

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

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [The appellant]

Agency classification: Agricultural Program Specialist
GS-1145-12

Organization: [The appellant's organization]
Farm Service Agency
U. S. Department of Agriculture

OPM decision: Agricultural Program Specialist
GS-1145-12

OPM decision number: C-1145-12-01

Carlos A. Torrico
Classification Appeals Officer

July 12, 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:

[The appellant's address]

Agency:

[The appellant's servicing personnel office]

Farm Service Agency
U. S. Department of Agriculture

Chief, Personnel Division
Farm Service Agency
Kansas City Management Office
U. S. Department of Agriculture
6501 Beacon Drive
Kansas City, MO 64133

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

Director
Office of Human Resources Management
U. S. Department of Agriculture
J. L. Whitten Building, Room 316W
1400 Independence Avenue, SW
Washington, DC 20250

Introduction

On August 11, 2000, the San Francisco Oversight Division of the U. S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. [The appellant's] position is currently classified as Agricultural Program Specialist, GS-1145-12. However, she believes the position should be graded at the GS-13 level. The appellant works in the [appellant's organization and location], Farm Service Agency (FSA), U.S. Department of Agriculture (USDA). We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

This decision is based on a review of all information submitted by the appellant and her agency. In addition, an Oversight Division representative conducted separate telephone interviews with the appellant, her supervisor (State Executive Director), and the Administrative Officer for FSA's [name of State Office]. Both the appellant and her supervisor have certified to the accuracy of the appellant's official position description.

The appellant makes various statements about her agency and its evaluation of her position. In addition, she compares her duties to those of other agricultural program specialists within FSA whose jobs are graded at the GS-13 level. Therefore she believes that her position should also be graded at that level. In adjudicating this appeal, our only concern is to 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 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 as a basis for deciding this appeal, and we have considered her statements only insofar as they are relevant to making that comparison.

Position information

The appellant serves as a key program specialist in the [name of State Office] of the Farm Service Agency, under the supervision of the State Executive Director. Key program specialists in FSA State offices are responsible for a primary program area and play essential roles in administration of those programs on a statewide basis. At the [name of State Office], the appellant is the key program specialist and expert advisor for conservation programs and related activities, including conservation compliance and emergency conservation programs. She plans, coordinates, adapts, directs and facilitates implementation of conservation programs and related activities in the State. The purpose of the conservation program is to encourage farmers to practice soil, water, woodland, and wildlife conservation practices through Federal cost sharing. She is also involved in emergency conservation activities to provide direct assistance to farmers and ranchers in natural disaster situations and emergencies.

Based on her program knowledge and expertise, the appellant provides technical guidance, program advice, and assistance to the State Executive Director, State Committee, District Directors, County Committees, and various other officials at State and County Offices. She

furnishes technical guidance and advice, and works with individuals and groups from other USDA agencies, other Federal, State, and municipal agencies, producer groups and other interested parties to provide program information, coordinate objectives, and foster cooperation on related conservation issues.

The appellant also serves as Lead State Appeals Specialist and State Training Coordinator. She is the State Office program specialist and expert advisor for programs and activities involving reconstitutions, farm records, common management and operating procedures, including Agricultural Foreign Investment Disclosure Act activities.

The results of our interviews, the appellant's position description, and other material of record provide more information about her duties and responsibilities and how they are performed.

Series, title, and standard determination

The agency has classified the appellant's position in the Agricultural Program Specialist Series, GS-1145, and the appellant does not disagree. We concur with the agency's series determination. As described in the position classification standard for the Agricultural Program Specialist Series, GS-1145, dated October 1968 (reissued in HRCD-7, July 1999), like the appellant's position, jobs in that series involve work in developing, reviewing, administering, and coordinating programs for direct farmer producer participation in production adjustment, price support, land conservation, and similar programs. The work requires knowledge of agricultural stabilization, conservation, and related programs; farming customs and practices; crop cultivation; production and marketing methods; and related agricultural activities. The prescribed title in the standard for non-supervisory positions like the appellant's is *Agricultural Program Specialist*. The standard contains grade level criteria for evaluating positions in the GS-1145 series.

Grade determination

The standard for the Agricultural Program Specialist Series, GS-1145, uses two classification factors for evaluating the grade level of positions: Nature of assignments and Level of responsibility. Nature of assignments 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. Level of responsibility measures the degree of authority and responsibility the program specialist has for developing and administering the programs in a particular State. Our evaluation with respect to those factors at the appropriate grade levels follows.

Nature of assignments

As described on pages 11-12 of the GS-1145 standard, assignments at the GS-12 level require broad program knowledge, both with respect to basic national objectives, and the programs administered at the State and local levels. The high rate of participation among farmers and counties eligible to be in the programs requires greater skill and judgment in solving the more

varied and difficult problems of administration of programs and interpretation of policies and regulations.

The program area for which the Agricultural Program Specialist GS-12 is responsible is difficult and complex because it has 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 towards program operations, and changes in program scope or operations are sometimes strongly contested at the local level.

The standard for the GS-1145 series provides an example of conservation programs assigned at the GS-12 program specialist level. As stated on page 12:

"Program for conservation includes agricultural conservation program, and land-use adjustment programs. Some programs are more active than others, but the overall participation is medium to high. Several major groups of conservation practices are in operation and special practices are developed occasionally to meet special problems. Variety of conservation programs and practices create problems of administration, e.g., in terms of overlaps, cost-sharing bases, and relationship to planting seasons."

Assignments at the GS-13 level (pages 13-14) 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 GS-13 level program specialist 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 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 towards program operations and program changes are demonstrated, and often involve major farm organizations with important influence throughout a State or a geographic region.

The GS-1145 standard provides the following example of the conservation program area at the GS-13 level:

"Program area consists of the basic agricultural conservation program, and land-use adjustment programs. Programs include all major groups of practices for long-lasting protective cover, interim soil erosion protection, improvement of outdoor recreation and farmland rehabilitation. Rate of potential participation is near the maximum level in major programs. Program administration is unusually complicated because of the difficulties of coordinating large varieties of program operations with resources available, techniques prescribed, and individual county requirements."

The appellant's assignments overall meet the GS-12 level, but fall short of most of the GS-13 level criteria. The appellant is primarily concerned with administering and interpreting FSA's conservation program throughout the [name of State]. As discussed below, her program favorably compares to most of the characteristics typical of GS-12 level positions.

The appellant's conservation program meets the first criterion at the GS-12 level in that it covers many of the major agricultural practices devoted to conservation of soil, water, wetlands and wildlife in the [name of State]. Through the Conservation Reserve Program (CRP) she administers and monitors the application by enrolled [name of State] farmers of 17 of the 25 agency designated conservation practices. The practices used include establishment of permanent introduced grasses, legumes, and trees to reduce soil erosion, construction of field windbreaks and erosion control structures to reduce erosion caused by winds, development of riparian buffers, establishment of shallow water areas for wildlife and habitat protection, wildlife food plots and grass waterways, etc.

Regarding the second criterion, the [name of State] is a significant producer of field crops in terms of the national agricultural income for certain crops. In 1999, [name of State] produced over 3.3 billion dollars in farm receipts. During that year the State produced 25 crops ranking in production within the top ten in the country. These included potatoes, Austrian winter peas, wrinkled seed peas, lentils, sugar beets, barley, hops, and spring wheat. The value of production of potatoes alone was 653 million dollars in 1999, which was 23% of the total value of potatoes produced in the entire United States during that year. However, a weakening element is the fact that when we compare [name of State] total crop values to the nation's total agricultural income in a given year for which statistics are available (i.e., 1997), we find that the State's principal

crops amounted to only 2% (\$2 billion) of the total value (\$106 billion) of U.S. crop production during that year.

The appellant's position exceeds the third criterion in that participation in commodity and conservation programs ranges from heavy to very heavy. [Name of State] agricultural statistics for the year 2000 show that of the eligible acreage, over 90% are enrolled to participate in FSA commodity programs. [Name of State] statistics show that 88% of eligible farms participate in commodity programs and all must comply with conservation compliance requirements. In the State 800,000 acres are approved for the CRP program, making [name of State] the 12th nationally in the number of CRP acres.

Like the fourth criterion under the GS-12 level, administration of the conservation program involves extensive interpretation and adaptation of national guidelines. The appellant provides expert leadership to the State and County Offices in conservation program administration, operation, and interpretation of agency guidelines. She determines the methods to achieve conservation program objectives in the State within the broad guidelines of national regulations and procedures issued by FSA headquarters. She analyzes and interprets provisions of current and proposed national conservation programs and practices to determine their applicability to existing agricultural practices and conditions in [name of State]. As the State program specialist, she drafts modifications to national guidelines to fit local situations, and recommends policies, plans and operating guidance to the State Director and/or the State Committee for consideration and approval. In other cases, the appellant develops and issues supplemental implementing instructions for use by subordinate FSA offices.

The appellant's position meets the fifth GS-12 level criterion in that she encounters a wide variety of attitudes on the part of farmers and other groups towards the conservation program. While she indicated that her relationship with them is positive, occasionally she has faced strong opposition to program activities at the local level. She interacts with a variety of organizations including American Indian Tribes (five reservations in the State); [name of State] Association of Soil Conservation Districts; [name of State] Water Users; Dairymen's, Cattle, and Grain Producers' Associations; Wildlife Federation; Ducks Unlimited; and the Nature Conservancy. She recently dealt with a volatile situation involving landowners, hunters and those who trespassed on unfenced or not posted lands. Some individuals believed that farm acres enrolled in the CRP program were not subject to State requirements on fencing and posting to prohibit trespassing. She brought the parties together, including representatives of the [name of state] Fish and Game Department, to resolve the matter. It resulted in a public announcement by the State agency regarding a prohibition against trespassing on CRP lands. Although this did not directly relate to a change in the operation of her program, it cleared up misinformation regarding use of CRP lands and demonstrated the varied attitudes of certain groups toward the program.

The appellant's position compares to the conservation program work example described in the standard at the GS-12 level. Like that example, participation of farmers in the CRP program is high, and several major groups of conservation practices are being used in [name of State] to reduce land and soil erosion. Some practices are occasionally altered to deal with special circumstances, e.g., riparian buffers modified to allow natural regeneration of trees. Due to the

variety of conservation programs and practices in [name of State], some problems of administration occur regarding cost sharing and the applicability of certain programs to a particular conservation issue.

The appellant's position does not fully meet the difficulty and complexity of assignments described at the GS-13 level. The characteristics of her program area in most aspects fall short of those described at the higher level as discussed below.

Unlike the first criterion described at the GS-13 level, the conservation practices employed by the appellant do not importantly influence national agricultural policies. Her work focuses on reducing soil erosion, increasing water and air quality, and improving the habitat for fish and wildlife in the [name of State]. While the conservation practices used in the State have resulted in economic benefits to [name of State] in terms of increased farm income, and preservation of soil and water quality, they have not directly impacted on national conservation/agricultural policies. Not all FSA conservation practices are utilized in [name of State] to meet its conservation needs, and those used successfully influence State rather than national policies.

The appellant's position does not meet the second criterion at the GS-13 level which describes a State being one of the primary producers of a major commodity or group of commodities, and these commodity programs have a critical impact on both the State **and** national economy. FSA has identified six major commodities that can critically impact a State's and the national economy: peanuts, tobacco, wheat, feed grains, cotton, and rice. In [name of State], barley is the only crop categorized as a feed grain that had significant production, i.e., the State produced 24% of the nation's barley. However, its national economic value was only 1.5% of the total national value of feed grains in 1999. For the other major commodities listed, they are either not produced in [name of State], or are in such small quantities as compared to national production that they have very little impact on the national economy. While agriculture is very important to the economy of [name of State], the commodities produced there, and FSA funds disbursed there for conservation, do not result in critical impact on the national economy.

The appellant's position meets the third GS-13 level criterion, in that participation in the conservation program in [name of State] can be very heavy. As previously noted, 88% of [name of State] farms, and 90% of eligible acreage, are enrolled to participate in FSA's commodity programs which includes conservation compliance.

Regarding the fourth criterion, we found no evidence that in administering the conservation program the appellant must apply a high degree of innovation and extension of guidelines to unprecedented or critical situations. As previously discussed under the GS-12 level, the appellant interprets, clarifies, adapts, and supplements national program guidelines to meet the State's conservation needs. As new programs are introduced, or existing programs change, she analyzes the practices or procedures and determines their applicability to existing conditions in [name of State]. This may include writing a State policy supplement to a national guideline, or clarifying the requirements for justifying a waiver of procedure.

Concerning the fifth GS-13 level criterion, our fact-finding revealed that the appellant does not face strong critical attitudes toward conservation program operations or changes, which often

involve major farm organizations with important influence throughout a State or a geographic region. As previously discussed, her relationship with various agricultural organizations in [name of State] is generally positive, but occasionally an operating practice or procedure is strongly contested at the local level.

The appellant's conservation program does not fully compare to the work example discussed at the GS-13 level. While the rate of participation of farmers in the program can be very heavy, the conservation program in [name of State] does not include all major groups of conservation practices. In addition, the program is not faced with the unusually complicating factors addressed in the work example.

Because the appellant's assignments do not fully meet the GS-13 criteria, they are evaluated overall at the GS-12 level.

Level of responsibility

The program specialist at the GS-12 level (pages 12-13) frequently adapts, amplifies, and modifies national policy, instructions, and procedures, sometimes in major respects, to fit the pattern of agricultural operations in the State. The program specialist at the GS-12 level may be assigned as a member of special task forces with responsibility for studying problems having particular application in program administration, leading to a revision of national policies, or amended regulations.

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 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.

At the GS-13 level (pages 14-15), the specialist has greater responsibility for program development and administration because of the need to balance very heavy participation in critical programs with the requirements of national policy guides and directives.

The GS-13 program specialist 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 interpretation to individual participants, producer organizations, and others, and for obtaining their views on major program changes or policy issues. The large number of producers and the high rate of program activity in the State requires continuous contact with county offices, county committees, farmer fieldmen, the State Executive Director, and the State committee on complex matters of 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 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. The GS-12 specialist, on the other hand, is principally concerned with equalizing and improving operations on a broad State level.

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

The appellant's position meets the GS-12 level. Like that level, she frequently adapts, modifies and supplements national agency published conservation guidance to fit the conservation needs of the [name of State]. The supplements are developed for use by subordinate FSA offices and local farm organizations to deal with local land and water conservation issues. Similar to the GS-12 level, the appellant has served as a member on several special task forces and ad hoc groups with responsibility for addressing problems in program administration, and some have led to revised national policies, or amended regulations. For instance, she was instrumental in changing agency policy to allow natural regeneration of trees where riparian buffers are used, and also helped to change a national procedure concerning CRP maintenance rates for fencing and cost-share policies. She has participated in local conservation teams with other interested parties and agencies to recommend changes in conservation program elements, specifications, and ranking criteria specific to [name of State]. Because of her responsibility for FSA's Emergency Conservation Program in [name of State], she recently participated as a member on the inter-agency Fire Fence Committee. Although the U.S. Forest Service had the lead on the committee for administering the program and disbursing funds to restore and repair fences and structures damaged by fires on private land, the appellant played a major role in making

recommendations to the Forest Service on how the program should be set up and administered in [name of State]. While the appellant does not deal directly with shifts in commodities as market conditions change, her conservation duties require that she be familiar with the other programs (e.g., price support, production adjustment) and their relation to State conservation initiatives. In addition, similar to the GS-12 level she conducts reviews of County and District agency field offices to evaluate the operation of FSA's conservation program at those levels. Like the GS-12 level, as the State conservation program specialist, administration of her program is complicated by the regular need to keep county and local participants apprised of program changes. As the State training coordinator, she accomplishes that task by presenting both formal and informal training in her program area, and through periodic visits to State committees and subordinate offices.

The appellant's position does not fully meet the GS-13 level of responsibility. While we recognize that there can be very heavy participation in the State's conservation program, we do not perceive the need to balance that participation with the requirements of overall national policy guides and directives to the extent envisioned at the higher level. Although she periodically deals with several farm and conservation organizations, we found no indication that they exercise dominant interest in the State or county conservation programs. While she sometimes provides technical advice and policy interpretations to interested parties, the program does not encompass the breadth and diversity of activities typical of the higher level. We found no indication that the groups and organizations she deals with (e.g., producers) regularly exhibit strong and influential opinions on the operation of her program, nor do they vigorously debate program changes. Unlike the GS-13 level, the appellant's program does not demonstrate the degree of controversy or sensitivity to national issues concerning the stabilization of commodity supplies and their availability to the domestic economy, and in some cases, international trade. Like the GS-12 level, the appellant is principally concerned with equalizing and improving conservation program operations on a broad State level. Although we recognize that given her expertise, the appellant has been called upon by the national office to participate in the rewrite of national procedural handbooks, and comment on draft directives, this has not been done within the context of a highly technical and complex conservation program. We found that [name of State] program does not have national implications on the agency's overall conservation program.

The level of responsibility of the appellant's position is evaluated at the GS-12 level.

Decision

The appellant's position is properly classified as Agricultural Program Specialist, GS-1145-12.