

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

**Appellant:** [Name of appellant]

**Agency classification:** Safety and Occupational Health  
Specialist  
GS-018-11

**Organization:** [Appellant's organization/location]  
Veterans Administration Medical Center  
U.S. Department of Veterans Affairs

**OPM decision:** Safety and Occupational Health  
Manager  
GS-018-11

**OPM decision number:** C-0018-11-03

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Kevin E. Mahoney  
Deputy Associate Director  
Center for Merit System Accountability

April 6, 2007

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Date

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

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 30 days from the effective date of the personnel action to the OPM office that accepted the appeal.

**Decision sent to:**

[Name and address of appellant]

[Address of appellant's servicing human resources office]  
Veterans Administration Medical Center  
Department of Veterans Affairs

Director  
Office of Human Resources Management  
and Labor Relations  
Compensation and Classification Service (055)  
Room 240  
Department of Veterans Affairs  
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Deputy Assistant Secretary for  
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## **Introduction**

On October 11, 2006, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On November 16, 2006, we received the agency's complete administrative report. The appellant's position is currently classified as Safety and Occupational Health Specialist, GS-018-11. However, she believes it should be classified as Safety and Occupational Health Manager, GS-018-12. The appellant works at the [appellant's organization/location], Veterans Administration Medical Center (VAMC), U.S. Department of Veterans Affairs (DVA). We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

## **General issues**

The appellant compares her duties to similar but higher graded positions in her agency, thus indicating that her position should be higher graded, and makes various statements about the classification review process conducted by her agency. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of this position. By law, we must make that decision solely by comparing her current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others that may or may not be properly classified as a basis for deciding her appeal. Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding the agency's classification review process are not germane to the classification appeal process.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers her position so similar to others that they all warrant the same classification, she may pursue the matter by writing to her agency's human resources headquarters. In doing so, she should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as hers, the agency must correct its classification to be consistent with this appeal decision. Otherwise, the agency should explain to her the differences between her position and the others.

## **Position information**

Both the appellant and her supervisor have certified to the accuracy of the appellant's official position description (PD) [number]. The appellant is responsible for the safety, health, fire protection, and emergency management programs at the [name of city] VAMC. Her main duties are to: (1) serve as a technical and program management expert in planning, developing, implementing, administering and evaluating the VAMC's safety and occupational health programs, fire protection, Emergency Management Program, Decontamination Program, Pandemic Flu Planning, and Environment of Care Program; (2) provide guidance, technical assistance and advice, and respond to inquiries from all

levels of employees and personnel located and serviced by the VAMC concerning the preceding programs; (3) serve on local emergency and disaster planning committees; and (4) provide safety and occupational health support to the VAMC, Outreach Center, nursing homes, a community-based clinic, and assisted-living home facilities.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and her agency, including the official PD which we find sufficient for purposes of classification and incorporate it by reference into this decision. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant, her immediate supervisor, and the [regional] Safety & Occupational Health Manager.

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

The agency has classified the appellant's position in the Safety and Occupational Health Management Series, GS-018, titling it Safety and Occupational Health Specialist, GS-018-11, and classified it by application of the GS-018 position classification standard (PCS). The appellant agrees with the series, but believes the classification title should be Safety and Occupational Health Manager. We concur with the agency's series determination. However, we disagree with the title assigned to the appellant's position.

As discussed in the general titling guidance of the GS-018 PCS, a position in that series is titled Safety and Occupational Health Manager when duties and responsibilities include planning, organizing, directing, operating and evaluating a safety and occupational health program for an entire agency or subordinate level such as a bureau, command, regional, or district office or installation.

The GS-018 PCS states that management of a safety and occupational health program typically encompasses managing a fully developed program consisting of a broad range of subfunctions including planning, organizing, leading, controlling, and evaluating a safety and occupational health program as defined below:

- ✦ planning requires conceiving and developing safety and occupational health program elements;
- ✦ organizing involves the coordination of safety and occupational health activities through the development of appropriate organizational structures;
- ✦ leading entails initiating and interpreting program goals;
- ✦ controlling involves the setting of program priorities, review of the content of internal and external communications, and correction of program deficiencies; and
- ✦ evaluating involves the collection, analysis and utilization of data related to accidents, injury and property losses, and program accomplishment to determine areas where improvement is needed.

Inherent in program management is advising top management of appropriate measures and alternative courses of action which will achieve mission goals with a minimum risk of injury to personnel and damage to property. This involves formal issuance of directives, regulations, and manuals concerning safety and occupational health program operations.

A safety and occupational health program requires the instruction of employees and supervisors in the techniques of performing duties free of mishaps. It also includes protection from existing or potential hazards through guarding, shielding and isolation techniques restricting exposure to bodily harm or property damage, and the provision of protective equipment which reduces the risk of accident related injuries.

Safety and occupational health managers appraise the degree of program compliance with applicable laws, rules, and regulations; assess achievements, and recommend new procedures.

The safety and occupational health field also involves carrying out the following:

- Inspecting - observing environmental conditions and employee performance patterns to identify hazards, detect risks, and determine causal relationships; developing abatement recommendations for safety and occupational health hazards;
- Investigating - searching for clues, studying variables, questioning witnesses, and retracing sequences to uncover the sources of reported injuries and illnesses;
- Recording - assuring the validity of data collected, accurate documentation of occurrences and data summaries, and maintenance of program information;
- Analyzing - examination of available data to identify possible sources of losses experienced, determining critical factors prior to occurrence, and recommendation of alternative adjustments to eliminate or minimize losses from injuries and illnesses;
- Reporting - defining terminology, writing summaries and preparing summary documentation related to safety and occupational health.

The title Safety and Occupational Health Specialist is used for nonsupervisory positions at the GS-12 grade level or below assigned a number of program elements (i.e., inspecting, investigating, recording, analyzing, reporting, training), or responsibility for providing administrative and technical services to management representatives and employees. They work with supervisors, union officials, and safety and occupational health committees to eliminate or control hazardous operations or conditions. They must have a general knowledge of safety and occupational health methods, practices, principles, and procedures to perform effectively. Their work in the safety and occupational health area is also characterized by the need to develop educational material and techniques, and they often promote a wide variety of training activities designed to achieve awareness of safety hazards and corresponding preventive procedures.

On a recurring basis, some safety and occupational health specialists inspect private companies and cite legal violations, recommend fiscal penalties, and ensure that hazardous conditions are eliminated. Inspections of private establishments may be difficult and even controversial where management is negligent or uncooperative or where there is a disagreement over the interpretation of safety standards.

We find that the appellant's work involves the performance of duties and responsibilities that fully meet the criteria and program sub-functions outlined above for management of a safety and occupational health program. Like program managers, the appellant has overall responsibility to plan, organize, direct, coordinate, operate, and evaluate the safety and occupational health program at the [name of city] VAMC. As part of her safety program management responsibilities she develops

installation level safety and occupational health guidance such as the annual Environment of Care Management Plan for Safety, Environment of Care Management Plan for Emergency Preparedness, Environment of Care Management Plan for Life Safety, and the Environment of Care Management Plan for Hazardous Materials. These plans outline how particular aspects of the installation's safety program are to function in order to reduce inherent and potential safety risks through planning, allocating resources, effective training, and implementing an ongoing monitoring, and improvement process. As indicated by installation management, the plans also designate the position of Safety Officer (the appellant) as solely responsible for coordinating the development, implementation, monitoring, and evaluation of the safety management program at the [name of city] VAMC. This was confirmed during our interviews with the appellant's supervisor (Supervisory General Engineer, GS-801-13), and the [regional] safety manager. Both indicated that as the only position at the VAMC concerned with safety, the appellant is delegated full responsibility to carry out all aspects of the installation's safety and occupational health program.

Like safety and occupational health program managers, the appellant coordinates safety and occupational health activities at the installation; develops annual safety program goals and monitors their achievement; establishes local program priorities (e.g., handling and disposal of hazardous materials); conducts annual assessments and evaluations on the effectiveness of the installation's safety program and compliance with established safety regulations, codes, and local plans, and corrects program deficiencies; writes the Annual Safety Narrative Report documenting the status of safety at the VAMC and its compliance with Joint Commission on Accreditation of Healthcare Organizations (JCAHO) Standards; conducts periodic inspections of potential safety hazards and investigates safety and occupational health accidents and incidents, collecting and analyzing data, reporting on the outcome, and ensuring that processes are in place to reduce the risk of incidents in the future; reviews accident, injury, and property loss statistical data to identify sources of potential problems and recommends alternative actions and improvements; provides guidance, assistance, and instruction to managers and employees on all matters concerning safety and occupational health including steps needed to comply with legislative and accrediting bodies' requirements; and writes installation supplements and procedures to agency and [regional] safety and occupational health directives for local application.

Given the preceding analysis, we find that the scope of the appellant's duties and responsibilities far exceeds the scope of duties and responsibilities performed by specialists. Therefore, the position is titled Safety and Occupational Health Manager.

The GS-018 PCS contains appropriate grading criteria for evaluating positions in that series, which we have applied below.

### **Grade determination**

The GS-018 standard uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor-level description in a standard 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 a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Each

factor level has a corresponding point value. The total points assigned are converted to a grade by use of the grade-conversion table in the standard.

The appellant disagrees with her agency's assignment of Levels 2-4, 3-3, 4-4, and 6-3 of the PCS. She agrees with the assignment of Levels 1-7, 5-3, 7-3, 8-2, and 9-2. After careful review, we concur with her agency's assignment of the undisputed levels, and thus have not addressed them separately in the discussion that follows. Our evaluation with respect to the four factors in dispute follows.

*Factor 2, Supervisory controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the responsibility of the safety and occupational health manager, and the review of completed work.

At Level 2-4, the supervisor sets the overall safety and occupational health objectives and management resources available to achieve the expected results. Program or specialized requirements and time constraints typically are developed in consultation with the supervisor. The employee typically has responsibility for independently planning and carrying out a safety and occupational health program and resolving most conflicts and hazardous situations. The work is coordinated with principal organizational representatives, and initiative must be taken to interpret safety and occupational health policy, standards, and regulations in terms of established objectives. The course of action to be taken or methods and techniques to be applied may also be determined by the employee. The supervisor is kept informed of progress, potentially controversial safety and occupational health matters, or far-reaching implications. Completed work such as reports of program accomplishments is reviewed only from an overall standpoint in terms of compatibility with other activities, or effectiveness in meeting safety and occupational health objectives.

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

The appellant's position meets Level 2-4. Like that level, the supervisor (Chief, Facility Management Service) sets the overall safety and occupational health objectives and management resources available to achieve program results. The appellant consults with the supervisor when significant changes in program direction or specialized requirements occur. Like Level 2-4, the appellant independently plans and carries out the installation's safety and occupational health program; coordinates her tasks with other service representatives; and interprets safety and occupational health policies, regulations and standards in terms of meeting established program objectives. The supervisor is apprised of program progress, controversial matters, or issues having far-reaching implications. Completed work such as annual written narratives of safety and occupational health program accomplishments, and reports of installation inspections of VAMC

facilities, are reviewed only from the standpoint of compatibility in meeting other activities and effectiveness in meeting safety and occupational health objectives.

The appellant's position does not meet Level 2-5. Although the appellant works independently in managing, planning, and carrying out the day-to-day activities of the installation's safety and occupational health program, the supervisor is involved in establishing overall program objectives and in allotting resources to achieve program results. While she provides technical leadership onsite, the overall planning and design of the program is subject to the review and approval of the installation's Environmental Protection/Safety Committee consisting of the appellant, her supervisor, and various service managers appointed by the VAMC Director. The committee oversees environment of care issues, and reviews the appellant's work products more closely than just measuring its contribution to the advancement of safety and occupational health management. For example, any plans or recommendations she develops are evaluated for their impact on other installation services and annual program plans.

This factor is evaluated at Level 2-4, and 450 points are credited.

### *Factor 3, Guidelines*

This factor covers the nature of guidelines and the judgment needed to apply them.

At Level 3-3, the safety and occupational health manager uses a variety of guidelines including public laws, Executive Orders, State and municipal codes, Occupational Safety and Health Administration (OSHA) standards, environmental regulations, agency manuals and directives, national safety association publications, and technical journals. The work assignment typically requires independent interpretation, evaluation, selection and application of guidelines to specific situations including modifications and adaptations when necessary. In addition, judgment frequently must be exercised in applying standard hazard control or elimination practices to different situations.

At Level 3-4, available guidelines tend to lack specificity for many applications such as departmental or agency policies, recent developmental results, and findings and approaches of nationally recognized safety and occupational health organizations. These guidelines are often insufficient to resolve highly complex or unusual work problems such as determining the potential hazard of detonating various experimental explosive devices in a research and development environment. The safety and occupational health manager must modify and extend accepted principles and practices in the development of solutions to problems where available precedents are not directly applicable. Experienced judgment and initiative are required to evaluate new trends for policy development or for further inquiry and study leading to new methods for eliminating or controlling serious hazards to life and property.

The appellant's position meets Level 3-3. Like that level, available guidelines include safety rules, regulations, and policies prescribed by the DVA, Veterans Health Administration (VHA), [name of region], JCAHO, College of American Pathologists (CAP), the Environmental Protection Agency (EPA), OSHA, National Fire Protection Association, Department of Defense, Center for Disease Control, and Federal, state and local codes. She independently selects, interprets, and applies these guidelines to specific situations, modifying, supplementing, and adapting them to VAMC



circumstances as necessary. In addition, she uses judgment in applying standard hazard control and abatement measures to varied and different situations at the installation.

The appellant's position does not meet Level 3-4. Unlike that level, her guidelines are more definitive and specific than those described at Level 3-4. Because she is not faced with the kinds of highly unusual or complex work problems described at the higher level, there is no need to modify or extend accepted practices or principles. Her guidelines are sufficient to write supplemental directives and resolve most problems encountered, and precedents are generally available and applicable. In contrast to Level 3-4, she is not involved in evaluating new trends for policy development or further inquiry and study leading to new procedures for eliminating or controlling serious hazards to life and property.

This factor is assigned Level 3-3, and 275 points are credited.

#### *Factor 4, Complexity*

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-4, assignments cover a wide range of work operations and environmental conditions involving a substantial number and diversity of hazards. Work at this level involves evaluating a variety of complex, interrelated physical conditions, operating practices, hazardous human-machine interaction and serious mishaps; and requires adaptation of known control or protective measures to eliminate or minimize hazards. Assignments at this level require analysis of unconventional safety and occupational health problems or circumstances, involve inconclusive facts or data and uncertainty in selection of the most appropriate abatement or control method. Generally no single approach is adequate to control or eliminate a given problem, so adaptation of proven safety and occupational health techniques is necessary. The work typically requires interpretation of a variety of occupational circumstances to adapt known control or protective measures to eliminate or minimize hazardous situations.

At Level 4-5, the work includes broad and diverse assignments requiring innovative analysis of high safety risk activities. The safety and occupational health manager or specialist weighs, considers and evaluates: (1) high safety risks in a field with constantly changing hazards; or (2) serious conflicts between operational requirements involving hazardous materials and the application of safety and occupational health standards that require protective measures affecting the timeliness of mission accomplishment; or (3) diverse hazardous work processes and environmental conditions for a broad field characterized by a wide variety of problems such as extreme fluctuation in workforce employees assigned high safety risk jobs, large number of visitors engaged in hazardous activities, or widespread geographic dispersion of operations. In many instances, elimination or control of unsound but often traditional work practices and dangerous physical conditions threatening individual safety and property requires the development of new accident prevention techniques for modification of accepted specialized safety procedures.

The appellant's position meets Level 4-4. Like Level 4-4, the appellant's work assignments cover a wide range of work operations and environmental conditions involving a substantial number and diversity of hazards where no single approach is adequate to control or eliminate a particular problem. She evaluates a wide variety of hazardous operations and interrelated physical conditions concerning the functions and activities of the [name of city] VAMC, including procedures for low, normal, and high-risk operations and activities; protective equipment programs, accident investigation, medical care operations, facilities maintenance and construction activities (covering both electrical and plumbing); supply areas, laser work areas, flammable chemicals in laboratories, procedures for dealing with electrical sensitive patients, and the use of oxidizers and flammable chemicals. These hazards sometimes require the analysis of unconventional safety and occupational health problems requiring the appellant to adapt known safety and health protective techniques to eliminate or reduce the hazardous situation.

The appellant's position does not meet Level 4-5. Unlike that level, she is not faced with the types of broad and diverse assignments requiring the degree of innovation and analysis for responding to high-risk safety activities described at Level 4-5. While she deals with a variety of safety hazards, they are not in fields with constantly changing hazards where there are typically high safety risks. Serious conflicts do not arise between operational requirements concerning hazardous materials and the application of safety and occupational health standards impacting on the timeliness of mission accomplishment; and the diverse hazardous work processes she deals with are not part of a broad field characterized by the elements addressed at Level 4-5.

This factor is evaluated at Level 4-4, and 225 points are credited.

#### *Factor 6, Personal contacts*

This factor includes face-to-face contacts, telephone, and radio dialogue with persons not in the supervisory chain. Levels are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place. Levels are assigned only for contacts which are essential for successful performance of the work and which have a demonstrable impact on the difficulty and responsibility of the work performed.

At Level 6-3, personal contacts of a non-routine nature are with a variety of individuals, e.g., managers, administrative law and Federal judges, and professionals from other agencies or outside organizations. Contacts also include individuals such as managerial representatives of privately owned businesses, contractors and consultants, university professors, State and local government officials, representatives of professional societies and national safety associations, and safety engineers.

At Level 6-4, personal contacts are with high-ranking officials from outside the agency such as key public and corporate executives, elected representatives, top scientific personnel of other departments and agencies, State, county, and municipal governments, private industry, national safety and health organizations, public groups, and national research organizations. Safety and occupational health managers or specialists at this level may participate as a technical expert on committees and seminars of national and international stature.

The appellant's position meets Level 6-3. Like that level, she meets with a variety of individuals and groups within and outside her agency, e.g., Federal and state agencies and private organizations, heads of local emergency management organizations, safety representatives from the Department of Homeland Security, EPA, JCAHO, and OSHA, representatives of local fire and police departments, contractors, local government officials, other safety and occupational health managers, specialists, industrial hygienists, private authorities in the fields of safety and occupational health, decontamination and emergency management staff, [regional] personnel, and managers of private nursing homes and assisted living facilities. The appellant also participates in various Federal, state, and local community boards, committees, and groups.

The appellant's position does not meet Level 6-4. Unlike that level, her contacts do not include key public executives, elected representatives, top scientific personnel of other departments and agencies, as well as high-level staff from State and local municipalities, public groups, national safety and research organizations, etc. Although she represents her installation on local safety and occupational health committees, they are not of national or international stature found at Level 6-4.

This factor is evaluated at Level 6-3, and 60 points are credited.

#### *Summary of FES factors*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. <i>Knowledge required by the position</i>	1-7	1250
2. <i>Supervisory controls</i>	2-4	450
3. <i>Guidelines</i>	3-3	275
4. <i>Complexity</i>	4-4	225
5. <i>Scope and effect</i>	5-3	150
6. <i>Personal contacts</i>	6-3	60
7. <i>Purpose of contacts</i>	7-3	120
8. <i>Physical demands</i>	8-2	20
9. <i>Work environment</i>	9-2	<u>20</u>
<i>Total</i>		2570

A total of 2570 points falls in the GS-11 range (2355 – 2750) in accordance with the grade conversion table in the standard. Therefore, the appellant's position is graded at the GS-11 level.

#### **Decision**

The appellant's position is properly classified as Safety and Occupational Health Manager, GS-018-11.