

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



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

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

**Appellant:** [appellant's name]

**Agency classification:** Environmental Engineer  
GS-819-11

**Organization:** [appellant's organization]  
Department of the Army

**OPM decision:** Environmental Engineer  
GS-819-11

**OPM decision number:** C-0819-11-01

Signed by Denis J. Whitebook  
Denis J. Whitebook  
Classification Appeals Officer

December 11, 1997  
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]

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## **Introduction**

On July 9, 1997, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. His position is currently classified as Environmental Engineer, GS-819-11. However, he believes his position should be graded at the GS-12 level. He works in the [his organization and installation], Department of the Army. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

## **General issues**

The appellant believes his position is undergraded based on comparison to several other positions that he believes have similar duties and responsibilities. The appellant also makes a number of statements about his agency's evaluation of his position and how it was carried out. In particular, the appellant disagrees with his agency headquarters' evaluation of Factor 3, Guidelines.

In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Since comparison to standards and guidelines is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official position description (PD) 32153.

## **Position information**

The appellant manages the Defense Environmental Restoration Program to alleviate hazardous situations created by past disposal waste sites. His primary duties and responsibilities include:

- Planning, programing and budgeting for the Defense Environmental Restoration Act (DERA) action, work and closure plans for the Underground Storage Tank (UST) Program; and
- Developing and managing installation restoration and DERA related projects. These projects include hazardous waste minimization and cleanup of contaminated sites as required by Resource Conservation Recovery Act (RCRA) or Comprehensive Environmental Response Compensation and Liability Act (CERLA) and the Above and Underground Storage Tank Programs.

The appellant's PD and other material of record furnish much more information about his duties and responsibilities and how they are performed.

## **Series and title determination**

Based on our review of the record, we find that the position is properly classified in the Environmental Engineering Series, GS-0819, and titled Environmental Engineer. Neither the agency nor the appellant disagrees.

## **Standard and grade determination**

We find that the Environmental Engineering standard is properly used to evaluate the appellant's work. Neither the appellant nor the agency disagrees.

The Environmental Engineering 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. As explained above, because the factor level descriptions of the standard describe *minimum* criteria, positions assigned a certain factor level always meet or exceed the standard's criteria. Thus, it is expected that the appellant's actual duties and responsibilities will often exceed the criteria for the awarded level. The critical issue is whether the appellant's duties and responsibilities *meet or exceed* the criteria for the next higher level. Our evaluation with respect to the nine FES factors follows.

### *Factor 1, Knowledge required by the position*

This factor measures the nature and extent of information or facts required to do acceptable work and the nature and extent of skill necessary to apply this knowledge. To be used as a basis for selecting a level under this factor, a knowledge must be required and applied.

Level 1-7 requires professional knowledges applicable to a wide range of duties in one more specialty areas and the skill sufficient to modify standard practices and adapt equipment or techniques to solve a variety of engineering problems, adapt precedents or make significant departures from previous approaches to similar projects to accommodate the specialized requirements for some projects, and apply standard practices of other engineering disciplines as they relate to a specialty area; or equivalent knowledge and skill.

The appellant's work in planning, programming, budgeting, overseeing, and implementing of environmental and related programs for [his installation] requires professional knowledges comparable to those described at Level 1-7. As is comparable to Level 1-7, the appellant's work requires knowledges applicable to a wide range of duties related to environmental restoration, minimization of current or future contamination, the welfare of employees and the public, and the protection of cultural, archeological and natural resources. As is characteristic of Level 1-7, his work requires use of his knowledge to plan, schedule, and coordinate projects and studies to evaluate and

recommend approaches to accomplish goals of assigned programs primarily for [his activity]. As is typical of Level 1-7, this requires modification or adaptation of standard practices and of precedent approaches to similar projects to accommodate to the specific needs of the projects for [the appellant's installation]. We find that the appellant's position meets Level 1-7 criteria.

The appellant's position does not meet Level 1-8 criteria. Level 1-8 requires mastery of one or more specialty fields to the extent that the engineer is capable of applying new developments and experienced judgement to solve novel or obscure problems and skill sufficient to extend and modify existing techniques, and develop new approaches for use by other engineering specialists in solving a variety of engineering problems. Typically, the employee is a recognized expert in a specialty field.

The appellant applies his knowledges in a variety of duties and projects to assess environmental related problems, evaluate methods and techniques to correct or prevent further damage, and in program planning. While these duties require the appellant to exercise professional expertise and judgement, they do not present problems that require application of the same level of knowledge that is needed to solve the novel or obscure problems that are characteristic of Level 1-8. The intent of Level 1-8 is application of knowledges to solve novel or obscure problems, together with the skill to extend and modify existing techniques, and develop new approaches for use by other engineering specialists in solving a variety of engineering problems. Information in the record shows projects worked on do not require the regular application of this level of knowledges and skills. Examples of the appellant's projects worked on involved monitoring of groundwater and soil contamination, e.g., landfill, burn pits, hazardous waste and chemical storage, and leaking gas tanks. In addition, while the appellant consults and provides information to contractors and others, it is not such that he is a recognized expert, in the manner intended at Level 1-8, such as at an agency or command headquarters providing advice and guidance to engineers in the field on novel or obscure technical problems.

This factor is evaluated at Level 1-7.

### *Factor 2, Supervisory controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

At Level 2-4, the supervisor sets the overall objectives and resources available. The engineer and supervisor, in consultation, develop the deadlines, projects, and work to be done. The engineer, having developed expertise in the specialty area, is responsible for planning and carrying out the assignment, resolving most of the conflicts which arise, coordinating the work with others as necessary, and interpreting policy on own initiative in terms of established objectives. In some assignments, the engineer also determines the approach to be taken and the methodology to be used. The engineer keeps the supervisor informed of progress, potentially controversial matters, or far-reaching implications. Completed work is reviewed only from an overall standpoint in terms of

feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.

Comparable to Level 2-4, the appellant's PD shows that the supervisor assigns overall broad functional responsibilities and special projects. The appellant independently plans his own work, priorities and deadlines, and coordinates with functional specialists in the branch, other [installation] activities, contractors, and other Federal, state and local activities. As described at Level 2-4, unusual, difficult or precedential problems are discussed with the supervisor for joint development of a course of action. Work is reviewed for overall achievement of objectives and compatibility with other programs. Technical engineering determinations are normally accepted as accurate.

We find the appellant's position meets Level 2-4. Neither the appellant nor the agency disagrees.

### *Factor 3, Guidelines*

This factor covers the nature of guidelines and the judgement necessary to apply them.

At Level 3-3, guidelines include standard instructions, technical literature, agency policies and regulations, manufacturer's catalogs and handbooks, precedents and standard practices in the area of assignment or specialization. The engineer independently selects, interprets, and applies the guides, modifying, adapting, and making compromises to most of the requirements of the assignment. In addition, the engineer must exercise judgement in applying standard engineering practices to new situations and in relating new work situations to precedent ones.

Comparable to Level 3-3, the appellant deals with conventional type problems that require him to select, interpret, and apply numerous regulatory laws and guides and adapt or modify primarily standard engineering practices to solve or prevent environmentally related problems. In doing so, he must exercise judgement to situations in the work environment, and consult, meet and coordinate with other interested parties, such as state and local authorities, to collectively resolve vague or regulatory compliance issues. If needed, the appellant can consult with the U.S. Army Environmental Center or the [his command headquarters] for further guidance.

At Level 3-4, guidelines are often inadequate in dealing with the more complex or unusual problems. The engineer is required to use resourcefulness, initiative, and judgement based on experience to deviate from or extend traditional engineering methods and practices in developing solutions to problems where precedents are not applicable. As an example, this level may include responsibility for the development of material to supplement and explain agency headquarters guidelines.

The appellant does not regularly deal with the more complex or unusual problems such that guidelines are often inadequate in the manner intended at Level 3-4. Such situations would involve novel or obscure problems requiring deviation from or the extension of traditional engineering methods and practices where precedents are not applicable, i.e., there are no precedents. Projects that the appellant has been working on have primarily involved monitoring groundwater and soil

contamination, and these have not involved the type of complex or unusual problems envisioned at this level. For instance, he does not have to regularly deviate from or extend traditional engineering methods and practices to develop solutions to problems where *precedents are not applicable*. The appellant's PD and other information of record shows that there are a number of laws and guidelines, such as Department of Defense (DoD) and Department of Army regulations, directives, instructions, policy, and related administrative guidelines. The appellant does need to exercise considerable judgement to resolve problems encountered, but work projects do not require the level of resourcefulness, initiative, and judgement based on experience to deal with problems where precedents are not applicable, as is envisioned at Level 3-4. In addition, as noted above, the appellant meets and consults with representatives of regulatory bodies, and may consult with Army Environmental Center and [command] representatives, if needed.

This factor is evaluated at Level 3-3.

#### *Factor 4, Complexity*

This factor covers the nature and variety of tasks, steps, processes, methods or activities in the work performed; and the degree to which the engineer must vary the work, discern interrelationships and deviations, or develop new techniques, criteria or information. The basic unit for measuring this factor is the complex feature, which is described in the standard.

At Level 4-4, assignments typically contain combinations (e.g., two to five) of complex features as defined in the standard. Work at this level typically involves the application of standard engineering practices to new situations and relating new work situations to precedent ones and, in addition, the modification or adaptation of and making compromises with standard guidelines.

Comparable to Level 4-4, the appellant's assignments typically contain at least two combinations of complex features. Examples of complex features typically contained in the appellant's work include substantial coordination with Federal, state and local authorities; the need to analyze and chose from among two or more alternatives that contain advantages and disadvantages which do not clearly outweigh those of others; rapidly changing guidelines and increased emphasis on environmental concerns; and convincing regulators on the approach.

The appellant's position does not meet Level 4-5, where assignments are of such breadth, diversity, and intensity that they typically involve many, varied complex features. The work at this level requires that engineers be especially versatile and innovative in adapting, modifying, or making compromises with standard guides and methods to *originate new techniques* or criteria. Individual assignments at this level typically contain a combination of *seven or more complex features* which involve serious or difficult-to-resolve conflicts between engineering and management requirements. As discussed above, appellant's assignments typically involve fewer combinations of complex features than described at Level 4-5, and are not so complex as to typically require origination of new techniques or criteria.

This factor is evaluated at Level 4-4.

*Factor 5, Scope and effect*

This factor covers the relationship between the nature of the work and the effect of the work products or services both within and outside the organization.

At Level 5-3, the purpose of the work is to investigate and analyze any of a variety of problems or conditions and to provide or recommend ways of dealing with them. The engineering determinations affect the design or operation of equipment or facilities, with regard to economy, efficiency, and safety of the systems involved.

Comparable to Level 5-3, the primary purpose of the appellant's position is to review and assess situations involving environmental concerns for [his activity], and identifying solutions. It involves restorative, minimization, preventive and corrective actions. His determinations affect the status and operation/use of facilities, compliance with regulatory and policy guidelines, public safety and welfare, and the protection of cultural, archeological and natural resources.

The appellant's position does not fully meet Level 5-4. At this level, the purpose of the work is to provide expertise as a specialist in a particular specialty field by furnishing advisory, planning or reviewing services on specific problems, projects, programs and functions. The work may include the development of criteria, procedures, or instructions for major agency (i.e., Department of the Army) activities. Work products impact *on a wide range* of the Department's engineering program.

The purpose of the appellant's position is to provide expertise as a specialist on projects related to the DERA program under the Installation Restoration Program, including such areas as the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act. He is the primary source of information and a point of contact and advisor for environmental concerns for [his installation] and for many Federal, state and local agencies and contractors on associated issues and as such meets one criterion of Level 5-4. However, his work does not involve development of criteria, procedures, or instructions for major Department of Army activities, as is also needed to meet Level 5-4. His work is primarily focused on [his installation] and surrounding community environmental and related concerns which is more narrow and not equivalent to major agency activities, such as envisioned to meet this level. In addition, the appellant's work does not impact on a wide range of the Department's engineering program, as is also needed to meet Level 5-4.

The appellant noted that OPM Benchmark Description 12-1 is credited with Level 5-4. However, that benchmark is for an engineer on the staff of a regulatory and enforcement agency with responsibility for advising assigned regions on the interpretation and implementation of, and compliance with, agency directives. By contrast, the appellant's position is at the installation level, and is not charged with advising other field offices, limiting the scope and effect of his position, and is not equivalent to the benchmark.



This factor is evaluated at Level 5-3.

*Factor 6, Personal contacts*

Factor 6 includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain.

Factor 6 is evaluated at Level 6-3. The appellant's contacts include local supervisors and managers, higher level officials within the Department of the Army, and representatives of external organizations. These include agency program officials, representatives of other Federal, state and local regulatory agencies, architecture-engineer firms, and contractors, which most closely matches Level 6-3. At this level contacts include a variety of officials, managers, professionals or executives of other agencies and outside organizations. Typically these include manufacturers' representatives, private architecture-engineer firms, specialists at contractor plants, and engineers and architects from other Federal agencies, and state and local governments.

The appellant's regular and recurring contacts do not meet Level 6-4, where contacts are with key officials and top engineering and scientific personnel of other agencies, state and local governments, private industry and public groups. At Level 6-4, the engineer may also participate, as a technical expert, in committees and seminars of national or even international importance.

This factor is evaluated at Level 6-3.

*Factor 7, Purpose of contacts*

The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives.

Factor 7 is evaluated at Level 7-3. The appellant exchanges and provides information and advice, coordinates work efforts, and discusses established, changed and new plans and programs and their implications. Some plans and problems encountered entail controversial issues or significant changes from past practices requiring considerable persuasive powers to convince others to comply with directives or adopt proposed procedures. The appellant resolves operational problems, justifies recommendations, coordinates work efforts, and obtains cooperation between organizational elements. He promotes environmental restoration and related corrective actions using persuasion. This is comparable to Level 7-3, where the purpose of contacts is to influence or persuade other engineers to adopt technical points and methods about which there are conflicts, to negotiate agreements with agencies and contractors where there are conflicting interests and opinions among organizations or among individuals who are also experts in the field, or to justify the feasibility and desirability of work proposals to top agency officials.

The appellant's contacts do not meet Level 7-4, where the purpose of contacts is to justify, defend, negotiate or settle *highly significant or controversial* engineering matters. Engineers at this level often represent their agencies in professional conferences or on committees to plan extensive and

long-range engineering programs and to develop standards and guides for broad activities. The appellant's contacts do not characteristically involve the type of matters described as highly significant or controversial at this level.

Factor 7 is evaluated at Level 7-3.

*Factor 8, Physical demands*

This factor covers the requirements and physical demands placed on the engineer by the work assignment.

We find that Level 8-2 criteria are met. As is typical of Level 8-2, the appellant's work requires regular and recurring construction or field inspections, investigations, or surveys in which there is a considerable amount of walking, stooping, bending, and climbing.

Factor 8 is evaluated at Level 8-2.

*Factor 9, Work environment*

This factor considers the risks and discomfort in the employee's physical surroundings.

We find that Level 9-2 criteria are met. As is typical of Level 9-2, the appellant has regular and recurring exposure to moderate discomforts and unpleasantness such as high noise levels, high temperatures, irritant chemicals, or fumes, and similar types of risks and discomfort.

The appellant's work does not fully meet Level 9-3, where there is regular and recurring exposure to potentially dangerous or hazardous situations, e.g., working at heights of 100 or more feet above the ground with potential weather extremes, terminal winds or thunder storms; working in areas *infested* by snakes and reptiles; or working near open tanks devoid of oxygen containing bacteria or emitting hydrogen sulfide. The appellant's work does require exposure to hazardous waste and materials, some snakes and reptiles, and poison oak, but is not exposed to the level of risks envisioned at Level 9-3.

Factor 9 is evaluated at Level 9-2.

*Summary*

We have evaluated the appellant's position as follows:

<b>Factor</b>	<b>Level</b>	<b>Points</b>
1. Knowledge Required by the Position	1-7	1250
2. Supervisory Controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and Effect	5-3	150
6. Personal Contacts	6-3	60
7. Purpose of Contacts	7-3	120
8. Physical Demands	8-2	20
9. Work Environment	9-2	<u>20</u>
Total points:		2570

The appellant's position warrants 2570 total points. Therefore, in accordance with the grade conversion table of the standard, his position is properly graded at GS-11.

**Decision**

The appellant's position is properly classified as Environmental Engineer, GS-819-11.