

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

Chicago Oversight Division
230 South Dearborn Street, DPN 30-6
Chicago, Illinois 60604

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

Appellant: [Name]

Agency classification: Agricultural Engineer
GS-890-11

Organization: U.S. Department of Agriculture
Natural Resources Conservation Service
[Name] Office
[Name] Team
[City, State]

OPM decision: GS-890-11
Agricultural Engineer

OPM decision number: C-0890-11-02

/s/

Douglas K. Schauer
Classification Appeals Officer

February 27, 2001

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]

[name and address of appellant's servicing personnel office]

Ms. Donna D. Beecher, Director
Office of Human Resources Management
U.S. Department of Agriculture
J.L. Whitten Building, Room 402W
1400 Independence Avenue, SW
Washington, DC 20250

Introduction

On May 5, 2000, the Chicago Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. His position is currently classified as Agricultural Engineer, GS-890-11. However, the appellant believes the classification should be Agricultural Engineer, GS-890-12. He works in the [Name] Team, [Name] Office, [Name] State Conservationist's Office, Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA), [City, State]. We accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

In his April 18, 2000, appeal letter the appellant stated that his work meets the criteria for the GS-12 level in the Agricultural Engineering Series, GS-890. He maintains that the geographical area of assignment provides a complex and diverse range of problems associated with geology, topography, climate, land use, and water table levels in developing solutions to agricultural waste management. The appellant says that his independence of operation and freedom from technical review are also indicative of the GS-12 level.

To support his contention that his work is of a higher level than that credited, the appellant points to the computer application program he developed for the design of agricultural waste management facilities. This he later modified and distributed to other engineers in the state for their use. He also states that his work requires the services of a Licensed Professional Engineer with independent authority to seal and sign completed designs and drawings which he believes enhances the grade level worth of his work. He maintains that because of his engineer's license and the "engineering responsibility" that has been transferred to him by his supervisor, this is the grade controlling issue.

The above statements raise procedural issues that must be addressed. By law, we must classify positions solely by comparing their current duties and responsibilities, assigned by management and performed by the employee, to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Having a license or other state certification does not directly affect the grading of a position. In the Federal government, an engineer at any level may or may not seal and sign design documentation. This fact is not indicative of the nature of the employee's assignments or the personal skill and knowledge required to perform the work.

The appellant offered as an example of higher level work the computer application spreadsheet he wrote to simplify the design of agricultural waste facilities. A one time project cannot be grade controlling. Only assignments that are assigned by management and are regular and recurring, i.e., occupying 25 percent or more of a position work time, may control the classification of a position.

Position information

The appellant functions as a member of the [Name] Team, which also includes a Soil Conservationist, GS-457-12; a Soil Scientist, GS-470-11; and one other Agricultural Engineer, GS-890-11. The team is responsible for working on projects to address animal nutrient management issues and provide technical and engineering assistance in the [Name] Counties of [State]. The appellant plans, surveys, designs, and supervises the construction of agricultural waste management systems. He designs a variety of structures to store, contain, or treat animal feedlot waste or develops other measures that address varying site conditions, e.g., soil composition, water table proximity, seepage factors, evaporation rates, etc. He develops and submits design plans to the [State] Department of Environment and Natural Resources (DENR) for regulatory approval, oversees the construction of the resulting structural projects, and prepares “as built” drawings of the final structures themselves. The work requires the skills of a professional engineer.

Series and Title Determination

The Agricultural Engineering Series, GS-890, includes professional engineering positions such as this that require primarily the application of the engineering principles in combination with knowledge of one or more agricultural fields. The appellant does not dispute the occupational series to which his position is assigned. Therefore, GS-890 is the proper series and Agricultural Engineer is the appropriate title.

Grade determination

The Agricultural Engineering Series, GS-890, position classification standard, dated June 1967, is written in narrative format and uses two classification factors, Nature of assignment and Level of responsibility, to determine grade levels. The position is evaluated as follows:

Nature of assignment

This factor is primarily concerned with the degree of difficulty and complexity involved in the assignment. Among the elements considered under this factor are knowledges and skills required; the degree of planning and coordination involved; and the extent to which precedents, methods, and techniques are available. The appellant provides the following rationale regarding this factor:

The element concerning precedents, methods, and techniques available has not been properly evaluated in assigning the grade level to my current position. General guidance is available in Technical Guides, and engineering references, however the techniques and methods that I utilize are developed independently. In fact, I developed computer applications for the design of Agricultural Waste Management Facilities, and later modified these to comply with state regulatory requirements and then distributed these tools for use by other engineers in [State]. I developed the concept and logic incorporated into this design spreadsheet and the methods and techniques are not available in any reference or guide. I continue to maintain this design spreadsheet, to reflect changes required by State regulatory agencies.

As at the GS-11 level, the appellant performs the full range of standard work assignments for Agricultural Engineers. They are characterized as complete assignments requiring the planning and coordination of work of significant scope and complexity. The appellant is a full operating specialist in all of the conventional aspects of his profession. The technical methods he employs involve a thorough knowledge of available techniques and literature, and he must apply ingenuity in modifying and adapting standard procedures. As one of two Agricultural Engineers assigned to the [Name] Team responsible for one-half of the State of [Name], he performs the full range of engineering work on the projects to which he is assigned. He designs, submits for permitting, and modifies designs to meet current state requirements, supervises construction, and prepares “as built” drawings of earthwork water retention and sedimentation ponds, including the associated diversion dykes and pipe controls that serve as nutrient containment facilities. The appellant typically must use careful judgment in adapting and modifying standard agricultural engineering practices to meet the unique challenges presented by the particular soil, topography, agricultural use, and geology of the area or specific project site. For example, his work includes projects such as those involving the storage, treatment, and utilization of large amounts of animal waste. His work is consistent with that of GS-11 Agricultural Engineers who typically provide agricultural engineering assistance on soil and water problems to farmers, landowners, and others in a large geographical area (e.g., statewide) which pose a variety of engineering problems.

By comparison, GS-12 Agricultural Engineers are recognized as mature and specialized workers, who are equipped to deal with the advanced aspects or problems of their profession. They are distinguished from their GS-11 counterparts by the broader scope, greater depth of treatment, more varied subject matter, application of more critical judgment, and the increasing number of considerations which must be taken into account in order to make accurate decisions. Work is characterized by the presence of many variables, which require application of a knowledge of diversified agricultural engineering principles and practices in a broad area of assignment. They must apply a high degree of judgment and originality in planning work, modifying procedures, and evaluating and making compromises among a number of alternate solutions.

The appellant’s nature of assignment does not match the complex and diverse range of problems described at the GS-12 level where the engineering work is characterized by the occurrence of many variables requiring application of knowledge of diversified agricultural engineering principles and practices in a broad area of assignment. By way of example, the standard states that a typical assignment would involve providing broad technical guidance and coordination of activities aimed at the solution of difficult specialized agricultural engineering problems throughout a large geographic area (e.g., a State). The appellant’s assignments are specialized, but are of a standard nature and do not cover the broad area described for GS-12. Accordingly, this factor is credited at the GS-11 level.

Level of responsibility

This factor includes consideration of the supervisory control exercised over the work, personal work contacts, and recommendations, decisions, commitments, and conclusions made by the employee. The

appellant provides the following rationale for this factor:

My position description states that the Assistant State Conservationist for Field Operations formulates overall administrative objectives for our Team. The Assistant State Conservationist for Field Operations is also my administrative supervisor, and a non-engineer. I would agree with the assessment regarding our Team's administrative leader providing overall Team guidance. However, I do not agree with the statement that the State Conservation Engineer (SCE) provides technical guidance. In the two years and five months that I have occupied this position, the State Conservation Engineer has never indicated the guides, techniques, procedures, source material, lines of approach, and/or variables to be considered in the completion of my engineering duties. On the contrary, the SCE has solicited input regarding technical guidance documents which I have provided, not only related to my present position but also for other engineering activities in the state

Neither my supervisor nor the State Conservation Engineer provides assistance in overcoming difficulties that arise in the course of my work. My work products are completed independently, from the initial planning with producers, investigations, through the design process, review and approval by State regulatory agencies, construction layout, construction oversight, and final certification. This would include any and all necessary technical contacts with state or local zoning authorities to assist landowners with compliance in implementing the conservation practices that I have designed.

The appellant fully meets the GS-11 level where Agricultural Engineers are expected to work without supervisory direction except in very difficult cases where a number of deviations from existing practices must be made. In these cases, such direction is given during the planning stages of the project rather than as the work progresses. His completed work is typically not spot checked for technical adequacy and conformance with policy and regulations, as described for GS-11 engineers. However, all completed designs are submitted for review to the [State] DENR, which must approve them prior to beginning work. Work relationships and contacts are made to exchange ideas or information regarding projects and to assure that assigned work is being accomplished properly. Contacts are typically with farmers, ranchers, contractors, state agencies, and private groups to explain procedures, coordinate activities, and obtain cooperation.

At the GS-12 level, on the other hand, engineers receive instructions in the form of broad objectives and relative priorities for completion of work. They work with considerable freedom from technical control and are responsible for selecting the proper engineering methods and carrying assignments through to completion. Technical guidance is limited except for controversial issues, which may have an impact on agency policy, and completed work is reviewed for adequacy in terms of meeting broad organizational objectives and for compliance with established policies. GS-12 Agricultural Engineers maintain liaison with officials in other Federal departments and bureaus, state and local governments, universities, private contractors, and the general public. These activities often constitute a considerable proportion of their work. As compared to the GS-11 level, GS-12 Agricultural Engineers have considerably more contacts requiring the resolution of problems that involve basic program differences. Decisions and recommendations based on the application of standard engineering practices are rarely changed by higher authority other than for reasons of policy, public relations, or budgetary considerations.

Aspects of how the appellant receives, performs and completes his assignments approach the GS-12 level of responsibility. GS-12 engineers receive instructions in terms of broad objectives and relative priority in completing assignments of GS-12 level scope and complexity. In contrast, the appellant's team receives an approved projects list through a many-tiered process coordinated between the state DENR and state NRCS personnel. While the appellant is responsible for selecting the proper engineering methods and for independently carrying assignments through to completion, his assignments are not as complicated as described at the GS-12 level. His assignments are relatively standard in the field of animal waste management. He has to adapt available guidelines to meet specific conditions rather than develop new or innovative solutions to very complex problems. While there may be no person in the chain of command to spot check his work, his work is reviewed for adequacy by officials in the [State] DENR. Also, contacts typical of the GS-12 are more extensive than those indicated by the appellant, and are established to resolve problems which involve basic program differences as opposed to resolving problems associated with the specific project at hand. Accordingly, this factor is credited at the GS-11 level.

Decision

The position is correctly classified as Agricultural Engineer, GS-890-11.