

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

Appellant: [appellant's name]

Agency classification: Archeologist
GS-193-9

Organization: [name] Ranger District
[name] National Forest
[name] Region – Region [number]
U.S. Forest Service
U.S. Department of Agriculture
[city and state]

OPM decision: Archeologist
GS-193-9

OPM decision number: C-0193-09-01

/s/ Judith A. Davis

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

6/17/2010

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate which 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 (Introduction)*, appendix 4, Section G (address provided in appendix 4, section H).

Decision sent to:

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Introduction

The Dallas Oversight and Accountability Group (now Dallas Oversight) of the U.S. Office of Personnel Management (OPM) accepted a classification appeal on December 21, 2009, from [name]. The appellant's position is currently classified as Archeologist, GS-193-9, but he believes it should be classified at the GS-11 grade level. The position is located at the [name] Ranger District, [name] National Forest, [name] Region – Region [number], U.S. Forest Service, U.S. Department of Agriculture (USDA), in [city and state]. We received the complete agency's administrative report on February 5, 2010. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background and general issues

On June 1, 2005, the [forest] management team and Heritage Resource Manager, a GS-193-12 position, requested a position classification review from the servicing human resources (HR) office for the five Archeologist, GS-193-9, positions assigned to the five ranger districts (i.e., [name], [name], [name], [name], and [name]). The HR office's June 21, 2005, evaluation statement concluded the district archeologist positions are appropriately classified to the GS-11 grade level.

No action was taken to upgrade either the appellant's or other district archeologist positions to the GS-11 level. The appellant said he continued performing the same duties and responsibilities. In May 2006, his position was reassigned to a revised GS-9 position description (PD), number [number]. According to the appellant, revising the PD was an attempt by [forest] management to circumvent the HR office's findings by diminishing his position (i.e., by describing archeological activities as well-precedented) while not materially changing the position's duties and responsibilities.

The appellant attempted to resolve his position's classification through the agency's grievance procedures. The USDA grievance examiner's findings, dated September 10, 2009, concluded his position classification concerns are specifically excluded from review through the agency's grievance process. The appellant subsequently filed his appeal with OPM.

The appellant submitted his HR office's June 2005 evaluation statement in support of his classification appeal. In adjudicating a classification appeal, OPM is responsible for making an independent decision on the proper classification of the appellant's position. By law, we must make that decision solely by comparing his currently assigned duties and responsibilities to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Since our decision sets aside all previous agency decisions, the actions taken by the appellant's agency and the conclusions reached by the USDA grievance examiner are not germane to the appeal process.

The appellant's position is directly supervised by the Supervisory Forester, a GS-460-11 position, which has primary responsibility for the timber management program and serves as [ranger district's] NEPA Coordinator. The appellant's position was previously supervised by the District Ranger, a GS-340-13 position. The appellant believes the change in supervisor, decided

approximately a year ago, was intended to weaken and sustain his position at the GS-9 grade level. By law (5 U.S.C. 5102(a)(3) and 7106(a)), agency management has the right to establish positions and determine the work assignable to each position. Such actions are not reviewable under the classification appeals process.

Position information

[The Forest's] heritage resource program restructured after the 2005 position classification review. Then, a GS-9 archeologist position was assigned to each of the five ranger districts. Now, a GS-9 archeologist position is assigned to each of the [name] and [name] districts, and a GS-11 archeologist position is assigned to the zone combining the [name], [name], and [name] districts. [The Forest's] Heritage Resource Manager is responsible for ensuring the district and zone archeologists comply with laws and regulations including the National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), and Archeological Resources Protection Act.

The primary purpose of the appellant's position is to ensure [ranger district's] land management projects comply with Section 106 of the NHPA, which requires Federal agencies to take into account the effects of their undertakings on historic properties. Archeological sites are identified and evaluated under Section 106 for eligibility for listing on the National Register. The [ranger district], covering approximately [number] acres, conducts an annual timber inventory of at least one-tenth of the district to collect data vital to planning and initiating projects required to meet timber sale goals. As the [ranger district] archeologist, the appellant ensures the timber sale projects, along with other special ground-disturbing projects (e.g., roads or facilities construction, scientific research, recreation development, special uses, soil restoration, and maintenance), comply with Section 106 requirements.

The [ranger district] has an estimated 475 historical sites. To identify and protect sites, the appellant is notified of any potentially ground-disturbing projects and provided a description of the activity, acreage amount, and location. He reviews past reports and data in a Geographic Information System, a computer-based tool for mapping and analyzing objects and events, to determine if a survey covering the project's area of potential effects (APE) already exists. A project may proceed if a previous survey discovered no historical resources. If no survey exists, the appellant collaborates with the immediate supervisor to decide whether a survey can be completed immediately or tabled until May to July when fieldwork assistance is available from the survey crew of four GS-3 archeology aides. The appellant said he normally conducts surveys unaided for an APE of less than one acre or require no more than two weeks to complete. Section 106 requires that only a "reasonable and good faith effort" is made to identify archeological sites within the APE. The appellant decides the field methods, conditions, and techniques to use during the survey. He also drafts reports of his findings for the [state] Division of Archeology's State Historic Preservation Officer (SHPO).

The appellant's official PD, number [number], and other material of record furnish much more information about his duties and responsibilities and how they are performed, and we incorporate it by reference into this decision. We conducted telephone audits with the appellant on March 19, March 24, and April 26, 2010. We also conducted a telephone interview with the first-level

supervisor on April 23, 2010. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as all other information of record furnished by the appellant and his agency, including the PD of record.

Series, title, and standard determination

The appellant does not contest the agency's placement of his position in the Archeology Series, GS-193, and titling as Archeologist. After careful review of the record, we concur with placement of his position in the GS-193 series.

The GS-193 PCS does not provide grade-level criteria. The appellant's position must be classified by reference to standards as similar as possible to the subject position considering the type of work performed, qualifications required, level of difficulty and responsibility involved, and the combination of classification factors with the greatest influence on grade level.

The GS-193 PCS suggests evaluating archeologist positions by applying various other PCSs depending on their primary duties and the setting in which they work. The History Series, GS-170, includes positions advising on, administering, supervising, or performing research or other work in the field of history when the work requires a professional knowledge of established methods and techniques of historical research in the collection, evaluation, analysis, or presentation of historical facts. Similar to the appellant's position, GS-170 work requires comparable professional qualifications and involves subject matter, level of difficulty, and classification factors comparable to those required by the [ranger district's] heritage resource program. For example, his work is closely related to making determinations, through archeological means, of the historical significance of people who inhabited or traveled through the area now covered by the [ranger district]. Consequently, the GS-170 PCS is appropriate for evaluating the appellant's position.

Grade determination

The GS-170 PCS uses two criteria to determine grade levels: *Nature of the assignment* (which includes knowledge required and complexity of the work) and *Level of responsibility* (which includes supervisory controls, guidelines, and contacts).

Nature of the assignment

At the GS-9 level, assignments usually are restricted to one topic but may involve consideration and inclusion of several related sub-topics. The following are illustrative: (1) a detailed study of an historic house including a thorough treatment of the physical history of the structure and its furnishings; (2) a detailed study of the events and personalities associated with a particular "historic" site; (3) the determination of an official statement of lineage and battle honors for a military unit or organization from its inception to the present; or (4) a study of the highlights in the history of a specified Forest Service post.

In addition to the problems described at the GS-7 level relating to locating all the pertinent historical evidence although some questions regarding the reliability of the evidence may be

encountered, requiring the historian to expand or modify the search field in order to establish the historical “facts” involved, GS-9 assignments typically involve some problems of organization and analysis or some difficulties in the critical evaluation of the evidence and in the establishment of historical “fact.” The latter problems may arise from gaps in evidence, from conflicting evidence, or from questions of reliability of evidence. Problem resolution requires employing persistence and imagination in seeking out additional sources, and critical judgment and analytical thought in the evaluation of the evidence uncovered. At the GS-9 level, relationships among historical facts are not always clear, thus requiring the historian to possess a good grasp of the subject matter involved and to employ logic and critical judgment in the syntheses of historical facts. The foregoing considerations tend to complicate the presentation of the research effort, thus requiring the historian to possess some skill in the organization and presentation of his material in order to present the facts in their proper perspective.

At the GS-11 level, assignments usually involve one or more major topics or themes of history and require consideration and treatment of several related topics in order to place the study in its proper context. Such assignments may be undertaken either as part of the continuing historical program of the agency, as “special” studies for use by agency officials in current program planning, or as part of a broader project under the direction of an higher-graded historian. Assignments typically involve some problems of organization and analysis or some difficulties in the critical evaluation of the evidence and in the establishment of historical fact.

GS-11 employees are expected to exercise a good understanding of the purposes of the project and to consider such matters as the accessibility of source material and the time or other limitations involved in independently planning the details of project accomplishment. In resolving the problems presented by the assignment, GS-11 employees must employ (1) a good knowledge of available research sources, (2) a good grasp of the primary subject matter involved and of related subject-matter fields to achieve complete coverage of significant sources, (3) sound critical judgment to evaluate sources, establish historical fact, and develop hypotheses to account for causal relationships, and (4) substantial skill in organizing and writing a narrative setting forth a balanced and realistic picture of the subject under consideration.

The appellant’s position meets the GS-9 level. His work involves ensuring [ranger district’s] land management activities comply with Section 106 of the NHPA. The appellant estimates 68 percent of the [ranger district’s] [number] acres has not been surveyed. When surveying a site, it is up to him to consider and weigh various factors to develop a sound approach for identifying historic properties in the “reasonable and good faith effort” required by the Section 106 process. This does not require a 100 percent survey of the APE. Instead, the appellant uses the current, accepted probability model developed by an archeologist at [city and state]. This model categorizes areas as high or low probability zones. At survey sites, the appellant typically conducts a shovel test (i.e., a series of test holes dug out by a shovel to collect and screen soil in order to unearth remains not visible at the surface) in 30-meter intervals in high probability areas and 50-meter intervals in low probability areas. Similar to the GS-9 level, he applies surveying knowledge, along with persistence and imagination, to modify field methods and techniques after finding an artifact which requires changing the depth or distance of shovel test intervals to pinpoint locations of possible sites where further investigation may be necessary. The appellant is also responsible for collecting, recording, evaluating, labeling, and storing all [ranger district]

artifacts. As at the GS-9 level, he uses critical judgment and analytical thought in examining artifacts to decode the object's significance and, to the extent possible, answer questions including where and when it was made; what material it is made from; what structure, form, and style is involved; etc.

The appellant is the technical advisor and authority on all aspects of the [ranger district] heritage resource program. This entails serving on the [ranger district] interdisciplinary team, which also includes the NEPA Coordinator, District Ranger, wildlife biologist, botanist, and recreation specialist, and preparing the heritage resource section of the NEPA-related documents including environmental assessments, decision memorandums, scoping letters, and environmental impact statements. The appellant also advises the project team by developing alternative approaches when historical sites are located inside the APE; e.g., by setting up a perimeter to isolate the historical site. Comparable to the GS-9 level, this work requires skill in communicating his survey findings to the project team from the standpoint of its potential impact on the planned activity.

The appellant's position does not meet the GS-11 level. The Forest Service acquired the [forest] after the trees covering the area were devastated in the 1920s from aggressive timber production. The [forest] is again a site for major timber production, and the appellant's Section 106 reviews are largely a result of timber sale projects. His duties do not compare favorably with the PCS illustration provided to clarify the intent of the GS-11 grade level. The illustration involves GS-11 employees planning and carrying out a series of historical projects for a national historical park which centers around a single major historical theme and time period, e.g., a major Civil War battle, but which requires a variety of definitive special studies to establish boundaries, determine location of events, and provide historical data for use in the reconstruction or restoration of the area. The [ranger district] heritage resource program is concentrated on identifying and protecting its 475 historical sites. However, this work is not comparable to that at the GS-11 level with the complexity, scale, and impact inherent with projects involving major Civil War battles. Written products associated with projects of the GS-11 scale must be balanced, objective, and credible to stand up to the intense scrutiny from historians, archeologists, and the general public. In contrast, the appellant's work involves the accounting of [ranger district] land management activities as directed by Section 106 of the NHPA. This work, unlike the GS-11 level, does not require the substantial skill in organizing and writing a narrative setting forth a balanced, realistic picture of the subject.

Overall, [ranger district] land management activities do not require significant ground disturbance compared to projects (e.g., the construction of a new Federal complex or underground parking) requiring the planning of a more intensive survey or deep testing to identify eligible historical sites. Unlike the GS-11 level, the appellant's position does not require exercising a good understanding of the project's purpose and other considerations to independently plan work accomplishment. From the appellant's standpoint, a project's purpose (i.e., is it a timber sale or other ground-breaking activity), deadline, and required resources (i.e., can it be completed unaided or with assistance from the survey crew) may vary. Regardless, these variables do not significantly impact or alter the appellant's Section 106-driven work objectives or the proper course of action required to accomplish the work.

This factor is credited at the GS-9 level.

Level of responsibility

At the GS-9 level, work assignments are accompanied by a definition of the scope and objectives of the study but are not accompanied by detailed preliminary instructions regarding sources or the methodology to be employed. GS-9 employees are expected to plan their field of search and follow recognized professional techniques in the accomplishment of the work. However, the supervisor or other historian of higher grade is available to provide guidance should problems not previously encountered by the incumbent arise in the course of the work. Typically, completed work is presented in draft form and is reviewed in detail for completeness, adequacy of planning, soundness of judgment in the establishment and organization of historical facts, and conformance to professional standards in the presentation of the study. GS-9 employees engaged in studies of historic sites may offer opinions as to whether the site appears to be historically worthy of presentation or restoration. Personal work contacts typical of this level are similar to those at preceding levels describing contacts with archivists and others responsible for the maintenance of files and records, or with individuals having knowledge of the events involved in the study. However, at this level the historian's relationships with his fellow historians outside of the supervisory chain begin to take on the color of professional consultation in that they may involve conferring on closely related studies, and include giving, as well as receiving information.

At the GS-11 level, employees typically function with professional independence within the limitations imposed by the scope and objectives of the assignment, which are clearly defined by the supervisor or an historian of higher grade, or established by specific directives from higher echelons. They are responsible for developing working plans and blocking out the major areas of research for the accomplishment of the assignment, for determining the approaches and techniques to be employed, and for modifying working plans and approaches as necessary in the course of the study. Normally, only modifications to working plans which would have the effect of changing the scope or coverage of the assignment are discussed with the superior prior to implementation. Supervisory historians or other historians of higher grade may, or may not, be available for consultation as the work progresses, though arrangements for such consultation are possible if significant problems are encountered.

Also at the GS-11 level, completed work is typically reviewed for completeness of coverage, soundness of conclusions, adequacy of presentation and conformance to professional standards and agency policy, rather than for adequacy of the research or the methodology employed. In addition to personal work contacts of the type described at the preceding levels, GS-11 employees establish and maintain continuing consultative relationships with fellow historians and others both within and outside the Federal Government, including individuals in such related professional fields as architecture, archeology, political science, and economics. These contacts are for the purpose of maintaining current information regarding other historical work being done in their area of interest or for consultation or collaboration with subject-matter specialists in other professional disciplines.

The appellant's position fully meets the GS-9 level. As at this level, he plans his work and follows recognized professional techniques in the accomplishment of the assignments. He and the immediate supervisor collaborate on setting priorities, but the appellant's work is assigned without detailed instructions regarding the methods or procedure to follow. The appellant provides project status information to the immediate supervisor, who updates a [forest]-wide spreadsheet used by the management team to track the progress of on-going projects. Otherwise, he operates independently in ensuring the [ranger district's] land management activities comply with Section 106.

The appellant's position approaches but does not fully meet the GS-11 level. Like the GS-11 level, he operates with considerable freedom in planning and completing the day-to-day assignments. He maintains relationships with colleges and universities to recruit students for the seasonal GS-3 archeology aide positions. He also selects, trains, and oversees the work of the survey crew. The appellant instructs aides on common field techniques and practices; e.g., how to read a compass, perform shovel tests, and recover remains by agitating soil through a mesh screening box. If an artifact (e.g., chip stone, pottery, glass, nail, etc.) is uncovered, he will modify search techniques and direct the survey team to change the depth and/or interval of shovel tests. The appellant is responsible for mapping the location of recovered artifacts; recording soil profile and formation; evaluating the artifact; and reporting findings for the SHPO's review. Work products are vetted through the immediate supervisor for grammar and editorial suggestions and through the Heritage Resource Manager, who makes changes infrequently, prior to being forwarded to the SHPO. Regardless, the appellant's regular assignments are not of the scope and complexity representative of the GS-11 level, as discussed previously. Therefore, the work does not entail the extent or effect of judgment found at the GS-11 level.

The PCS describes GS-11 historians engaged in research programs for national historical parks as being responsible for making recommendations on the historic significance of the sites involved, and the desirability or feasibility of initiating building restoration or reconstruction projects. Recommendations are carefully reviewed at higher organizational echelons, both for their soundness in light of the supporting historical evidence and in light of overall program considerations. The appellant said none of the three [forest] sites listed on the National Register are on the [ranger district]. His eligibility determinations made within the 106 process do not usually require nomination to or listing on the National Register. The impact of this and his other customary recommendations and decisions (e.g., in advising project staff by setting up a boundary or "buffer zone" around a site identified for protection and excluded from land management activity) does not require the type of scrutiny from higher organizational echelons, to consider soundness of conclusions and program impact, as expected at the GS-11 level.

Also unlike the GS-11 level, the appellant's work does not require the developing and modifying of work plans. Instead, his work assignments are covered by an expansive framework of established guidelines (e.g., basic professional guidelines and principles relating to surveys, artifact classification, reporting, and preservation; the NHPA, NEPA, and other Federal laws and regulations; and the SHPO's reporting format requirements), defining the proper course of action and precluding the need to prepare a work plan articulating work objectives and goals, potential problems, resources and constraints, strategies and expectations, etc.

This factor is credited at the GS-9 level.

Summary

Since both factors are evaluated at the GS-9 level, the position is properly evaluated at the GS-9 level.

Decision

The appellant's position is properly classified as Archeologist, GS-193-9.