meet the minimum 25 percent threshold. Despite the fact that the supervisory activity level has increased, the temporary nature of the increase disallows our use of the GSSG as well.

Grade determination

Evaluation using the GS-023 standard

The GS-023 Outdoor Recreation Standard has two factors: nature of assignments and level of responsibility.

Nature of Assignments

GS-11 planners perform assignments requiring substantial resourcefulness and the exercise of experienced judgment. They analyze, evaluate, and coordinate matters involving recreation planning, development, and use. They evaluate several alternative approaches to problems and select the best. They regularly adapt standard guides, methods, principles, and procedures in

carrying out their duties. GS-11 planners must understand and know the organizational, political, economic, social, and conservational factors involved in recreation planning and use.

GS-12 planners identify problems in the development and management of recreation resources. They work especially on matters of controversy, inadequate data, inconsistent procedures, or lack of guides. GS-12 planners operate with marked freedom from technical control in selecting techniques and establishing methods and procedures for problem solving or program execution. They identify alternatives in seeking settlement of conflicts and negotiate sensitive issues.

The appellant's work meets the GS-11 level, especially in his most recent management of the [acronym] OHV program. Since this is a relatively new program to the [acronym], the appellant exercised substantial resourcefulness and judgment in determining how to establish and maintain the program. Conversations with both the Washington and State program offices found that there are very broad guidelines for the OHV program. However, interpretation and adaptation of these guidelines is retained at the local or field level. The appellant's interpretation of this guidance is further supplemented by his understanding of the political, social, and conservational factors associated with the OHV, including allowing those with four-wheel drive capabilities to enjoy the WSA without adversely impacting its natural resources.

The appellant did provide examples where lack of guides and matters of controversy have arisen. Because of the appellant's historical knowledge, he has served as an expert witness for issues where guidance is almost nonexistent. Two examples were in responding to a lawsuit brought by four-wheel drive associations regarding the accessibility of a WSA by OHV's and a lawsuit filed against BLM regarding access to a mine within another WSA. For these and other instances where the appellant has identified problems in the management of recreation resources, the appellant has written several proposals and justifications. However, the majority of these proposals, which the appellant provided as work samples, showed that although the appellant prepared them, they were reviewed by his first-level supervisor and ultimately approved by the Field Manager. Since the overall authority lies with the approving official, we cannot credit the appellant with managing the [acronym] recreation resources, as is required at the GS-12 level.

In addition, the remainder of the GS-12 level is not met by the appellant's position. Although the appellant is given a substantial amount of freedom because of his historical and technical knowledge, he does not operate outside the realm of technical control. Although the appellant stipulates that there is no significant technical expertise possessed by the GS-12 team leader, the field office management officially recognizes that position as having a level of technical control over the appellant's position. In addition, the appellant may identify alternatives in settling conflicts, but the responsibility for approving those alternatives and negotiating their implementation again rests with the Field Manager. The GS-12 level is not fully met.

Level of Responsibility

GS-11 outdoor recreation planners carry out their assignments within the framework of basic agency policies, defined objectives, and approved procedures. The supervisors indicate the general scope of assignments. GS-11 planners have considerable freedom in planning their day-to-day work and in choosing appropriate methods and techniques for executing various tasks. GS-11 planners exercise great tact and diplomacy in dealing with professionals in other disciplines, other agencies, and groups. They seek solutions to problems and exchange information through the personal contacts.

In contrast, GS-12 planners handle the somewhat controversial, sensitive, and multifaceted problems. They receive most assignments in terms of broad objectives, emphasis, and relative order of priority for completion of projects. During the course of work, little or no technical guidance is provided except in critical or controversial issues. Reviewing authorities seldom question the decisions and recommendations of GS-12 planners on matters not involving policy considerations. GS-12 planners are relied upon as authoritative sources of information in many facets of recreation resource projects. They have substantial latitude in determining which areas merit study and in structuring their assignments. GS-12 planners have broad, varied, and highly important public contacts. They may represent their bureaus at conferences with Federal, State, local, and private officials to discuss recreation resource planning and management matters, to seek cooperation, to resolve differences, and to formulate working agreements.

Because of the appellant's expertise, the position clearly exceeds the GS-11 level and, in some respects, meets the GS-12 level. We agree with the appellant's assertion that he does not receive overall direction for all of his assignments, but rather he is asked to set them in some instances. It is, however, the Field Manager or the Assistant Field Manager who determines which areas within the [acronym] merit study and then appropriately gives assignments to the appellant in terms of broad objectives and emphasis on their importance to the [acronym] program.

Based on his expertise, we also find that little or no technical guidance is provided except in controversial issues. However, there is some form of review by the appellant's supervisor and the Field Manager, who assess the decisions and recommendations made by the appellant. There is also a group of technical experts that meet on a routine basis to hear co-workers' proposals on program issues and to make determinations on how to proceed. Although the appellant provided many examples of recommendations and plans that he had proposed, they were always reviewed by the Assistant Field Manager and approved by the Field Manager, who retains overall authority for both the wilderness and recreation programs for the [acronym]. In addition, the Field Manager retains final approval for seeking cooperation, resolving differences, and developing agreements. The appellant does have a variety of important public contacts and represents the [acronym] on occasion when meeting with local and private officials on the OHV program. However, those instances where the appellant may serve as a BLM representative, such as serving on a [agency] panel, are due in large part to his personal expertise in the herpetology fields and may not be requisite for the position. The GS-12 level is not fully met.

Both factors within the GS-023 standard are evaluated at the GS-11 level.

Evaluation using the GS-454 standard

This standard is written in the Factor Evaluation System (FES) format. The FES uses nine factors. Each factor is evaluated separately and is assigned a point value consistent with factor level definitions described in the standard. The total number of points for all nine factors is converted to a grade by use of the standard's grade conversion table. Under the FES, each factor level description describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at the next lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level.

The appellant challenged the use of the GS-454 standard, but did not challenge any specific factor. We have reviewed the agency's rationale and conclusions for these nine factors and concur with the agency's findings. However, we will briefly address the grade-controlling factors.

Factor 1 - Knowledge Required by the Position

The agency has assigned Level 1-7 to this factor. We find that the appellant's position does meet Level 1-7 and is a good match to the first illustration described for the first operating level of an organization within the standard:

The specialist serves as the principal contact for rangeland resources within a multiple use setting for a defined geographical area of responsibility (e.g., a resource area or ranger district). Responsibilities include consultation, coordination, and cooperation with all affected public land interests including representatives of both the livestock industry and the environmental/conservation community. The assigned geographical area includes a number of grazing allotments where complex resource management issues and conflicts must be resolved with full participation of an interdisciplinary staff and diverse groups with differing interests.

At Level 1-8, a mastery of knowledge is required to apply new scientific findings, developments, and advances and solve critical problems of a particularly unique, novel, or highly controversial nature. This includes problems for which current information is inconclusive, or is in the form of suppositions or theories as to their effectiveness in treating specific resource oriented problems. Comprehensive knowledge of the principles of rangeland resources must also be found sufficient to develop or refine solutions or recommendations to complex problems; take actions that have a significant impact on existing agency policies and programs; project developmental trends and future needs; and extend existing techniques or develop new approaches for the use of others.

The appellant possesses a comprehensive knowledge of the wilderness program and its history and develops recommendations to complex problems, including preserving environmental and socioeconomic conditions while working with four-wheel drive associations in establishing an OHV program and defending the BLM's position on its responsibility for providing access to a mine within a WSA. However, the appellant's position does not fully meet Level 1-8 in that this knowledge is not used to apply new scientific findings, developments, and advances and solve critical problems where current information is inconclusive or is in the form of suppositions or theories. In addition, the appellant does not have the authority to take actions that have a significant impact on agency policies or programs. This authority, if found at the field level, is retained by the Field Manager.

Level 1-7 is assigned and 1250 points are credited.

Factor 2 - Supervisory Controls

The agency has assigned Level 2-4 to this factor. At Level 2-4, the supervisor establishes overall goals and resources available. The employee and supervisor confer on the development of general objectives, projects, and deadlines. The employee, having developed an expertise, is responsible for planning and executing assignments and is expected to resolve most problems that arise. The employee keeps the supervisor informed of progress, potentially controversial problems, concerns, issues, or other matters having far-reaching implications. Completed work is reviewed for general adequacy in meeting program or project objectives, expected results, and compatibility with other work. We find that the appellant's position fully meets Level 2-4.

In contrast to Level 2-4, supervisory controls at Level 2-5 are exercised through broad, general objectives. The employee operates within the context and constraints of national legislation, agency policy, and overall agency objectives and is responsible for determining independently the validity and soundness of programs and plans, and for carrying out programs, projects, studies, surveys, and investigations. The results of work, including recommendations and decisions, are considered as technically authoritative and are normally accepted without significant change.

Level 2-5 is not met by the position. Although the appellant provided several work examples of recommendations that he had made, they always required at least two levels of review, including the Assistant Field Manager and the Field Manager who ultimately approved the proposal. In addition, none of the appellant's recommendations are accepted without change, since there is still an internal review process that must take place at the State Office level, which has overall responsibility for program direction in the field. Although the appellant must be familiar with, interpret, and provide guidance on BLM policies and directives in his day-to-day work, he also operates within the framework of the State Director's specific program emphasis areas, priorities, and policies. In addition, the team leader over the appellant's position is assigned responsibility for "overseeing all aspects performed by the team in the recreation, recreation maintenance, wilderness, cultural resources, and volunteer programs." In summary, the appellant does not regularly and independently operate in the broad legislative and agency policy environment that is envisioned at Level 2-5.

The issue raised by the appellant during the certification of his PD is addressed here. The appellant states that he disagrees with Factor 2 of his PD where it states that he receives supervision in the form of setting overall objectives, deadlines, priorities, and available resources. The appellant contends that "he is asked to set overall program direction, priorities, deadlines, and request resources as needed." This may be true for some of the appellant's assignments. However, in describing one of his newest projects, the appellant stated that the Assistant Field Manager assigned him the responsibility for the OHV program. We also found that the GS-12 team leader or the Assistant Field Manager determines the rotation of assignments within the [name]. Therefore, Level 2-5 cannot be credited to the position since the determination for the validity and soundness of programs and the responsibility for carrying out the program is retained at a higher level. The appellant may operate quite independently and may set overall program direction, priorities, and deadlines for assignments that he has been performing for a period of time. However, this still falls within the context of Level 2-4 and does not fully meet the broad administrative supervision found at Level 2-5.

Level 2-4 is assigned and 450 points are credited.

Factor 3 - Guidelines

The agency credited this factor at Level 3-3. We also find that the appellant's position meets Level 3-3 where available guidelines may not be completely applicable to the work situation. The employee uses judgment in determining which alternatives should be used and in interpreting and adapting guidelines for application to specific situations or problems. In cases where guidelines lack specificity, the employee makes generalizations from several guidelines in carrying out work efforts, analyzing results, and recommending changes and determines when problems require additional guidance.

At Level 3-4, guidelines are often inadequate to deal with the more complex or unusual problems, or with novel, undeveloped, or controversial aspects. As a result, the employee is required to deviate from conventional practices or develop essentially new and vastly modified techniques and methods for obtaining effective results. Although the appellant provided two recent examples of complex problems, we did not find a regular and recurring need for the appellant to develop essentially new and vastly modified techniques and methods. In addition, the Assistant Field Manager's PD credits that position with serving as the technical authority in the development and interpretation of guidelines for the [acronym]. Level 3-4 is not met by the appellant's position.

Level 3-3 is assigned and 275 points are credited.

Factor 4 - Complexity

The agency credited this factor with Level 4-4. We find that the appellant's position meets Level 4-4 where assignments typically involve problems that require in-depth analysis and evaluation of alternatives because of such complicating factors as heavy user demand; environmental problems whose resolution may have serious impacts; or strong and conflicting public demands and pressures to redirect rangeland management strategies. The work requires the employee to identify independently the boundaries of all phases of the problems involved, the kinds of data needed to solve the problems, and the criteria and techniques to be applied in accomplishing the assignment. Assignments may require substantial effort to overcome resistance to change when it is necessary to modify traditional, long-standing methods or approaches. The appellant's most recent work on the OHV program is a perfect match to this description.

In contrast, Level 4-5 requires many different and unrelated processes applied to a broad range of activities that cover a wide geographic and environmentally varied area, such as a region encompassing several states, or a substantial depth of analysis. Decisions regarding what needs to be done usually include major areas of uncertainty and the work regularly requires originating new techniques, establishing criteria, or developing new information. Such complexity is not met by the position. Responsibility for a broad range of activities that cover a wide geographic area is most appropriately found at the State Office level, which provides program direction and oversight to the [acronym] and several other field offices. In addition, the Assistant Field Manager's PD is credited with having continuing efforts to establish concepts, theories, and programs to resolve unyielding problems when necessary. Level 4-5 is not fully met by the appellant's position.

Level 4-4 is assigned and 225 points are credited.

Factor 5 - Scope and Effect

The agency has assigned Level 5-3 to this factor. We also find that the position meets Level 5-3. At Level 5-3, the purpose of the work is to investigate and analyze resource problems and/or environmental conditions to recommend or implement solutions that satisfy resource management objectives. The work affects the efficient utilization, protection and development of the resources involved, and the social and/or economic well-being of users of the resources.

To meet Level 5-4, employees develop essentially new or vastly improved techniques or solutions to specific problems in a resource management program or program area and coordinate results with related resource activities. They are typically concerned with problems that occur at a number of locations within a broad geographic area of responsibility. The results of the work directly influence the effectiveness and acceptability of agency goals, programs, and/or activities. Again, such responsibility would be found at the State Office level, and not within the appellant's position in the [acronym]. Specialists within the State Office are responsible for a broad geographic area and have a direct influence on BLM's programs through its overall direction of the State's recreation and wilderness programs. Level 5-4 is not met. Level 5-3 is assigned and 150 points are credited.

Summary

The appellant's position is properly evaluated as follows:

Factor	Level	Points
1. Knowledge required by the position	1-7	1250
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 and 7. Purpose of contacts	2b	75
8. Physical demands	8-1	5
9. Work environment	9-1	5
Total		2435

The point total for the nine factors is 2435. By comparison to the standard's grade conversion table, this total converts to the GS-11 grade level (point range of 2355 to 2750).

Decision

Using both the GS-023 and the GS-454 standards, an overall assessment of the position results in a grade of GS-11. The appellant's position is properly classified as GS-401-11 with the title at the agency's discretion.